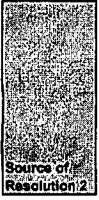
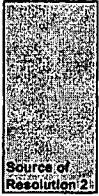


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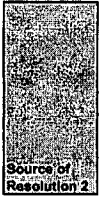
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Source of
Resolution 2

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Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other Determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
		Federal						Yes	Arkansas		23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times				
				1				Yes	California		16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP				
									18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call				
						1			Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee				
				8				Yes	Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times				
						1			Stockton	California	24-Mar-	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet				
	State								Solano	California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)				
				1				Yes	Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times				

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						1			San Joaquin	California	March 24, 2005; 6/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet		June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes) He admittedly forged 35 voter registration cards in 2004 when he was being paid \$5 for each voter he registered.	Modesto Bee	
		BOE					Yes		Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News				
	Yes									Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 6,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution				
		State					Yes			Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver	Washington Times				
		Local		6			Yes		Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News				
		State					Yes		Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targeted at Hispanics.	Orlando Sentinel				

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								Yes	Florida	Florida	23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP				
		Local						Yes	Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)				
								Yes		Florida	31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post				
							Charges dismissed as baseless			Florida	15-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times				
	Federal							Yes	Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report				

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								Yes	Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI				
Yes							Press investigation finds fraud allegations false		East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch				
				1			Yes		Anderson	Indiana	11-Mar-	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV				
				5			Yes		St. Martinville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser				
				1			Yes		St. Martinville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well.	2 The Advocate				
										Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post				
	Local			1			Yes		Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal	Detroit Free Press September 23, 2004	An eight-month investigation of alleged voter registration fraud has resulted in misdemeanor charges against a Lansing man. Edward Pressley IV, who worked on a voter registration drive sponsored by the environmental group PIRGIM, is accused of submitting a phony registration form to the Ingham County clerk.	Detroit Free Press August 1, 2005	
				17	14	64	Yes		Coates	Minnesota	31-Oct-02	all	94 voter registration forms had false addresses matching a strip club	Washington Times		The strip club's owner is facing facing felony criminal charges alleging conspiracy to procure unlawful voting and conspiracy to commit forgery. Of the original 94 defendants who filled out registration forms, 64 people accepted offers to plead guilty to misdemeanors, instead of facing trials on felony forgery charges. Another 17 criminal cases, including the charges against Jacobson, are pending, while 14 cases were dismissed	Pioneer Press, St. Paul, Minn. June 10, 2005	

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				1				Yes	Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution				
		Local		9				Yes	St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch		Nine people are slated to be indicted today on charges of collecting or de-stroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.	11/7/2003, St. Louis Post Dispatch	11/11/2003, St. Louis Post Dispatch
		Federal		3				Yes	St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch		Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary	St. Louis Post-Dispatch (March 5, 2002)	
						6			St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms ("6 plead guilty in vote fraud case")	St. Louis Post Dispatch		Prosecutor says all the cards were caught and no one voted illegally	St. Louis Post-Dispatch	
Yes	Federal							Yes	Nevada		17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution				

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								Yes	Clark County	Nevada	31-Oct-04	presidential	Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 50 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations. He also found that canvassers registered the same individuals several times over the span of a week. Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods, Lomax said. "They were on both sides. It wasn't just Democrats, it wasn't just Republicans," Lomax said. "The money was clearly the root of all evil here. They were paying people to register the voters. And the people doing this were way down the economic scale, and they wanted their money and they were just filling in forms.	Chicago Tribune				
		Federal					Yes		New Mexico		10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal				
Yes							Yes	Bernalillo County	New Mexico		15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms submitted by a woman who, while working for a group that signs up new voters, registered a 13-year-old New Mexico boy.	AP				
		BOE					BOE finding	Yes	New York		19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal				
		Local					Yes	Bronx	New York		23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday				
								Queens	New York		15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday				
						1		Greenboro	North Carolina		6-Dec-01		Imtiaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief federal court hearing that included no mention of the allegation that he may be acquainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP				

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		State						Yes	Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer				
							BOE and DMV find small # of questionable registrations			North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina one can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP				
								Yes	Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer				
								Yes	Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer				
				1				Yes	Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch				
		BOE/State		1				Yes		Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Beacon Journal

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		Joint State/federal		1				Yes	Ohio	Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	8-Nov-05	Akron Beacon Journal
				1				Yes	Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			11/8/2005	Akron Beacon Journal
		Unknown						Yes	Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP				
		State						Yes	Oregon	Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution				
									Oregon	Oregon	30-Oct-04	presidential	In interviews, students at Mt. Hood and Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty" of extra money for registering Republicans but said he did not think that was a problem.	Newhouse News Service				

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Yes								Pennsylvania		25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer					
	County					Yes		Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review					
			4			Yes		East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times					
	Unknown		7			Yes		East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal					
			1			Yes		Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader		one indictment on five counts of forgery	Argus Leader		
	Unknown					Yes		South Dakota	South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader		Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader		
					1			Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News					
								Codington	South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP					
	County					Yes		Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle					
			1					Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times					

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Yes									Milwaukee	Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel				
		Unknown						Yes	Madison	Wisconsin	10-May-05	presidential	The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 16 are still be examined	Wisconsin State Journal				
				2				Yes	Milwaukee	Wisconsin	11-May-05	presidential	Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money	Milwaukee Journal Sentinel				
				2					Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP				

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Voter Registration Fraud

5/9/2007

Partisan Allegation	Other Source for Allegation?	Other Official involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2

Voter Registration Fraud

5/9/2007

Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source1	Resolution of Incident / allegation	Source of Resolution.1	Source of Resolution.2

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Wrongful Removal from Registration Lists

City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source1	Source 2	Source 3
Pulaski	Arkansas	16-Apr-04		The US Department of Justice says county officials have violated election law and proposed a consent decree with the county regarding ballot gathering and counting. The Department investigated registration practices that may have disenfranchised numerous voters, including sending voters to multiple poll sites and voters wrongly missing from the registration list. Under the agreement, the county will fix the problems in the database and DOJ lawyers will monitor polling places and the clerk's office	AP			
	Colorado	31-Oct-04	presidential	Democrats are complaining about an attempt to remove up to 6,000 convicted felons from the electoral roll, at the behest of the state's Republican secretary of state, Donetta Davidson, despite a US federal law that prohibits eliminating a voter's rights within 90 days of an election to give time for the voter to protest.	The Observer			
	Florida	29-Sep-04	presidential	Secretary of State Hood tried to revive the discredited 2000 statewide purge list of suspected felons and ex-felons for 2004. That list disproportionately removed black voters from the rolls. The state tried to keep the list secret until forced to release it by court order. When it was released, it was found to contain a disproportionate number of black voters, including 2,000 who had had their rights restored and included several people who could show they had not criminal record at all. In addition, the list of 48,000 contained only 61 Hispanic names, way out of line with the strength of both the general Hispanic population and prison population. Hood was forced to drop the list	The Independent (UK)			
Newark	New Jersey	2-Nov-04	presidential	More than 200 voters sought court orders because they were turned away from a polling place, mostly because their names were not on voter lists. In 95% of the cases the judges ruled they could cast ballots.	AP			
Albany	New York	2-Nov-04	presidential	Students at SUNY Albany found their names no longer on the voter registration rolls, even though they had voted at the same location in the past	AP			

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**EAC Voting Fraud-Voter Intimidation Preliminary Research
Nexis Articles - Wrongful Removal from Registration Lists**

Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Voter Registration Fraud

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Source 2	Source 3
	Arkansas	23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times			
0	California	16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP			
18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call			
Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee			
Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times			
Stockton	California	24-Mar-04	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet			
Solano	California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)			
Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times			
San Joaquin	California	March 24, 200; 4/6/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet			

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Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News		
	Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 8,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution		
	Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver district attorney. But he said he saw no pattern of a conspiracy to	Washington Times		
Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News		
Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targetted at Hispanics.	Orlando Sentinel		

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	Florida	23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP			
Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)			
	Florida	31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post			
	Florida	16-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times			

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Voter Registration Fraud

Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report			
Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI			
East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch			
Anderson	Indiana	11-Mar-04	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV			
St. Martinville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser			
St. Martinville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well	2 The Advocate			
	Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post			
Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal			
Coates	Minnesota	31-Oct-02	all	94 voter registration forms had false addresses matching a strip club	Washington Times			

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 Nexis Articles - Voter Registration Fraud

Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution			
St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch			
St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch			
St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms	St. Louis Post Dispatch			
	Nevada	17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution			

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				<p>Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 60 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations.</p> <p>He also found that canvassers registered the same individuals several times over the span of a week.</p> <p>Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods, Lomax said.</p> <p>"They were on both sides. It wasn't just Democrats, it wasn't just Republicans," Lomax said. "The money was clearly the root of all evil here. They were paying people to register the vote."</p>				
Clark County	Nevada	31-Oct-04	presidential		Chicago Tribune			
	New Mexico	10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal			
Bernalillo County	New Mexico	15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms sub-mitted by a woman who, while working for a group that signs up new voters, reg-istered a 13-year-old New Mexico boy.	AP			
	New York	19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal			
Bronx	New York	23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday			
Queens	New York	15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday			
Greensboro	North Carolina	6-Dec-01		Imtiaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief fed-eral court hearing that included no mention of the allegation that he may be ac-quainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP			

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Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer			
	North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina one can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP			
Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer			
Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer			
Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch			
	Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer			

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	Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch			
Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			
Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP			
	Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution			
	Oregon	30-Oct-04	presidential	Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty"	Newhouse News Service			

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	Pennsylvania	25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer			
Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review			
East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times			
East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal			
Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader			
	South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader			
Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News			
Codington	South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP			
Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle			
Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times			

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Milwaukee	Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration - at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel			
Madison	Wisconsin	10-May-05	presidential	The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 18 are still be examined	Wisconsin State Journal			
Milwaukee	Wisconsin	11-May-05	presidential	Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money	Milwaukee Journal Sentinel			
Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP			

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Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes)	Modesto Bee	

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**EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Voter Registration Fraud**

<p>Nine people are slated to be indicted today on charges of collecting or de-destroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.</p>	<p>11/7/2003, St. Louis Post Dispatch</p>	<p>11/11/2003, St. Louis Post Dispatch</p>
<p>Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary.</p>	<p>St. Louis Post-Dispatch (March 5, 2002)</p>	
<p>Prosecutor says all the cards were caught and no one voted illegally.</p>	<p>St. Louis Post-Dispatch</p>	

An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Akron Beacon Journal

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one indictment on five counts of forgery	Argus Leader	
Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	

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Voter Registration Fraud

5/9/2007

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		Federal						Yes		Arkansas	23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times				
				1				Yes		California	16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP				
									18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call				
						1			Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee				
				8				Yes	Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times				
						1			Stockton	California	24-Mar-	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet				
		State								California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)				
				1				Yes	Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times				

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Voter Registration Fraud

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Partisan Allegation	Other Source for Allegation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty (Individuals)	Other Determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
					1			San Joaquin	California	March 24, 2005; 6/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet		June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes) He admittedly forged 35 voter registration cards in 2004 when he was being paid \$5 for each voter he registered.	Modesto Bee	
	BOE					Yes		Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News				
Yes									Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 6,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution				
	State					Yes			Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver	Washington Times				
	Local		6			Yes		Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News				
	State					Yes		Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targeted at Hispanics.	Orlando Sentinel				

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Partisan Allegation	Other Source for Allegation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
							Yes		Florida	23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP				
		Local					Yes	Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)				
							Yes		Florida	31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post				
						Charges dismissed as baseless			Florida	15-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times				
	Federal						Yes	Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report				

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		BOE						Yes	Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI				
Yes							Press investigation finds fraud allegations false		East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch				
				1			Yes		Anderson	Indiana	11-Mar-	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV				
				5			Yes		St. Martinville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser				
				1			Yes		St. Martinville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well.	2 The Advocate				
										Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post				
	Local			1			Yes		Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal	Detroit Free Press September 23, 2004	An eight-month investigation of alleged voter registration fraud has resulted in misdemeanor charges against a Lansing man. Edward Pressley IV, who worked on a voter registration drive sponsored by the environmental group PIRGIM, is accused of submitting a phony registration form to the Ingham County clerk.	Detroit Free Press August 1, 2005	
				17	14	64		Yes	Coates	Minnesota	31-Oct-02	all	94 voter registration forms had false addresses matching a strip club	Washington Times		The strip club's owner is facing felony criminal charges alleging conspiracy to procure unlawful voting and conspiracy to commit forgery. Of the original 94 defendants who filled out registration forms, 64 people accepted offers to plead guilty to misdemeanors, instead of facing trials on felony forgery charges. Another 17 criminal cases, including the charges against Jacobson, are pending, while 14 cases were dismissed	Pioneer Press, St. Paul, Minn. June 10, 2005	

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				1				Yes	Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution				
		Local		9				Yes	St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch		Nine people are slated to be indicted today on charges of collecting or de-stroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.	11/7/2003, St. Louis Post Dispatch	11/11/2003, St. Louis Post Dispatch
		Federal		3				Yes	St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch		Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary (2002)	St. Louis Post-Dispatch (March 5, 2002)	
				6					St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms ("6 plead guilty in vote fraud case")	St. Louis Post Dispatch		Prosecutor says all the cards were caught and no one voted illegally	St. Louis Post-Dispatch	
Yes		Federal						Yes		Nevada	17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution				

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Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigation and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
								Yes	Clark County	Nevada	31-Oct-04	presidential	Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 50 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations. He also found that canvassers registered the same individuals several times over the span of a week. Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods, Lomax said. "They were on both sides. It wasn't just Democrats, it wasn't just Republicans," Lomax said. "The money was clearly the root of all evil here. They were paying people to register the voters. And the people doing this were way down the economic scale, and they wanted their money and they were just filling in forms.	Chicago Tribune				
		Federal						Yes		New Mexico	10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal				
Yes								Yes	Bernalillo County	New Mexico	15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms submitted by a woman who, while working for a group that signs up new voters, registered a 13-year-old New Mexico boy.	AP				
		BOE					BOE finding	Yes		New York	19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal				
		Local						Yes	Bronx	New York	23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday				
									Queens	New York	15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday				
									Greenboro	North Carolina	6-Dec-01		Imtiaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief federal court hearing that included no mention of the allegation that he may be acquainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP				

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		State						Yes	Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer				
							BOE and DMV find small # of questionable registrations		North Carolina	North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina you can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP				
								Yes	Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer				
								Yes	Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer				
								Yes	Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch				
	BOE/State							Yes		Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Akron Beacon Journal

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		Joint State/federal		1				Yes	Ohio	Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	8-Nov-05	Akron Beacon Journal
				1				Yes	Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			11/8/2005	Akron Beacon Journal
		Unknown						Yes	Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP				
		State						Yes		Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution				
										Oregon	30-Oct-04	presidential	In interviews, students at Mt. Hood and Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty" of extra money for registering Republicans but said he did not think that was a problem.	Newhouse News Service				

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Yes										Pennsylvania	25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer				
		County						Yes	Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review				
				4				Yes	East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times				
		Unknown		7				Yes	East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal				
				1				Yes	Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader		one indictment on five counts of forgery	Argus Leader	
		Unknown						Yes	South Dakota	South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader		Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	
						1			Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News				
									Codington	South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP				
		County						Yes	Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle				
				1					Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times				

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Yes									Milwaukee	Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel				
		Unknown					Yes		Madison	Wisconsin	10-May-05	presidential	The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 16 are still be examined	Wisconsin State Journal				
				2			Yes		Milwaukee	Wisconsin	11-May-05	presidential	Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money	Milwaukee Journal Sentinel				
				2					Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP				

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Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2

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Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official Involvement?	Charged (individuals)	Acquitted/Dismissal?	Convicted/guilty pleas (individuals)	Other determination	Follow-up possible? (Open investigation and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source 1?	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2

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EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Wrongful Removal from Registration Lists

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3
Pulaski	Arkansas	16-Apr-04		The US Department of Justice says county officials have violated election law and proposed a consent decree with the county regarding ballot gathering and counting. The Department investigated registration practices that may have disenfranchised numerous voters, including sending voters to multiple poll sites and voters wrongly missing from the registration list. Under the agreement, the county will fix the problems in the database and DOJ lawyers will monitor polling places and the clerk's office	AP			
	Colorado	31-Oct-04	presidential	Democrats are complaining about an attempt to remove up to 6,000 convicted felons from the electoral roll, at the behest of the state's Republican secretary of state, Donetta Davidson, despite a US federal law that prohibits eliminating a voter's rights within 90 days of an election to give time for the voter to protest.	The Observer			
	Florida	29-Sep-04	presidential	Secretary of State Hood tried to revive the discredited 2000 statewide purge list of suspected felons and ex-felons for 2004. That list disproportionately removed black voters from the rolls. The state tried to keep the list secret until forced to release it by court order. When it was released, it was found to contain a disproportionate number of black voters, including 2,000 who had had their rights restored and included several people who could show they had not criminal record at all. In addition, the list of 48,000 contained only 61 Hispanic names, way out of line with the strength of both the general Hispanic population and prison population. Hood was forced to drop the list	The Independent (UK)			
Newark	New Jersey	2-Nov-04	presidential	More than 200 voters sought court orders because they were turned away from a polling place, mostly because their names were not on voter lists. In 95% of the cases the judges ruled they could cast ballots.	AP			
Albany	New York	2-Nov-04	presidential	Students at SUNY Albany found their names no longer on the voter registration rolls, even though they had voted at the same location in the past	AP			

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**EAC Voting Fraud-Voter Intimidation Preliminary Research
Nexis Articles - Wrongful Removal from Registration Lists**

Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2

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EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Voter Registration Fraud

City/ County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Source 2	Source 3
	Arkansas	23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times			
0	California	16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP			
18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call			
Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee			
Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times			
Stockton	California	24-Mar-04	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet			
Solano	California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)			
Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times			
San Joaquin	California	March 24, 200; 4/8/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet			

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Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News			
	Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 6,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution			
	Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver district attorney, said he saw no pattern of a conspiracy to	Washington Times			
Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News			
Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targeted at Hispanics.	Orlando Sentinel			

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	Florida	23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP			
Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)			
	Florida	31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post			
	Florida	15-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times			

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Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report			
Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI			
East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch			
Anderson	Indiana	11-Mar-04	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV			
St. Martinville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser			
St. Martinville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well	2 The Advocate			
	Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post			
Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal			
Coates	Minnesota	31-Oct-02	all	84 voter registration forms had false addresses matching a strip club	Washington Times			

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Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution			
St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch			
St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch			
St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms	St. Louis Post Dispatch			
	Nevada	17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution			

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				<p>Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 50 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations.</p> <p>He also found that canvassers registered the same individuals several times over the span of a week.</p> <p>Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods, Lomax said. "They were on both sides. It wasn't just Democrats, it wasn't just Republicans," Lomax said. "The money was clearly the root of all evil here. They were paying people to register the voters."</p>				
Clark County	Nevada	31-Oct-04	presidential		Chicago Tribune			
	New Mexico	10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal			
Bernalillo County	New Mexico	15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms sub-mitted by a woman who, while working for a group that signs up new voters, reg-istered a 13-year-old New Mexico boy.	AP			
	New York	19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal			
Bronx	New York	23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday			
Queens	New York	15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday			
Greensboro	North Carolina	6-Dec-01		Imtlaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief fed-eral court hearing that included no mention of the allegation that he may be ac-quainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP			

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Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer			
	North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina one can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had resgistered to vote.	AP			
Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer			
Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer			
Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch			
	Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer			

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	Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch			
Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			
Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP			
	Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution			
	Oregon	30-Oct-04	presidential	Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty"	Newhouse News Service			

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	Pennsylvania	25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer			
Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review			
East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times			
East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal			
Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader			
	South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader			
Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News			
Codington	South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP			
Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle			
Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times			

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				Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration - at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.				
Milwaukee	Wisconsin	31-Oct-04	presidential		Milwaukee Journal Sentinel			
				The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 16 are still be examined				
Madison	Wisconsin	10-May-05	presidential		Wisconsin State Journal			
				Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money				
Milwaukee	Wisconsin	11-May-05	presidential		Milwaukee Journal Sentinel			
Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP			

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Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes)	Modesto Bee	

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**EAC Voting Fraud-Voter Intimidation Preliminary Research
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<p>Nine people are slated to be indicted today on charges of collecting or de-stroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March</p> <p>Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kep of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.</p>	<p>11/7/2003, St. Louis Post Dispatch</p>	<p>11/11/2003, St. Louis Post Dispatch</p>
<p>Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary</p>	<p>St. Louis Post-Dispatch (March 5, 2002)</p>	
<p>Prosecutor says all the cards were caught and no one voted illegally</p>	<p>St. Louis Post-Dispatch</p>	

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<p>An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.</p>	11/8/2005	Akron Beacon Journal

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one indictment on five counts of forgery	Argus Leader	
Red Eart h Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	

EAC SUMMARY OF EXPERT INTERVIEWS FOR
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Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Data Collection

Mr. Henderson had **several recommendations as to how to better gather additional information and data on election fraud and intimidation in recent years.** He suggested interviewing the following individuals who have been actively involved in Election Protection and other similar efforts:

- Jon Greenbaum, Lawyers Committee for Civil Rights
- Tanya Clay, People for the American Way
- Melanie, Campbell, National Coalition for Black Political Participation
- Larry Gonzalez, National Association of Latino Election Officers
- Jacqueline Johnson, National Congress of American Indians
- Chellie Pingree, Common Cause
- Jim Dickson, disability rights advocate
- Mary Berry, former Chair of the US Commission on Civil Rights, currently at the University of Pennsylvania
- Judith Browne and Eddie Hailes, Advancement Project (former counsel to the US Commission on Civil Rights)
- Robert Rubin, Lawyers Committee for Civil Rights – San Francisco Office
- Former Senator Tom Daschle (currently a fellow at The Center for American Progress)

He also recommended we **review the following documents and reports:**

- The 2004 litigation brought by the Advancement Project and SEIU under the 1981 New Jersey Consent Decree
- Forthcoming LCCR state-by-state report on violations of the Voting Rights Act
- Forthcoming Lawyers Committee report on violations of the Voting Rights Act (February 21)

Types of Fraud and Intimidation Occurring

Mr. Henderson said he believed that the kinds of **voter intimidation and suppression tactics employed over the last five years are ones that have evolved over many years.** They are **sometimes racially based, sometimes based on partisan motives.** He believes the **following types of activity have actually occurred, and are not just a matter of anecdote and innuendo, and rise to the level of either voter intimidation or vote suppression:**

- **Flyers with intentional misinformation, such as ones claiming that if you do not have identification, you cannot vote, and providing false dates for the election**
- **Observers with cameras, which people associate with potential political retribution or even violence**
- **Intimidating police presence at the polls**
- **Especially in jurisdictions that authorize challenges, the use of challenge lists and challengers goes beyond partisanship to racial suppression and intimidation**
- **Unequal deployment of voting equipment, such as occurred in Ohio. Also, he has seen situations in which historically Black colleges will have one voting machine while other schools will have more.**

Mr. Henderson believes that these matters are not pursued formally because often they involve activities that current law does not reach. For example, there is no law prohibiting a Secretary of State from being the head of a political campaign, and then deploying voting machines in an uneven manner. There is no way to pursue that. Also, **once the election is over, civil litigation becomes moot.** Finally, sometimes upon reflection **after the campaign, some of the activities are not as sinister as believed at the time.**

Mr. Henderson believes **government does not engage in a sustained investigation of these matters or pursue any kind of resolution to**

EAC SUMMARY OF EXPERT INTERVIEWS FOR
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them. LCCR has filed a FOIA request with both the Civil Rights Division and the Criminal Division of the Department of Justice to examine this issue.

Election Protection activities will be intensified for the 2006 elections, although the focus may shift somewhat given the implementation of new HAVA requirements.

Recommendations for Reform

There was tremendous concern after the 2004 election about conflicts of interest – the “Blackwell problem” – whereby a campaign chair is also in charge of the voting system. We need to get away from that.

He also **supports Senator Barak Obama’s bill regarding deceptive practices**, and is opposed to the voter identification laws passing many state legislatures.

- States should adopt **election-day registration**, in order to boost turnout as well as to allow eligible voters to immediately rectify erroneous or improperly purged registration records
- **Expansion of early voting & no-excuse absentee voting**, to boost turnout and reduce the strain on election-day resources.
- **Provisional ballot reforms:**
 - Should be **counted statewide** – if cast in the wrong polling place, votes should still be counted in races for which the voter was eligible to vote (governor, etc.)
 - Provisional ballots should also **function as voter registration applications**, to increase the likelihood that voters will be properly registered in future elections
- Voter ID requirements: **states should allow voters to use signature attestation to establish their identity**
- The **Department of Justice should increase enforcement of Americans with Disabilities Act and the accessibility requirements of the Help America Vote Act**
- **Statewide registration databases should be linked to social service agency databases**
- **Prohibit chief state election officials from simultaneously participating in partisan electoral campaigns within their states**
- Create and enforce **strong penalties for deceptive or misleading voting practices**

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

Brennan Center findings on fraud

The Brennan Center's primary work on fraud is their report for the Carter Baker Commission with commissioner Spencer Overton, written in response to the Commission's ID recommendations. Brennan reviewed all existing reports and election contests related to voter fraud. They believe the contests serve as an especially good record of whether or not fraud exists, as the parties involved in contested elections have a large incentive to root out fraudulent voters. Yet despite this, the incidence of voter impersonation fraud discovered is extremely low—something on the order 1/10000th of a percentage of voters. See also the brief Brennan filed on 11th circuit in Georgia photo ID case which cites sources in Carter Baker report and argues the incidence of voter fraud too low to justify countermeasures.

Among types of fraud, they **found impersonation, or polling place fraud, is probably the least frequent type, although other types, such as absentee ballot fraud are also very infrequent. Weiser believes this is because impersonation fraud is more likely to be caught and is therefore not worth the risk. Unlike in an absentee situation, actual poll workers are present to disrupt impersonation fraud, for instance, by catching the same individual voting twice. She believes perhaps one half to one quarter of the time the person will be caught.** Also, there is a chance the pollworker will have personal knowledge of the person. Georgia Secretary of State Cathy Cox has mentioned that there are many opportunities for discovery of in person fraud as well. For example, **if one votes in the name of another voter, and that**

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voter shows up at the polls, the fraud will be discovered.

Weiser believes court proceedings in election contests are especially useful. Some are very extensive, with hundreds of voters brought up by each side and litigated. In both pre-election challenges and post-election contests, **parties have devoted extraordinary resources into 'smoking out' fraudulent voters.** Justin Leavitt at Brennan scoured such proceedings for the Carter Baker report, which includes these citations. Contact him for answers to particular questions.

Countermeasures/statewide databases

Brennan has also considered what **states are doing to combat impersonation fraud besides photo ID laws**, although again, it seems to be the rarest kind of fraud, beyond statistically insignificant. In the **brief Brennan filed in the Georgia case, the Center detailed what states are already doing to effectively address fraud.** In another **on the web site includes measures that can be taken that no states have adopted yet.** Weiser adds that an effort to look at strategies states have to prevent fraud, state variations, effectiveness, ease of enforcement would be very useful.

Weiser believes the **best defense against fraud will be better voter lists**—she argues the fraud debate is actually premature because states have yet to fully implement the HAVA database requirement. This should eliminate a great deal of 'deadwood' on voter rolls and undermine the common argument that fraud is made possible by this deadwood. This was the experience for Michigan, which was able to remove 600,000 names initially, and later removed almost 1 million names from their rolls. It is fairly easy to cull deadwood from lists due to consolidation at the state level—most deadwood is due to individuals moving within the state and poor communication between jurisdictions. (Also discuss with Chris Thomas, who masterminded the Michigan database for more information and a historical perspective.)

Regarding the question of whether the effect of this maintenance on fraud in Michigan can be quantified, Weiser would caution against drawing direct lines between list problems and fraud. **Brennan has found various groups abusing the existence of list deadwood to make claims about fraudulent voting.** This is analyzed in greater detail in the Brennan Center's critique of a purge list produced by the NJ Republican party, and was illustrated by the purge list produced by the state of Florida. **When compiling such lists and doing comparisons, sound statistical methods must be utilized, and often are not.**

The NJ GOP created a list and asked NJ election officials to purge names of ineligible voters on it. Their list assumed that people appearing on the list twice had voted twice. Brennan found their assumptions shoddy and based on incorrect statistical practices, such as treating individuals with the same name and birthdays as duplicates, although this is highly unlikely according to proper statistical methods. **Simply running algorithms on voter lists creates a number of false positives, does not provide an accurate basis for purging, and should not be taken as an indicator of fraud.**

Regarding the Florida purge list, faulty assumptions caused the list to systematically exclude Hispanics while overestimating African Americans. **Matching protocols required that race fields match exactly, despite inconsistent fields across databases.**

The kinds of list comparisons that are frequently done to allege fraud are unreliable. Moreover, **even if someone is on a voter list twice, that does not mean that voter has voted twice. That, in fact, is almost never the case.**

Ultimately, **even matching protocols without faulty assumptions will have a 4 percent to 35 percent error rate—that's simply the nature of database work.** Private industry has been working on improving this for years. Now that HAVA has introduced a matching requirement, even greater skepticism is called for in judging the accuracy of list maintenance.

Intimidation and Suppression

Brennan does not have a specific focus here, although they do come across it and have provided assistance on bills to prevent suppression and intimidation. They happen to have **an extensive paper file of intimidating fliers and related stories from before the 2004 election.** (They can supply copies after this week).

Challengers

Brennan has analyzed cases where challenger laws have been beneficial and where they have been abused. See the decision and record

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from the 1982 NJ vs. RNC case for some of the history of these laws. **Brennan is currently working on developing a model challenger law. Weiser believes challenge laws with no requirement that the challenger have any specific basis for the challenge or showing of ineligibility are an invitation to blanket harassing challenges and have a range of pitfalls.** State laws are vague and broad and often involve arcane processes such as where voters are required to meet a challenge within 5 days. **There are incentives for political abuse, potential for delaying votes and disrupting the polls, and they are not necessarily directed toward the best result.** Furthermore, **when a voter receives a mailer alleging vote fraud with no basis, even the mere fact of a challenge can be chilling.** A voter does not want to have to go through a quasi-court proceeding in order to vote.

Brennan recommends challenge processes that get results before election, minimize the burden for voters, and are restricted at polling place to challenges by poll workers and election officials, not voters. They believe limitless challenges can lead to pandemonium—that once the floodgates are open they won't stop.

Recommendations

- **Intimidation— Weiser believes Sen. Barak Obama's bill is a good one for combating voter harassment and deceptive practices. Many jurisdictions do not currently have laws prohibiting voter harassment and deceptive practices.**
- **Fraud— Current state and federal codes seem sufficient for prosecuting fraud. Weiser doesn't consider them under-enforced, and sees no need for additional laws.**
- **Voter lists— New legislation or regulations are needed to provide clear guidance and standards for generating voter lists and purging voters, otherwise states could wrongfully disenfranchise eligible voters.**
- **Challengers—Challenge laws need to be reformed, especially ones that allow for pre-election mass challenges with no real basis. There is no one size fits all model for challenger legislation, but some bad models involving hurdles for voters lead to abuse and should be reformed. There should be room for poll workers to challenge fraudulent voters, but not for abuse.**

Also useful would be recommendations for prosecutors investigating fraudulent activity, How should they approach these cases? How should they approach cases of large scale fraud/intimidation? While there is sufficient legislative cover to get at any election fraud activity, questions remain about what proper approaches and enforcement strategies should be.

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Fraud in Indiana

Indiana has never charged or prosecuted anyone for polling place fraud. Nor has any empirical evidence of voter impersonation fraud or dead voter fraud been presented. In addition, there is **no record of any credible complaint about voter impersonation fraud in Indiana.** State legislators signed an affidavit that said there had never been impostor voting in Indiana. At the same time, the Indiana Supreme Court has not necessarily required evidence of voter fraud before *approving* legislative attempts to address fraud.

The state attorney general has conceded that there is no concrete fraud in Indiana, but has instead referred to instances of fraud in other states. Groth filed a detailed motion to strike evidence such as John Fund's book relating to other states, arguing that none of that evidence was presented to the legislature and that it should have been in the form of sworn affidavits, so that it would have some indicia of verifiability.

Photo ID law

By imposing restrictive ID measures, Groth contends you will discourage 1,000 times more legitimate voters than illegitimate voters you might protect against. He feels the implementation of a REAL ID requirement is an inadequate justification for the law, as it will not affect the upcoming 2006 election where thousands of registered voters will be left without proper ID. In addition, he questions whether REAL ID will be

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implemented as planned in 2008 considering the backlash against the law so far. **He also feels ID laws are unconstitutional because of inconsistent application.**

Statewide database as remedy

Groth believes **many problems will be addressed by the statewide database required under HAVA.** To the extent that the rolls in Indiana are bloated, it is because state officials have not complied with NVRA list maintenance requirements. Thus, it is somewhat disingenuous for them to use bloated voter rolls as a reason for imposing additional measures such as the photo ID law. Furthermore, the state has ceded to the counties the obligation to do maintenance programs, which results in a hit or miss process (see discussion in reply brief, p 26 through p. 28).

Absentee fraud

To the extent that there has been an incidence of fraud, these have all been confined to absentee balloting. Most notably the East Chicago mayoral election case where courts found absentee voting fraud had occurred. See: Pabey vs. Pastrick 816 NE 2nd 1138 Decision by the Indiana Supreme Court in 2004.

Intimidation and vote suppression

Groth is only aware of anecdotal evidence supporting intimidation and suppression activities. While he considers the sources of this evidence credible, it is still decidedly anecdotal. Instances he is aware of include **police cars parked in front of African American polling places.** However, **most incidents of suppression which are discussed occurred well in the past.** Trevor Davidson claims a fairly large scale intimidation program in Louisville.

Challengers

There was **widespread information that the state Republican Party had planned a large scale challenger operation in Democratic precincts for 2004, but abandoned the plan at the last minute.**

Last year the legislature made a **crucial change to election laws which will allow partisan challengers to be physically inside the polling area next to members of the precinct board.** Previously, **challengers at the polling place have been restricted to the 'chute,'** which provides a buffer zone between voting and people engaging in political activity. That change will make **it much easier to challenge voters.** As there is no recorded legislative history in Indiana, it is difficult to determine the justification behind this change. As both chambers and the governorship are under single-party control, the challenger statute was passed under the radar screen.

Photo ID and Challengers

Observers are especially concerned **about how this change will work in conjunction with the photo ID provision.** Under the law, there are at least two reasons why a member of the precinct board or a challenger can raise object to an ID: whether a presented ID conforms to ID standards, and whether the photo on an ID is actually a picture of the voter presenting it. The law does not require bipartisan agreement that a challenge is valid. **All it takes is one challenge to raise a challenge to that voter, and that will lead to the voter voting by provisional ballot.**

Provisional ballot voting means that voter must make a second trip to the election board (located at the county seat) within 13 days to produce the conforming ID or to swear out an affidavit that they are who they claim to be. This may pose a considerable burden to voters. For example, Indianapolis and Marion County are coterminous—anyone challenged under the law will be required to make second trip to seat of government in downtown Indianapolis. If the voter in question did not have a driver's license in the first place, they will likely need to arrange transportation. Furthermore, in most cases the election result will already be known.

The law is **vague about acceptable cause for challenging a voter's ID.** Some requirements for valid photo ID include being issued by state or fed gov't, w/ expiration date, and the names must conform exactly. The **League of Women Voters is concerned about voters with hyphenated names, as the Indiana DMV fails to put hyphens on driver's licenses potentially leading to a basis for challenge.** Misspelling of names would also be a problem. The other primary mode of challenge is saying the photo doesn't look like the voter, which could be happen in a range of instances. Essentially, the law gives unbridled discretion to challengers to decide what conforms and what does not.

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Furthermore, there is **no way to determine whether a challenge is in good or bad faith, and *there is little penalty for making a bad faith challenge.*** The fact that there are no checks on the challenges at the precinct level, or even a requirement of concurrence from an opposing party challenger leads to the concern that challenge process will be abused. The voter on the other hand, will need to get majority approval of county election board members to defeat the challenge.

Groth suggests the political situation in Indianapolis also presents a temptation to abuse this process, as electoral margins are growing increasingly close due to shifting political calculus.

Other cases

Groth's other election law work has included a redistricting dispute, a dispute over ballot format, NVRA issues, and a case related to improper list purging, but nothing else related to fraud or intimidation. The purging case involved the election board attempting to refine its voter list by sending registration postcards to everyone on the list. When postcards didn't come back they wanted to purge those voters. Groth blames this error more on incompetence, than malevolence, however, as the county board is bipartisan. (The Indiana Election Commission and the Indiana election division are both bipartisan, but the 92 county election boards which will be administering photo id are controlled by one political party or the other—they are always an odd number, with the partisan majority determined by who controls the clerk of circuit court office.)

Recommendations

- **Supports nonpartisan administration of elections.**
- Indiana specific recommendations including a longer voting day, time off for workers to vote, and an extended registration period.
- He views the central problem of the Indiana photo ID law is that the list of acceptable forms of ID is too narrow and provides no fallback to voters without ID. At the least, he believes the state **needs to expand the list so that most people will have at least one.** If not, **they should be allowed to swear an affidavit regarding their identity, under penalty of perjury/felony prosecution. This would provide sufficient deterrence for anyone considering impersonation fraud. He believes absentee ballot fraud should be addressed by requiring those voters to produce ID as well, as under HAVA.**
- His personal preference would be **signature comparison.** Indiana has never encountered an instance of someone trying to forge a name in the poll book, and while this leaves open the prospect of dead voters, that danger will be substantially diminished by the statewide database. But if we are going to have some form of ID, he believes we should apply it to everyone and avoid disenfranchisement, provided they swear an affidavit.

Lori Minnite, Barnard College, Columbia University

Securing the Vote

In Securing the Vote, Ms. Minnite found very **little evidence of voter fraud because the historical conditions giving rise to fraud have weakened over the past twenty years.** She stated that for fraud to take root a conspiracy was needed with a strong local political party and a complicit voter administration system. **Since parties have weakened and there has been much improvement in the administration of elections and voting technology, the conditions no longer exist for large scale incidents of polling place fraud.**

Ms. Minnite concentrates on fraud committed by voters not fraud committed by voting officials. She has looked at this issue on the national level and also concentrated on analyzing certain specific states. Ms. Minnite stressed that it is **important to keep clear who the perpetrators of the fraud are and where the fraud occurs because that effects what the remedy should be.** Often, voters are punished for fraud committed by voting officials.

Other Fraud Issues

Ms. Minnite found **no evidence that NVRA was leading to more voter fraud.** She supports non-partisan election administration. Ms.

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Minnite has found evidence that there is absentee ballot fraud. She can't establish that there is a certain amount of absentee ballot fraud or that it is the major kind of voter fraud.

Recommendations

- **Assure there are accurate voter records and centralize voter databases**
- **Reduce partisanship in electoral administration.**

Neil Bradley, ACLU Voting Rights Project

Voter Impersonation Cases (issue the Georgia ID litigation revolves around)

Mr. Bradley asserted that Georgia **Secretary of State Cox** stated in the case at issue: that she clearly would know if there had been any instances of voter impersonation at the polls; that she works very closely with the county and local officials and she **would have heard about voter impersonation** from them if she did not learn about it directly; and that she said that she had not heard of "any incident"---which includes acts that did not rise to the level of an official investigation or charges.

Mr. Bradley said that it is also **possible to establish if someone has impersonated another voter at the polls. Officials must check off the type of voter identification the voter used. Voters without ID may vote by affidavit ballot. One could conduct a survey of those voters to see if they in fact voted or not.**

The type of **voter fraud that involves impersonating someone else is very unlikely to occur.** If someone wants to steal an election, it is **much more effective to do so using absentee ballots.** In order to change an election outcome, one must steal many votes. Therefore, one would have to have lots of people involved in the enterprise, meaning there would be many people who know you committed a felony. It's simply not an efficient way to steal an election.

Mr. Bradley is not **aware of any instance of voter impersonation anywhere in the country except in local races. He does not believe it occurs in statewide elections.**

Voter fraud and intimidation in Georgia

Georgia's **process for preventing ineligible ex-felons from casting ballots has been improved** since the Secretary of State now has the power to create the felon purge list. When this was the responsibility of the counties, there were many difficulties in purging felons because local officials did not want to have to call someone and ask if he or she was a criminal.

The **State Board of Elections has a docket of irregularity complaints. The most common involve an ineligible person mailing in absentee ballots on behalf of another voter.**

In general, Mr. Bradley **does not think voter fraud and intimidation is a huge problem in Georgia** and that people have confidence in the vote. The biggest problems are the new ID law; misinformation put out by elections officials; and **advertisements that remind people that vote fraud is a felony, which are really meant to be intimidating. Most fraud that does occur involves an insider, and that's where you find the most prosecutions. Any large scale fraud involves someone who knows the system or is in the courthouse.**

Prosecution of Fraud and Intimidation

Mr. Bradley stated that **fraud and intimidation are hard to prosecute.** However, Mr. Bradley made contradictory statements. When asked whether the decision to prosecute on the county level was politically motivated, he first said "no." Later, Mr. Bradley reversed himself stating the opposite.

Mr. Bradley also stated that **with respect to US Attorneys, the message to them from the top is that this is not a priority. The Georgia ACLU has turned over information about violations of the Voting Rights Act that were felonies, and the US Attorney has done nothing with the information. The Department of Justice has never been very aggressive in pursuing cases of vote suppression, intimidation**

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and fraud. But, the Georgia ACLU has not contacted Craig Donsanto in DC with information of voter fraud. Mr. Bradley believes that **voter fraud and intimidation is difficult to prove. It is very hard to collect the necessary factual evidence to make a case, and doing so is very labor-intensive.**

Recommendations

In Georgia, the Secretary of State puts a lot of work into training local officials and poll workers, and much of her budget is put into that work. **Increased and improved training of poll workers**, including training on how to respectfully treat voters, is the most important reform that could be made. Mr. Bradley also suggested that **increased election monitoring** would be helpful.

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Ms. Perales did not seem to have a sense of the overall electoral issues in her working region (the southwest) effecting Hispanic voters and did not seem to want to offer her individual experiences and work activities as necessarily a perfect reflection of the challenges Hispanic voters face.

Largest Election Problems Since 2000

- Santa Anna County, New Mexico-2004-intimidated voters by video taping them.
- San Antonio-One African American voter subjected to a racial slur.
- San Antonio-Relocated polling places at the last minute without Section 5 pre-clearance.
- San Antonio-Closed polls while voters were still in line.
- San Antonio-2003-only left open early voting polls in predominantly white districts.
- San Antonio-2005-racially contested mayoral run-off election switched from touch screen voting to paper ballots.

Voter Fraud and Intimidation

In Texas, the counties are refusing to open their records with respect to Section 203 compliance (bilingual voting assistance), and those that did respond to MALDEF's request submitted incomplete information. Ms. Perales believes this in itself is a form of voter intimidation.

Ms. Perales said it is hard to say if the obstacles minorities confront in voting are a result of intentional acts or not because the county commission is totally incompetent. There have continuously been problems with too few ballots, causing long lines, especially in places that had historically lower turnout. There is no formula in Texas for allocating ballots – each county makes these determinations.

When there is not enough language assistance at the polls, forcing a non-English speaker to rely on a family member to vote, that can suppress voter turnout.

Ms. Perales is not aware of deceptive practices or dirty tricks targeted at the Latino community.

There have been no allegations of illegal noncitizen voting in Texas. Indeed, the sponsor of a bill that would require proof of citizenship to vote could not provide any documentation of noncitizen voting in support of the bill. The bill was defeated in part because of the racist comments of the sponsor. In Arizona, such a measure was passed. Ms. Perales was only aware of one case of noncitizen voting in Arizona, involving a man of limited mental capacity who said he was told he was allowed to register and vote. Ms. Perales believes proof of citizenship requirements discriminate against Latinos.

Recommendations

Ms. Perales feels the laws are adequate, but that her organization does not have enough staff to do the monitoring necessary. This could be done by the federal government. However, even though the Department of Justice is focusing on Section 203 cases now, they have not even begun to scratch the surface. Moreover, the choices DOJ has made with respect to where they have brought claims do not seem to be based on any systematic analysis of where the biggest problems are. This may be because the administration is so ideological and partisan.

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Ms. Perales does not believe making election administration nonpartisan would have a big impact. In Texas, administrators are appointed in a nonpartisan manner, but they still do not always have a nonpartisan approach. Each administrator tends to promote his or her personal view regardless of party.

Pat Rogers, attorney, New Mexico

Major issues in NM w/ regard to vote fraud

Registration fraud seems to be the major issue, and while the legislature has taken some steps, Rogers is skeptical of the effect they will have, considering the history of unequal application of election laws. He also believes there are **holes in the 3rd party registration requirement deadlines**.

Rogers **views a national law requiring ID as the best solution to registration problems**. Rather than imposing a burden he contends it will enhance public confidence in the simplest way possible.

Registration Fraud in 2004 election

It came to light that **ACORN had registered a 13 year old**. The father was an APD officer and received the confirmation, but it was sent to the next door address, a vacant house. They traced this to an ACORN employee and it was established that this employee had been registering others under 18.

Two weeks later, in a crack cocaine bust of Cuban nationals, one of those raided said his job was registering voters for ACORN, and the police found signatures in his possession for fictitious persons.

In a suspicious break-in at an entity that advertised itself as nonpartisan, only GOP registrations were stolen.

In another instance, **a college student was allegedly fired for registering too many Republicans.**

Rogers said he **believed these workers were paid by the registration rather than hourly.**

There have been **no prosecution or convictions related to these incidents**. In fact, there have been no prosecutions for election fraud in New Mexico in recent history. However, Rogers is skeptical that much action can be expected considering the positions of Attorney General, Governor, and Secretary of State are all held by Democrats. Nor has there been any interest from the U.S. attorney—**Rogers heard that U.S. attorneys were given instruction to hold off until after the election in 2004 because it would seem too political.**

As part of the case against the Secretary of State regarding the identification requirement, the parties also sued ACORN. At a hearing, the head of ACORN, and others aligned with the Democratic Party called as witnesses, took the 5th on the stand as to their registration practices.

Other incidents

Very recently, there have been reports of vote buying in the town of Espanola. Originally reported by the *Rio Grande Sun*, a resident of a low-income housing project is quoted as saying it has been going on for 10-12 years. The Albuquerque Journal is now reporting this as well. So far the investigation has been extremely limited.

In 1996, there were some prosecutions in Espanola, where a state district judge found registration fraud.

In 1991, the chair of Democratic Party of Bertolino County was convicted on fraud. Yet she was pardoned by Clinton on same day as Marc Rich.

Intimidation/Suppression

Rogers believes the most notable example of intimidation in the 2004 election was the discovery of a DNC Handbook from Colorado advising Democratic operatives to widely report intimidation regardless of confirmation in order to gain media attention.

In-person polling place fraud

There have **only been isolated instances of people reporting that someone had voted in their name, and Rogers doesn't believe there is any large scale conspiracy**. Yet he contends that **perspective misses the larger point of voter confidence**. Although there has been a large

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public outcry for voter ID in New Mexico, it has been deflected and avoided by Democrats.

In 2004, there were more Democratic lawyers at the polls than there are lawyers in New Mexico. Rogers believes these lawyers had a positive impact because they deterred people from committing bad acts.

Counting Procedures

The **Secretary of State has also taken the position that canvassing of the vote should be done in private.** In NM, they have a 'county canvas' where they review and certify, after which all materials—machine tapes, etc.—are centralized with the Secretary of State who does a final canvass for final certification. Conducting this in private is a serious issue, especially considering the margin in the 2000 presidential vote in New Mexico was only 366 votes. **They wouldn't be changing machine numbers, but paper numbers are vulnerable.**

On a related note, NM has adopted state procedures that will ensure their reports are slower and very late, considering the 2000 late discovery of ballots. In a close race, potential for fraud and mischief goes up astronomically in the period between poll closing and reporting. Rogers believes these changes are going to cause national embarrassment in the future.

Rogers attributes other harmful effects to what he terms the Secretary of State's incompetence and inability to discern a nonpartisan application of the law. **In the 2004 election, no standards were issued for counting provisional ballots.** Furthermore, the Secretary of State spent over \$1 million of HAVA money for 'voter education' in blatant self-promotional ads.

Recommendations

- Rogers believes it would be unfeasible to have nonpartisan election administration and favors transparency instead. To make sure people have confidence in the election, there must be transparency in the whole process. Then you don't have the 1960 vote coming down to Illinois, or the Espanola ballot or Dona Anna County (ballots found there in the 2000 election). HAVA funds should also be restricted when you have an incompetent, partisan Secretary of State.
- There should be national standards for reporting voting results so there is less opportunity for fraud in a close race. Although he is not generally an advocate of national laws, he does agree there should be more national uniformity into how votes are counted and recorded.

Rebecca Vigil-Giron, Secretary of State, New Mexico

Complaints of election fraud and intimidation are filed with the SOS office. She then decides whether to refer it to the local district attorney or the attorney general. Because the complaints are few and far between, the office does not keep a log of complaints; however, they do have all of the written complaints on file in the office.

Incidents of Fraud and Intimidation

During the **2004** election, there were a couple of complaints of polling place observers telling people outside the polling place who had just voted, and then **the people outside were following the voters to their cars and videotaping them. This happened in areas that are mostly second and third generation Latinos.** The Secretary sent out the sheriff in one instance of this. The perpetrators moved to a different polling place. This was the **only incident of fraud or intimidation Vigil-Giron was aware of in New Mexico.**

There have **not been many problems on Native reservations because, unlike in many other states, in New Mexico the polling place is on the reservation and is run by local Native Americans.** Vigil-Giron said that it does not make sense to have non-Natives running those polls because it is necessary to have people there who can translate. Because most of the languages are unwritten, the HAVA requirement of accessibility through an audio device will be very helpful in this regard. Vigil-Giron said she was surprised to learn while testifying at the Voting Rights Act commission hearings of the lack of sensitivity to these issues and the common failure to provide assistance in language minority areas.

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In 2004 the U.S. Attorney, a Republican, suddenly announced he was launching an investigation into voter fraud without consulting the Secretary of State's office. After all of that, there was maybe one prosecution. Even the allegations involving third party groups and voter registration are often misleading. People doing voter registration drives encourage voters to register if they are unsure if they are already registered, and the voter does not even realize that his or her name will then appear on the voter list twice. The bigger problem is where registrations do not get forwarded to election administrators and the voter does not end up on the voting list on Election Day. This is voter intimidation in itself, Vigil-Giron believes. It is very discouraging for that voter and she wonders whether he or she will try again.

Under the bill passed in 2004, third parties are required to turn around voter registration forms very quickly between the time they get them and when they must be returned. If they fail to return them within 48 hours of getting them, they are penalized. This, Vigil-Giron believes, is unfair. She has tried to get the Legislature to look at this issue again.

Regarding allegations of vote buying in Espanola, Vigil-Giron said that the Attorney General is investigating. The problem in that area of New Mexico is that they are still using rural routes, so they have not been able to properly district. There has, as a result, been manipulation of where people vote. Now they seem to have pushed the envelope too far on this. The investigation is not just about vote buying, however. There have also been allegations of voters being denied translators as well as assistance at the polls.

Vigil-Giron believes there was voter suppression in Ohio in 2004. County officials knew thirty days out how many people had registered to vote, they knew how many voters there would be. Administrators are supposed to use a formula for allocation of voting machines based on registered voters. Administrators in Ohio ignored this. As a result, people were turned away at the polls or left because of the huge lines. This, she believes, was a case of intentional vote suppression.

A few years ago, Vigil-Giron heard that there may have been people voting in New Mexico and a bordering town in Colorado. She exchanged information with Colorado administrators and it turned out that there were no cases of double voting.

Recommendations

- Vigil-Giron believes that linking voter registration databases across states may be a way to see if people who are registered twice are in fact voting twice.
- The key to improving the process is better trained poll workers, who are certified, and know what to look for on Election Day. These poll workers should then work with law enforcement to ensure there are no transgressions.
- There should be stronger teeth in the voter fraud laws. For example, it should be more than a fourth degree felony, as is currently the case.

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Procedures for Handling Fraud

Fraud complaints are directed first to the state Board of Elections. Unlike boards in other states, Kentucky's has no investigative powers. Instead, they work closely with both the Attorney General and the U.S. Attorney. Especially since the current administration took office, they have found the U.S. Attorney an excellent partner in pursuing fraud cases, and have seen many prosecutions in the last six years. She believes that there has been no increase in the incidence of fraud, but rather the increase in prosecutions is related to increased scrutiny and more resources.

Major Types of Fraud and Intimidation

Johnson says that vote buying and voter intimidation go hand in hand in Kentucky. While historically fraud activity focused on election day, in the last 20 years it has moved into absentee voting. In part, this is because new voting machines aren't easy to manipulate in the way

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that paper ballots were open to manipulation in the past, especially in distant rural counties. For this reason, she is troubled by the proliferation of states with early voting, but notes that there is a difference between absentee ballot and early voting on machines, which is far more difficult to manipulate.

Among the cases of absentee ballot fraud they have seen, **common practice involves a group of candidates conspiring together to elect their specific slate. Nursing homes are an especially frequent target.** Elderly residents request absentee ballots, and then workers show up and 'help' them vote their ballots. **Though there have been some cases in the Eastern district of election day fraud, most have been absentee.**

Johnson argues that it is **hard to distinguish between intimidation and vote buying.** They have also **seen instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.**

While she is **aware of allegations of intimidation by the parties regarding minority precincts in Louisville, the board hasn't received calls about it and there haven't been any prosecutions.**

Challengers

Challengers are permitted at the polls in Kentucky. Each party is allowed two per location, and they must file proper paperwork. **There is a set list of defined reasons for which they can challenge a voter, such as residency, and the challengers must also fill out paperwork to conduct a challenge.**

As for allegations of challengers engaging in intimidation in minority districts, Johnson notes that challengers did indeed register in Jefferson County, and filed the proper paperwork, although they ultimately did not show up on election day.

She finds that **relatively few challengers end up being officially registered, and that the practice has grown less common in recent years.** This is due more to a change of fashion than anything. And after all, **those wishing to affect election outcomes have little need for challengers in the precinct when they can target absentee voting instead.**

In the event that intimidation is taking place, Kentucky has provisions to remove disruptive challengers, but this hasn't been used to her knowledge.

Prosecutions

Election fraud prosecutions in Kentucky have only involved vote buying. This may be because that it is easier to investigate, by virtue of a cash and paper trail which investigators can follow. It is difficult to quantify any average numbers about the practice from this, due in part to the five year statute of limitations on vote buying charges. However, she does not believe that vote-buying is pervasive across the state, but rather confined to certain pockets.

Vote-hauling Legislation

Vote hauling is a common form of vote buying by another name. Individuals are legally paid to drive others to the polls, and then divide that cash in order to purchase votes. Prosecutions have confirmed that vote hauling is used for this purpose. While the Secretary of State has been committed to legislation which would ban the practice, it has failed to pass in the past two sessions.

Paying Voter Registration Workers Legislation

A law forbidding people to pay workers by the voter registration card or for obtaining cards with registrations for a specific party was passed this session. Individuals working as part of a registration campaign may still be paid by hour. Kentucky's experience in the last presidential election illustrates the problems arising from paying individuals by the card. That contest included a constitutional amendment to ban gay marriage on the ballot, which naturally attracted the attention of many national groups. **One group paying people by the card resulted in the registrar being inundated with cards, including many duplicates in the same bundle, variants on names, and variants on addresses.** As this practice threatens to overwhelm the voter registration process, Kentucky views it as constituting malicious fraud.

Deceptive practices

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Other than general reports in the news, Johnson hasn't received any separate confirmation or reports of deceptive practices, i.e., false and misleading information being distributed to confuse voters.

Effect of Kentucky's Database

Johnson believes Kentucky's widely praised voter registration database is a key reason why the state doesn't have as much fraud as it might, especially the types alleged elsewhere like double and felon voting. While no database is going to be perfect, the connections with other state databases such as the DMV and vital statistics have been invaluable in allowing them to aggressively purge dead weight and create a cleaner list. When parties use their database list they are notably more successful. Johnson wonders how other states are able to conduct elections without a similar system.

Some factors have made especially important to their success.

- When the database was instituted in 1973, they were able to make everyone in the state re-register and thus start with a clean database. However, it is unlikely any state could get away with this today.
- She is also a big supporter of a full Social Security number standard, as practiced in Kentucky. The full Social Security, which is compared to date of birth and letters in the first and last name, automatically makes matching far more accurate. The huge benefits Kentucky has reaped make Johnson skeptical of privacy concerns arguing for an abbreviated Social Security number. Individuals are willing to submit their Social Security number for many lesser purposes, so why not voting? And in any event, they don't require a Social Security number to register (unlike others such as Georgia). Less than a percent of voters in Kentucky are registered under unique identifiers, which the Board of Elections then works to fill in the number through cross referencing with the DMV.

Recommendations

- Johnson believes the backbone of effective elections administration must be standardized procedures, strong record keeping, and detailed statutes. In Kentucky, all counties use the same database and the same pre election day forms. Rather than seeing that as oppressive, county officials report that the uniformity makes their jobs easier.
- This philosophy extends to the provisional ballot question. While they did not have a standard in place like HAVA's at the time of enactment, they worked quickly to put a uniform standard in place.
- They have also modified forms and procedures based on feedback from prosecutors. Johnson believes a key to enforcing voting laws is working with investigators and prosecutors and ensuring that they have the information they need to mount cases.
- She also believes public education is important, and that the media could do more to provide information about what is legal and what is illegal. Kentucky tries to fulfill this role by information in polling places, press releases, and high profile press conferences before elections. She notes that they deliberately use language focusing on fraud and intimidation.
- Johnson is somewhat pessimistic about reducing absentee ballot fraud. Absentee ballots do have a useful function for the military and others who cannot get to the polling place, and motivated individuals will always find a way to abuse the system if possible. At a minimum, however, she recommends that absentee ballots should require an excuse. She believes this has helped reduce abuse in Kentucky, and is wary of no-excuse practices in other states.

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Methodology suggestions

In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources:

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the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that asks whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. Mr. Ansolobehere recommended Jonathan Krosnick, Doug Rivers, and Paul Sniderman at Stanford; Donald Kinder and Arthur Lupia at Michigan; Edward Carmines at Indiana; and Phil Tetlock at Berkeley. In the alternative, Mr. Ansolobehere suggested that the EAC might work with the Census Bureau to have them ask different, additional questions in their Voter Population Surveys.

Mr. Chandler further suggested it is important to talk to private election lawyers, such as Randall Wood, who represented Ciro Rodriguez in his congressional election in Texas. Mr. Ansolobehere also recommended looking at experiments conducted by the British Election Commission.

Incidents of Fraud and Intimidation

Mr. Davidson's study for the Lawyers Committee for Civil Rights on the Voting Rights Act documented evidence of widespread difficulty in the voting process. However, he did not attempt to quantify whether this was due to intentional, malevolent acts. In his 2005 report on ballot security programs, he found that there were many allegations of fraud made, but not very many prosecutions or convictions. He saw many cases that did go to trial and the prosecutors lost on the merits.

In terms of voter intimidation and vote suppression, Mr. Davidson said he believes the following types of activities do occur:

- videotaping of voters' license plates;
- poll workers asking intimidating questions;
- groups of officious-looking poll watchers at the poll sites who seem to be some sort of authority looking for wrongdoing;
- spreading of false information, such as phone calls, flyers, and radio ads that intentionally mislead as to voting procedures.

Mr. Ansolobehere believes the biggest problem is absentee ballot fraud. However, many of these cases involve people who do not realize what they are doing is illegal, for example, telling someone else how to vote. Sometimes there is real illegality occurring however.

For example:

- vote selling involving absentee ballots,
- the filling out of absentee ballots en masse,
- people at nursing homes filling out the ballots of residents, and
- there are stories about union leaders getting members to vote a certain way by absentee ballot.

This problem will only get bigger as more states liberalize their absentee ballot rules. Mr. Chandler agreed that absentee ballot fraud was a major problem.

Recommendations

- Go back to "for cause" absentee ballot rules, because it is truly impossible to ever ensure the security of a mail ballot. Even in Oregon, there was a study showing fraud in their vote by mail system.
- False information campaigns should be combated with greater voter education. Los Angeles County's voter education program should be used as a model.

Tracey Campbell, author, *Deliver the Vote*

While less blatant than in previous eras, fraud certainly still occurs, and he mentions some examples in his book. The major trend of the past 60-70 years has been that these tactics have grown more subtle.

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While he hasn't conducted any scientific study of the current state of fraud, his sense as a historian is that it seems naive, after generations of watching the same patterns and practices influence elections, to view suspect election results today as merely attributable to simple error.

Vote-buying and absentee fraud

Campbell sees fraud by absentee ballot and vote buying as the greatest threats to fair elections today. He says vote fraud is like real estate: location, location, location—the closer you can keep the ballots to the courthouse the better. **Absentee ballots create a much easier target for vote brokers who can manage voting away from the polling place, or even mark a ballot directly, in exchange for, say, \$50— or even more if an individual can bring their entire family. He has noted some small counties where absentee ballots outnumber in-person ballots.**

However, few people engaged in this activity would call it 'purchasing' a vote. Instead, it is candidate Jones' way of 'thanking' you for a vote you would have cast in any event. The issue is what happens if candidate Smith offers you more. Likewise, the politicians who engage in vote fraud don't see it as a threat to the republic but rather as a game they have to play in order to get elected.

Regional patterns

Campbell suggests such practices are more prevalent in the South than the Northern states, and even more so compared to the West. The South has long been characterized as particularly dangerous in intimidation and suppression practices—throughout history, one can find routine stories of deaths at the polls each year. While he maintains that fraud seems less likely in the Western states, he sees the explosion of mail in and absentee ballots there as asking for trouble.

Poll site closings as a means to suppress votes

Campbell points to a long historical record of moving poll sites in order to suppress votes. Polling places in the 1800s were frequently set-up on rail cars and moved further down the line to suppress black votes. He would include door-to-door canvassing practices here, as well as voting in homes, which was in use in Kentucky until only a few years ago. All of these practices have been justified as making polling places 'more accessible' while their real purpose has been to suppress votes.

Purge lists

Purge lists are, of course, needed in theory, yet Campbell believes the authority to mark names off the voter rolls presents extensive opportunity for abuse. For this reason, purging must be done in a manner that uses the best databases, and looks at only the most relevant information. When voters discover their names aren't on the list when they go to vote, for example, because they are "dead," it has a considerable demoralizing effect. **Wrongful purging takes place both because of incompetence and as a tool to intentionally disenfranchise.**

Campbell believes transparency is the real issue here. An hour after the polls close, we tend to just throw up our hands and look the other way, denying voters the chance to see that discrepancies are being rectified. He believes the cost in not immediately knowing election outcomes is a small price to pay for getting results right and showing the public a transparent process.

Deceptive practices

Today's deceptive practices have are solidly rooted in Reconstruction-era practices—i.e. phony ballots, the Texas 'elimination' ballot. The ability to confuse voters is a powerful tool for those looking to sway elections.

Language minorities

Campbell argues there is a fine line between offering help to non-English speakers and using that help against them. A related issue, particularly in the South, is taking advantage of the illiterate.

Current intimidation

Another tactic Campbell considers an issue today is polling place layout: the further vote suppressers can keep people away from the

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polls, the better. Practices such as **photographing people leaving a polling place may also tie into vote-buying, where photos are used to intimidate and validate purchased votes. A good way to combat such practices is by keeping electioneering as far from the polls as possible.**

Recommendations

- Specific voting administration recommendations Campbell advocates would include **reducing the use of absentee ballots and improving the protective zone around polling places.**
- Campbell would also like to see **enforcement against fraud stepped up and stiffer penalties enacted, as current penalties make the risk of committing fraud relatively low.** He compares the risk in election fraud similar to steroid use in professional sports—the potential value of the outcome is far higher than the risk of being caught or penalized for the infraction, so it is hard to prevent people from doing it. People need to believe they will pay a price for engaging in fraud or intimidation. Moreover, we need to have the will to kick people out of office if necessary.
- He is **skeptical of the feasibility of nonpartisan election administration**, as he believes it would be difficult to find people who care about politics yet won't lean one way or the other—such an attempt would be unlikely to get very far before accusations of partisanship emerged. He **considers the judiciary the only legitimate check on election fraud.**

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Litigation

Status of litigation in Indiana: On January 12 the briefing was completed. The parties are waiting for a decision from the U.S. district judge. The judge understood that one of the parties would seek a stay from the 7th Circuit Court of Appeals. The parties anticipate a decision in late March or early April. Mr. Webber did the discovery and depositions for the litigation. Mr. Webber feared the plaintiffs were going to state in their reply brief that HAVA's statewide database requirement would resolve the problems alleged by the state. However, the plaintiffs failed to do so, relying on a Motor Voter Act argument instead. **Mr. Webber believes that the voter ID at issue will make the system much more user-friendly for the poll workers.** The Legislature passed the ID legislation, and the state is defending it, on the basis of the problem of the *perception* of fraud.

Incidents of fraud and intimidation

Mr. Webber thinks that **no one can put his or her thumb on whether there has been voter fraud in Indiana.** For instance, **if someone votes in place of another, no one knows about it. There have been no prosecuted cases of polling place fraud in Indiana. There is no recorded history of documented cases, but it does happen.** In the litigation, he used articles from around the country about instances of voter fraud, but even in those examples there were ultimately no prosecutions, for example the case of Milwaukee. He also stated **in the litigation that there are all kinds of examples of dead people voting---totaling in the hundreds of thousands of votes across the country.**

One interesting **example of actual fraud in Indiana occurred when a poll worker, in a poll using punch cards, glued the chads back and then punched out other chads for his candidate.** But this would not be something that would be addressed by an ID requirement.

He also believes that the perception that the polls are loose can be addressed by the legislature. The legislature does not need to wait to see if the statewide database solves the problems and therefore affect the determination of whether an ID requirement is necessary. When he took the deposition of the Republican Co-Director, he said he thought Indiana was getting ahead of the curve. That is, there have been problems around the country, and confidence in elections is low. Therefore Indiana is now in front of getting that confidence back.

Mr. Webber stated that the **largest vote problem in Indiana is absentee ballots. Absentee ballot fraud and vote buying are the most documented cases.** It used to be the law that applications for absentee ballots could be sent anywhere. **In one case absentee votes were**

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exchanged for "a job on election day"---meaning one vote for a certain price. The election was contested and the trial judge found that although there was vote fraud, the incidents of such were less than the margin of victory and so he refused to overturn the election. Mr. Webber appealed the case for the state and argued the judge used the wrong statute. The Indiana Supreme Court agreed and reversed. **Several people were prosecuted as a result – those cases are still pending.**

Process

In Indiana, voter complaints first come to the attorney for the county election board who can recommend that a hearing be held. If criminal activity was found, the case could be referred to the county prosecutor or in certain instances to the Indiana Attorney General's Office. In practice, the Attorney General almost never handles such cases.

Mr. Webber has had experience training county of election boards in preserving the integrity and security of the polling place from political or party officials. Mr. Webber stated that **the Indiana voter rolls need to be culled.** He also stated that **in Southern Indiana a large problem was vote buying while in Northern Indiana a large problem was based on government workers feeling compelled to vote for the party that gave them their jobs.**

Recommendations

- Mr. Webber believes that **all election fraud and intimidation complaints should be referred to the Attorney General's Office to circumvent the problem of local political prosecutions. The Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes.** At the local level, everyone knows each other, making it harder prosecute.
- Indiana currently votes 6 am to 6 pm on a weekday. Government workers and retirees are the only people who are available to work the polls. Mr. Webber suggested that the biggest change should be to **move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.**
- **Early voting at the clerk's office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk's office. This should be expanded to other polling places in addition to that of the county clerk.**
- Finally, Mr. Webber believes **polling places should be open longer, run more professionally but that there needs to be fewer of them so that they are staffed by only the best, most professional people.**

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Recent trends

Native election protection operations have intensified recently for several reasons. While election protection efforts in Native areas have been ongoing, leaders realized that they were failing to develop internal infrastructure or cultivate locally any of the knowledge and expertise which would arrive and leave with external protection groups.

Moreover, in recent years partisan groups have become more aware of the power of the native vote, and have become more active in native communities. This has partly resulted in an **extreme increase in voter intimidation tactics. As native communities are easy to identify, easy to target, and generally dominated by a single party, they are especially vulnerable to such tactics.**

Initially, reports of intimidation were only passed along by word of mouth. But it became such a problem in the past 5 to 6 years that tribal leaders decided to raise the issue to the national level. Thompson points to the Cantwell election in 2000 and the Johnson election in South Dakota in 2002 as tipping points where many began to realize the Indian vote could matter in Senate and national elections.

Thompson stressed that Native Vote places a great deal of importance on being nonpartisan. While a majority of native communities vote Democratic, there are notable exceptions, including communities in Oklahoma and Alaska, and they have both parties engaging in aggressive tactics. However, she believes the most recent increase in suppression and intimidation tactics have come from Republican Party organizations.

Nature of Suppression/Intimidation of Native Voters

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Thompson categorizes suppression into judge related and poll-watcher related incidents, both of which may be purposeful or inadvertent, as well as longstanding legal-structural constraints.

Structural problems

One example of inadvertent suppression built into the system stems from the fact that many Indian communities also include significant numbers of non-Indians due to allotment. Non-Indians tend to be most active in the state and local government while Indians tend to be more involved in the tribal government. Thus, the individuals running elections end up being non-Indian. Having Indians vote at polling places staffed by non-Indians often results in incidents of disrespect towards Native voters (Thompson emphasized the considerable racism which persists against Indians in these areas). Also, judges aren't familiar with Indian last names and are more dismissive of solving discrepancies with native voters.

Structural problems also arise from laws which mandate that the tribal government cannot run state or local elections. In places like South Dakota, political leaders used to make it intentionally difficult for Native Americans to participate in elections. For example, state, local and federal elections could not be held in the same location as tribal elections, leading to confusion when tribal and other elections are held in different locations. Also, it is common to have native communities with few suitable sites, meaning that a state election held in a secondary location can suddenly impose transportation obstacles.

Photo ID Issues

Thompson believes both state level and HAVA photo ID requirements have a considerable negative impact. For a number of reasons, many Indian voters don't have photo ID. Poor health care and poverty on reservations means that many children are born at home, leading to a lack of birth certificates necessary to obtain ID. Also, election workers and others may assume they are Hispanic, causing additional skepticism due to citizenship questions. There is a cultural issue as well—historically, whenever Indians register with the federal government it has been associated with a taking of land or removal of children. Thus many Indians avoid registering for anything with the government, even for tribal ID.

Thompson also offered examples of how the impact of ID requirements had been worsened by certain rules and the discriminatory way they have been carried out. In the South Dakota special election of 2003, poll workers told Native American voters that if they did not have ID with them and they lived within sixty miles of the precinct, the voter had to come back with ID. The poll workers did not tell the voters that they could vote by affidavit ballot and not need to return, as required by law. This was exacerbated by the fact that the poll workers didn't know the voters—as would be the case with non-Indian poll workers and Indian voters. Many left the poll site without voting and did not return.

In Minnesota, the state tried to prohibit the use of tribal ID's for voting outside of a reservation, even though Minnesota has a large urban Native population. Thompson believes this move was very purposeful, and despite any reasonable arguments from the Secretary of State, they had to file a lawsuit to stop the rule. They were very surprised to find national party representatives in the courtroom when they went to deal with lawsuit, representatives who could only have been alerted through a discussion with the Secretary of State.

Partisan Poll-Monitoring

Thompson believes the most purposeful suppression has been perpetrated by the party structures on an individual basis, of which South Dakota is a great example.

Some negative instances of poll monitoring are not purposeful. Both parties send in non-Indian, non-Western lawyers, largely from the East Coast, which can lead to uncomfortable cultural clashes. These efforts display a keen lack of understanding of these communities and the best way to negotiate within in them. But while it may be intimidating, it is not purposeful.

Yet there are also many instances of purposeful abuse of poll monitoring. While there were indeed problems during the 2002 Johnson election, it was small compared to the Janklow special election. Thompson says Republican workers shunned cultural understanding outreach, and had an extensive pamphlet of what to say at polls and were very aggressive about it. In one tactic, every time a voter

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would come up with no ID, poll monitors would repeat “You can’t vote” over and over again, causing many voters to leave. This same tactic appeared across reservations, and eventually they looked to the Secretary of State to intervene. In another example, the head of poll watchers drove from poll to poll and told voters without IDs to go home, to the point where the chief of police was going to evict him from the reservation. In Minnesota, on the Red Lake reservation, police actually did evict an aggressive poll watcher—the fact that the same strategies are employed several hundred miles apart points to standardized instructions.

None of these incidents ever went to court. Thompson argues this is due to few avenues for legal recourse. In addition, it is inherently difficult to settle these things, as they are he said-she said incidents and take place amidst the confusion of Election Day. Furthermore, poll watchers know what the outline of the law is, and they are careful to work within those parameters, leaving little room for legal action.

Other seeming instances of intimidation may be purely inadvertent, such as when, in 2002, the U.S. Attorney chose Election Day to give out subpoenas, and native voters stayed in their homes. In all fairness, she believes this was a misunderstanding.

The effect of intimidation on small communities is especially strong and is impossible to ultimately measure, as the ripple effect of rumors in insular communities can’t be traced. In some communities, they try to combat this by using the Native radio to encourage people to vote and dispel myths.

She has suggestions for people who can describe incidents at a greater level of detail if interested.

Vote Buying and Fraud

They haven’t found a great deal of evidence on vote-buying and fraud. When cash is offered to register voters, individuals may abuse this, although Thompson believes this is not necessarily unique to the Native community, but a reflection of high rates of poverty. This doesn’t amount to a concerted effort at conspiracy, but instead represents isolated incidents of people not observing the rules. While Thompson believes looking into such incidents is a completely fair inquiry, she also believes it has been exploited for political purposes and to intimidate. For example, large law enforcement contingents were sent to investigate these incidents. As Native voters tend not to draw distinctions between law enforcement and other officials, this made them unlikely to help with elections.

Remedies

- As far as voter suppression is concerned, Native Vote has been asking the Department of Justice to look into what might be done, and to place more emphasis on law enforcement and combating intimidation. They have been urging the Department to focus on this at least much as it is focusing on enforcement of Section 203. Native groups have complained to DOJ repeatedly and DOJ has the entire log of handwritten incident reports they have collected. Therefore, Thompson recommends more DOJ enforcement of voting rights laws with respect to intimidation. People who would seek to abuse the process need to believe a penalty will be paid for doing so. Right now, there is no recourse and DOJ does not care, so both parties do it because they can.
- Certain states should rescind bars on nonpartisan poll watchers on Election Day; Thompson believes this is contrary to the nonpartisan, pro-Indian presence which would best facilitate voting in Native communities.
- As discussed above, Thompson believes ID requirements are a huge impediment to native voters. At a minimum, Thompson believes all states should be explicit about accepting tribal ID on Election Day.
- Liberalized absentee ballot rules would also be helpful to Native communities. As many Indian voters are disabled and elderly, live far away from their precinct, and don’t have transportation, tribes encourage members to vote by absentee ballot. Yet obstacles remain. Some voters are denied a chance to vote if they have requested a ballot and then show up at the polls. Thompson believes South Dakota’s practice of tossing absentee ballots if a voter shows up at the ED would serve as an effective built-in protection. In addition, she believes there should be greater scrutiny of GOTV groups requesting absentee ballots without permission. Precinct location is a longstanding issue, but Thompson recognizes that states have limited resources. In the

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absence of those resources, better absentee ballot procedures are needed.

- **Basic voter registration issues and access** are also important in native communities and **need to be addressed.**
- Thompson is **mixed on what restrictions should be placed on poll watcher behavior, as she believes open elections and third party helpers are both important.** However, she would be **willing to explore some sort of stronger recourse and set of rules concerning poll watchers' behavior. Currently, the parties are aware that no recourse exists, and try to get away with what they will.** This is not unique to a single party—both try to stay within law while shaking people up. The existing VRA provision is 'fluffy'—unless you have a consent decree, you have very little power. Thompson thinks **a general voter intimidation law that is left a bit broad but that nonetheless makes people aware of some sort of kickback could be helpful.**

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Regarding the August 2005 Report

ACVR has not followed up on any of the cases it cited in the 2005 report to see if the allegations had been resolved in some manner. Mr. Torchinsky stated that **there are problems with allegations of fraud in the report and prosecution---just because there was no prosecution, does not mean there was no vote fraud.** He believes that it is **very hard to come up with a measure of voter fraud short of prosecution.** Mr. Torchinsky does not have a good answer to resolve this problem.

P. 35 of the Report indicates that there were coordinated efforts by groups to coordinate fraudulent voter registrations. P. 12 of the Ohio Report references a RICO suit filed against organizations regarding fraudulent voter registrations. Mr. Torchinsky does not know what happened in that case. He stated that there was a drive to increase voter registration numbers regardless of whether there was an actual person to register. He stated that when you have an organization like ACORN involved all over the place, there is reason to believe it is national in scope. When it is the same groups in multiple states, this leads to the belief that it is a concerted effort.

Voting Problems

Mr. Torchinsky stated **there were incidents of double voting---ex. a double voter in Kansas City, MO. If the statewide voter registration database requirement of HAVA is properly implemented, he believes it will stop multiple voting in the same state. He supports the HAVA requirement, if implemented correctly. Since Washington State implemented its statewide database, the Secretary of State has initiated investigations into felons who voted. In Philadelphia the major problem is permitting polling places in private homes and bars – even the homes of party chairs.**

Mr. Torchinsky believes that **voter ID would help, especially in cities in places like Ohio and Philadelphia, PA. The ACVR legislative fund supports the Real ID requirements suggested by the Carter-Baker Commission. Since federal real ID requirements will be in place in 2010, any objection to a voter ID requirement should be moot.**

Mr. Torchinsky stated that there are **two major poll and absentee voting problems---(1) fraudulent votes-ex. dead people voting in St. Louis and (2) people voting who are not legally eligible-ex. felons in most places.** He also believes that **problems could arise in places that still transport paper ballots from the voting location to a counting room. However, he does not believe this is as widespread a problem now as it once was.**

Suggestions

Implement the Carter-Baker Commission recommendations because they represent a reasonable compromise between the political parties.

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Robin DeJarnette, Executive Director, American Center for Voting Rights

[NO SUMMARY FOUND]

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Data Collection and Monitoring

- The (Voting) section developed a new database before the 2004 election to log complaint calls and what was done to follow up on them. They opened many investigations as a result of these complaints, including one on the long lines in Ohio (see DOJ letter on website, as well as critical commentary on the DOJ letter's analysis). DOJ found no Section 2 violation in Ohio. John Tanner should be able to give us this data. However, the database does not include complaints that were received by monitors and observers in the field.
- All attorney observers in the field are required to submit reports after Election Day to the Department. These reports would give us a very good sense of the scope and type of problems that arose on that day and whether they were resolved on the spot or required further action.
- The monitoring in 2004 was the biggest operation ever. Prior to 2000, only certain jurisdictions could be observed – a VRA covered jurisdiction that was certified or a jurisdiction that had been certified by a court, e.g. through a consent decree. Since that time, and especially in 2004, the Department has engaged in more informal "monitoring." In those cases, monitors assigned to certain jurisdictions, as opposed to observers, can only watch in the polling place with permission from the jurisdiction. The Department picked locations based on whether they had been monitored in the past, there had been problems before, or there had been allegations in the past. Many problems that arose were resolved by monitors on the spot.

Processes for Cases not Resolved at the Polling Site

- If the monitor or observer believes that a criminal act has taken place, he refers it to the Public Integrity Section (PIN). If it is an instance of racial intimidation, it is referred to the Civil Rights Criminal Division. However, very few such cases are prosecuted because they are very hard to prove. The statutes covering such crimes require actual violence or the threat of violence in order to make a case. As a result, most matters are referred to PIN because they operate under statutes that make these cases easier to prove. In general, there are not a high number of prosecutions for intimidation and suppression.
- If the act is not criminal, it may be brought as a civil matter, but only if it violated the Voting Rights Act – in other words, only if there is a racial aspect to the case. Otherwise the only recourse is to refer it to PIN.
- However, PIN tends not to focus on intimidation and suppression cases, but rather cases such as alleged noncitizen voting, etc. Public Integrity used to only go after systematic efforts to corrupt the system. Now they focus on scattered individuals, which is a questionable resource choice. Criminal prosecutors over the past 5 years have been given more resources and more leeway because of a shift in focus and policy toward noncitizens and double voting, etc.
- There have been very few cases brought involving African American voters. There have been 7 Section 2 cases brought since 2001 – only one was brought on behalf of African American voters. That case was initiated under the Clinton administration. The others have included Latinos and discrimination against whites.

Types of Fraud and Intimidation Occurring

- There is no evidence that polling place fraud is a problem. There is also no evidence that the NVRA has increased the opportunity for fraud. Moreover, regardless of NVRA's provisions, an election official can always look into a voter's registration if he or she believes that person should no longer be on the list. The Department is now suing Missouri because of its poor registration list.

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- The **biggest problem is with absentee ballots**. The **photo ID movement is a vote suppression strategy**. This type of suppression is a bigger problem than intimidation. There has been an increase in vote suppression over the last five years, but it has been indirect, often in the way that laws are interpreted and implemented. Unequal implementation of ID requirements at the polls based on race would be a VRA violation.
- The **most common type of intimidation occurring is open hostility by poll workers toward minorities**. It is a judgment call whether this is a crime or not – Craig Donsanto of PIN decides if it rises to a criminal matter.
- **Election Day challenges at the polls could be a VRA violation but such a case has never been formally pursued**. Such cases are often resolved on the spot. **Development of a pre-election challenge list targeted at minorities would be a VRA violation but this also has never been pursued**. These are choices of current enforcement policy.
- **Long lines due to unequal distribution of voting machines based on race, list purges based on race and refusal to offer a provisional ballot on the basis of race would also be VRA violations**.

Recommendations

- Congress should **pass a new law that allows the Department to bring civil actions for suppression that is NOT race based, for example, deceptive practices or wholesale challenges to voters in jurisdictions that tend to vote heavily for one party**.
- **Given the additional resources and latitude given to the enforcement of acts such as double voting and noncitizen voting, there should be an equal commitment to enforcement of acts of intimidation and suppression cases**.
- There should also be increased **resources dedicated to expanded monitoring efforts**. This might be the best use of resources **since monitors and observers act as a deterrent to fraud and intimidation**.

Joseph Sandler, Counsel to the Democratic National Committee

2004-Administrative Incompetence v. Fraud

Sandler believes the **2004 election was a combination of administrative incompetence and fraud**. Sandler stated there was a deliberate effort by the Republicans to disenfranchise voters across the country. This was accomplished by **mailing out cards to registered voters and then moving to purge from the voters list those whose cards were returned**. Sandler indicated that in **New Mexico there was a deliberate attempt by Republicans to purge people registered by third parties**. He stated that there were intentional efforts to disenfranchise voters by election officials like Ken Blackwell in Ohio.

The problems with machine distribution in 2004 were not deliberate. However, Sandler believes that a large problem exists in the states because there are no laws that spell out a formula to allocate so many voting machines per voter.

Sandler was asked how often names were intentionally purged from the voter lists. He responded that there will be a lot of names purged as a result of the creation of the voter lists under HAVA. However, Sandler stated **most wrongful purging results from incompetence**.

Sandler also said there was not much intimidation at the polls because most such efforts are deterred and that the last systematic effort was in Philadelphia in 2003 where Republicans had official looking cars and people with badges and uniforms, etc.

Sandler stated that **deliberate dissemination of misinformation was more incidental, with individuals misinforming and not a political party**. **Disinformation did occur in small Spanish speaking communities**.

Republicans point to instances of voter registration fraud but Sandler believes it did not occur, except for once in a blue moon. Sandler did not believe non-citizen voting was a problem. He also does not believe that there is voter impersonation at the polls and that

Republicans allege this as a way of disenfranchising voters through restrictive voter identification rules.

EAC SUMMARY OF EXPERT INTERVIEWS FOR
VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Fraud and Intimidation Trends

- Sandler stated that over the years there has been a shift from organized efforts to intimidate minority voters through voter identification requirements, improper purging, failure to properly register voters, not allocating enough voting machines, failure to properly use the provisional ballot, etc., by voter officials as well as systematic efforts by Republicans to deregister voters.
- At the federal level, Sandler said, the voting division has become so politicized that it is basically useless now on intimidation claims. At the local level, Sandler does not believe politics prevents or hinders prosecution for vote fraud.

Sandler's Recommendations:

- Moving the voter lists to the state level is a good idea where carefully done
- Provisional ballots rules should follow the law and not be over-used
- No voter ID
- Partisanship should be taken out of election administration, perhaps by giving that responsibility by someone other than the Secretary of State. There should at least be conflict of interest rules
- Enact laws that allow private citizens to bring suit under state law

All suggestions from the DNC Ohio Report:

1. The Democratic Party must continue its efforts to monitor election law reform in all fifty states, the District of Columbia and territories.
2. States should be encouraged to codify into law all required election practices, including requirements for the adequate training of official poll workers.
3. States should adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access. These standards should be based on set ratios of numbers of machines and pollworkers per number of voters expected to turn out, and should be made available for public comment before being adopting.
4. States should adopt legislation to make clear and uniform the rules on voter registration.
5. The Democratic Party should monitor the processing of voter registrations by local election authorities on an ongoing basis to ensure the timely processing of registrations and changes, including both newly registered voters and voters who move within a jurisdiction or the state, and the Party should ask state Attorneys General to take action where necessary to force the timely updating of voter lists.
6. States should be urged to implement statewide voter lists in accordance with the Help America Vote Act ("HAVA"), the election reform law enacted by Congress in 2002 following the Florida debacle.
7. State and local jurisdictions should adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day.
8. The Democratic Party should monitor the purging and updating of registered voter lists by local officials, and the Party should challenge, and ask state Attorneys General to challenge, unlawful purges and other improper list maintenance practices.
9. States should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.)
10. State Attorneys General and local authorities should vigorously enforce, to the full extent permitted by state law, a voter's right to vote without showing identification.
11. Jurisdictions should be encouraged to use precinct-tabulated optical scan systems with a computer assisted device at each precinct, in preference to touchscreen ("direct recording equipment" or "DRE") machines.

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12. Touchscreen (DRE) machines should not be used until a reliable voter verifiable audit feature can be uniformly incorporated into these systems. In the event of a recount, the paper or other auditable record should be considered the official record.
13. Remaining punchcard systems should be discontinued.
14. **States should ask state Attorneys General to challenge unfair or discriminatory distribution of equipment and resources** where necessary, and the Democratic Party should bring litigation as necessary.
15. Voting equipment vendors should be required to disclose their source code so that it can be examined by third parties. No voting machine should have wireless connections or be able to connect to the Internet.
16. Any equipment used by voters to vote or by officials to tabulate the votes should be used exclusively for that purpose. That is particularly important for tabulating/aggregating computers.
17. States should adopt "no excuse required" standards for absentee voting.

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'Dead' Voters and Multiple Voting

5/9/2007

Type	Absentee/In person	Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident/allegation	Source of Resolution 1	Source of Resolution 2
Multiple			Yes		BOE				BOE Dismissed		Apache	Arizona	31-Aug-04	2002 general	County Attorney alleges some Navajo Nation voters cast multiple ballots. The Election Director dismisses many of the allegations and questioned why the county attorney had waited more than a year and a half to make them.	Arizona Republic			
Multiple	In person				DA	1				Yes	Eureka Springs	Arkansas	29-Jun-01	county judge	A special judge rules prosecutors must show the mayor intended to vote twice - he says he got confused when he voted early for a city bond election and the voting clerk offered him a primary ballot at the same time. He then voted in the primary at his precinct on election day.	AP			
Multiple	Absentee					4				Yes	La Puente	California	3-Aug-02	municipal	Four family members of a councilman were charged with voting twice because they voted absentee and on election day.	Los Angeles Times			
Dead	Both	Yes	Press							Yes	San Francisco	California	1-Mar-04	mayoral run-off	One of the candidates alleged that 400 people who are dead cast votes. The allegation was based on a computer program that cross-referenced voters and the social security death index using first and last names and date of birth. When the Chronicle also used middle initials and other identifying indicators, the list was whittled to five cases. Some were by absentee but a couple were in person.	San Francisco Chronicle			
Multiple				State								Colorado	25-Mar-05		58 of 64 counties responded to a request by the Secretary of State to report on fraud investigations. Only 13 counties have referred cases to prosecutors. Those cases included 41 instances of citizens voting twice. Denver County officials said they had 81 instances of double voting.	Denver Post			
Multiple	In person	Yes	State						Found Untrue	Yes		Connecticut	22-Oct-02	all	Secretary of State says that RNC allegations that 54 Connecticut voters cast ballots in 2 different states have been investigated and found to be false. 15 voted only in CT, 29 voted only in another state, four names were wrong because they had different birth dates, and three were referred to the FBI and US Attorney because information from the other state could not be obtained.	New Haven Register			
Multiple	In person	Yes									Bridgport	Connecticut	23-Sep-03	mayoral primary	Losing candidate alleges some voters were able to vote twice	News 12			
Multiple	In person								Voters Deny/Possible mistakes		DC and Maryland		31-Oct-02	state primary and presidential election	Records indicate that 24 voters cast ballots in both DC and Maryland in the September 2002 primary and 90 voters did so in the 2000 election. Voters denied they had done so and election officials said it was possible for precinct workers to make mistakes when recording who voted.	Washington Post			

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Multiple	Absentee			County					Ballots not counted	Yes	Palm Beach	Florida	5-Dec-02	2002 general	The County State Attorney will be investigating about a dozen people accused of voting twice. Each cast an absentee ballot and voted on Election Day. The Secretary of State says they may have forgotten they voted absentee. They all had to vote by provisional ballots so none of the second votes were counted. This is the first time the Secretary's office has found people who voted twice.	Sun-Sentinel			
Multiple	Absentee								Ballots discarded		Indian River	Florida	2-Nov-04	presidential	One voter returned two absentee ballots -- the first one was counted and the second discarded. A woman voted by absentee and then during early voting. Her absentee ballot will be thrown out.	Press Journal (Vero Beach)			
Multiple	Absentee			Press						Yes	Palm Beach	Florida	6-Nov-04	presidential	The Palm Beach Post reports that three voters cast absentee ballots and then filled out provisional ballots on Election Day. Local officials have asked the Attorney General to investigate. The Post reached two of the voters and they said they cast provisional ballots because when they tried to check on their absentee ballots they were unable to confirm they had been received.	Florida Times Union			
Multiple	Both			State		12				Yes	Volusia	Florida	6-Nov-04	presidential	Volusia officials said Friday they have identified 12 cases of suspected election fraud stemming from Tuesday's presidential election. All involved people trying to vote twice, said County Judge Steven deLarocche, a member of the county canvassing board. In one case, which occurred during early voting, a person was caught trying to feed an absentee ballot into a tabulating machine after casting a traditional ballot, deLarocche said. That person was stopped by a poll worker. In the other 11 cases, people who had voted by absentee ballot or at an early-voting site tried to vote a second time on Election Day, he said. In those cases, election workers discovered the attempts when computers showed those voters had already cast ballots. All the cases will be forwarded to the State Attorney's Office for prosecution.	Orlando Sentinel			

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Multiple	Absentee			Federal					Clerical Error		Duval	Florida	31-Jul-05	presidential	Officials said in January that a review of records found more than 50 cases in which the same person had cast an absentee and in person ballot. An FBI investigation found that every one of those instances was due to a clerical error, such as someone signing the voter rolls before they were told they had to vote elsewhere.	AP			
Multiple	In person			County					Ballot discarded		Fulton	Georgia	30-Sep-04	primary	A man who may be facing felony charges for voting twice says he voted during the early period and that when he went to his precinct on election day to make sure that vote had been recorded, he was told it was not. The poll worker told him he should vote again. Fulton County investigated and found no other advance voters had voted again on the day of the election. The registration chief acknowledged the county was late getting names of advance voters to the polls. The advance vote was tossed out after it was discovered.	Atlanta Journal Constitution			
Multiple						1			Yes		Marshall	Illinois	13-Nov-04 and 2004		A man has been charged for voting twice, in both Kane County and Marshall County	South Bend Tribune			
Dead				Press					Yes		Lake County	Indiana	16-May-04	county primary	A newspaper analysis shows that five votes cast were attributed to people who were dead well before the election.	AP			
Multiple	Absentee							1			Prairie Village	Kansas	8-Jan-05	2002 general	A woman who voted twice pled guilty -- she had voted from her business address and cast an absentee ballot from a different location in the same election.	Kansas City Star			
Multiple	In person			County							Hancock	Louisiana	3-Nov-04	presidential	A woman called a radio talk show Tuesday and admitted casting fraudulent votes in Hancock County. The woman said she voted once using her own name, but after realizing she was not required to show identification, she waited several hours and returned to the polls and used a friend's name. The county clerks said the incident seems to be isolated and her office has not received evidence of other fraudulent votes elsewhere in the county.	The Sun Herald			
Multiple											Duluth	Minnesota	3-Nov-04	presidential	A voter claims someone forged his signature to vote under his name. He reported the incident to City Hall	Duluth News-Tribune			

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Multiple	In person					1				Yes	Minneapolis	Minnesota	23-Feb-05	presidential	A felony charge filed Tuesday in Hennepin County District Court accuses Darin Randall Johnson, 34, of registering to vote and casting ballots in three different places in the November election. The criminal complaint alleges he filed out same-day registration forms and voted once in Brooklyn Park and twice in Minneapolis.	Saint Paul Pioneer Press			
Multiple	In person							1			Kansas City	Missouri	28-Mar-05	various	Man pleads guilty to casting double votes in four elections by voting in both Kansas and Missouri	Kansas City Star			
Multiple				Press		2				Yes	Kansas City	Missouri	September 8, 2004	all	Kansas City Star reports that their investigation shows there may be more than 300 voters voting twice in different counties. The exact number is impossible to determine because many counties have shredded their poll books and state computer files are rife with data errors. In fact, the number may be lower because the state computer files contain many errors that show people voting who did not actually vote. The study only flagged people registered in two places under exactly the same name and date of birth.	Kansas City Star, Belleville News-Democrat	Two people are charged	Kansas City Star (January 8, 2005)	
Dead/Multiple		Yes								Yes		New Jersey	16-Sep-05	presidential	Republican Party claims 4,755 people who have died voted in the election and 4,397 people registered to vote in more than one county voted twice	New York Times			
Multiple	Absentee										Sandoval	New Mexico	9-Nov-02	state house	A comparison of names on absentee-ballot-request rosters and affidavits for the absentee-in-lieu-of-ballots made it appear that 5 people had voted twice absentee by mail and absentee-in-lieu-of at the polls.	Albuquerque Journal			
Multiple	In person			DA						Yes	Sandoval	New Mexico	24-Nov-04	presidential	Bureau of Elections employees found a woman who voted on a provisional ballot at one precinct also had voted at the regular precinct where she is registered. The signatures at both precincts appeared to be the same, so elections officials sent the case to the district attorney.	AP			
Multiple						1				Yes	New York	New York	23-Oct-02 and 2001	2000 and 2001	Former conservative party candidate for lieutenant governor is arraigned on an indictment for voting twice, from two different Manhattan addresses. He denies the charge	Newsday			

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Multiple				Press					Many likely errors		North Carolina		24-Oct-04 and 2002		The Observer found up to 180 people who were listed as having voted in both Carolinas in either the 2000 or 2002 elections. Reporters found no one who admitted to double voting and discovered plausible explanations for many of the duplications. In one case, an Army captain in North Carolina shared the same name as his father in South Carolina. The father was likely mistakenly recorded under his son's name when he cast his ballot.	AP			
Multiple	Absentee					4			Yes		Jones	North Carolina	30-Oct-04	primary	Four men were charged with voting by absentee and on election day. Three denied the allegations or said they misunderstood the process.	AP			
Multiple				State							Gaston	North Carolina	16-Dec-04	presidential	There are differences in most precincts between the number of ballots cast and the number of people recorded as voting. State investigators have concluded there is no way to rule out double-voting or missing votes because poll workers cannot explain the discrepancies.	Charlotte Observer			
Multiple		Yes		Press					Turned out to be untrue		Ohio		2-Nov-04	presidential	Republican attorney cites a Plain Dealer report saying more than 27,000 people are registered to vote in both Ohio and Florida and that 100 people cast votes in both places four years ago. A Dispatch investigation of the allegations found little proof of duplicate voting after comparing the Ohio and Florida state databases and conducting further research. After culling the list through those methods, the Dispatch interviewed the people left in question. This failed to turn up anyone who had ever voted twice. Many had never been to Florida; some had never lived in Ohio.	Columbus Dispatch			
Multiple					BOE				1 of 18 found worthy of investigation	Yes	Summit	Ohio	8-Dec-04	local	The Director of the Board of Elections says the number of people under investigation for voting twice has decreased from 19 to 10. The board already determined that there were legitimate explanations for about half of the votes. In one case it appeared a man voted absentee and at the polling place but it turned out the absentee ballot had been cast by his son who has the same name.	Akron Beacon Journal		2/24/2005, Akron Beacon	
Multiple	Absentee								No indictment		London	Ohio	9-Dec-04	presidential	A couple who admitted voting twice were not indicted -- they voted by absentee ballot and then voted in person because they thought their absentee ballots had been lost	AP			

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Multiple	Absentee				BOE	1				Yes	Logan	Oklahoma	24-Feb-01	primary	A man is charged with voting twice, once by absentee and once on election day. Although election board officials said they haven't seen a case like this in twenty years, they won't dismiss the charge.	Daily Oklahoman			
Multiple	Absentee			State						Yes		Oregon	11-Apr-02	2000 general	The Secretary of State has referred five cases of possible double voting to the Attorney General (Oregon votes entirely by mail)	AP			
Multiple	In person	Yes		State BOE				1 of 1200 accusations found legitimate		Accusations		Oregon	16-May-04	2000	Republicans claimed 1,200 Oregonians had registered in two counties and voted twice. But a state Elections Division investigation found that just a handful of voters were registered to vote in two counties and one had cast more than one ballot	AP			
Multiple	In person	Yes		BOE					Found Untrue			Oregon	1-Nov-04	presidential	The state Republican Chair claims in a news conference that he has uncovered six cases of people voting twice. The elections division immediately showed that five of the voters had only voted once, and the sixth case had immediately been caught by election workers.	The Oregonian			
Multiple	In person			BOE					Found Untrue		Pawtucket	Rhode Island	14-Jan-03	General Assembly	The Pawtucket Board of Canvassers determined there was no truth to the allegation that Louis C. Yip, owner of the China Inn restaurant and a well-known developer, had shepherded the same couple to two different polling places, getting them to vote twice. City Registrar of Voters Dawn M. McCormick said that when voting records were checked, it turned out that the couple that Yip was accused of getting to vote at Towers East and Kennedy Housing was actually two different couples, both elderly and Chinese.	Providence Journal Bulletin			
Multiple				BOE							Hamilton County	Tennessee	19-Dec-02	county commission	The county election commissioner said she believed people were using other names to vote and that addresses were changed fraudulently. Voters sign fail-safe affidavits when they change their addresses and their voting records have not yet been updated. Oaths of identity are signed when voters have no other form of identification. The commissioner said she questioned the validity of 11 oaths of identity and 68 fail-safe affidavits in the District 4 election.	Chattanooga Times Free Press			

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Dead				Press						Yes		Tennessee	14-Dec-05	state senate	A second dead voter cast a ballot in the September special election held to fill the seat vacated by former state senator John Ford. Like a similar case documented earlier this week, this one involves an elderly voter who died weeks before the Sept. 15 election, an investigation by The Commercial Appeal found. Both of the suspect votes occurred in Precinct 27-1, in the heart of heavily Democratic North Memphis. By law, health officials report deaths once a month to the state Election Commission, which then purges the dead from voter registration rolls. In that window of time - a month or so before the election - there's a good chance dead voters will remain on the rolls on Election Day.	Commercial Appeal			
Multiple		Yes							Found to be mistakes		Houston	Texas	25-Nov-04	state legislature	State legislator who lost by 32 votes alleges 32 people voted twice and 101 residents from other districts cast ballots	Austin American Statesman	Most of the allegations seem to be cases of innocent mistakes that may have been technically illegal but not fraud	Houston Chronicle (January 16, 2005)	
Multiple	In person			County						Yes	San Juan	Texas	12-May-05	city	The county is investigating three voters suspected of voting early and on election day	The Monitor			
Both						6				Yes	King	Washington	22-Jun-05	gubernatorial	criminal charges filed against six voters for allegedly casting more than one ballot under a variety of circumstances: two for casting ballots in the names of recently deceased spouses; mother and daughter charged with casting a ballot in the name of recently deceased mother's dead husband; one for casting a ballot in the name of someone who had lived at the same address and died; one using someone else's name	Seattle Times	See Washington summary		
Multiple		Yes				1				Yes	King	Washington	13-Oct-05	gubernatorial	Republican officials release the names of 16 people they say voted twice. One person is found to be two people with the same name but different birthdates. Two names were referred to the prosecutors office, files were charged against one.	Seattle Times			
Multiple										Yes	King	Washington	14-Oct-05	gubernatorial and local primary	Woman on Republican list under investigation for double voting	Seattle Times			
Multiple	Absentee							1			Appleton	Wisconsin	12-Jan-05	nonpartisan election	student who voted by absentee ballot and in person at college sentenced to probation	Post Crescent			

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Multiple		Yes			US Attorney				clerical errors		Milwaukee	Wisconsin	22-Aug-05	presidential	GOP claims there were nine cases where people voted in Milwaukee and another city. US Attorney says he found no fraud, but rather clerical errors.	Journal Sentinel			
Multiple	In person					1				Yes	Milwaukee	Wisconsin	21-Sep-05	presidential	Man charged with voting twice said he filled out two on-site registration cards by mistake but voted only once	Journal Sentinel			
Multiple						4					Milwaukee	Wisconsin	5-Dec-05	presidential	Four people charged with double voting; none convicted	Milwaukee Journal Sentinel	see larger summary of Milwaukee		
Multiple											Laramie	Wyoming	2-Nov-04		Laramie County Clerks says there has never been any intentional double registration or double voting				
Multiple		Yes		State						Yes	national		23-Oct-02	presidential	RNC compiles a national database of 3,273 people who voted twice in 2000. In North Carolina, the first name on the list was the chair of the Assembly's election law committee, and the California Secretary of State says they will be able to refute the claims.	USA Today			

City/ County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Source 2	Source 3	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Jefferson County	Alabama	10-Jan-06	sheriff	Former sheriff and an attorney said in a federal criminal trial that they did not conspire to illegally run criminal history checks on absentee voters for the sheriff's election. Prosecutors say he started doing the check after he lost the election, while the sheriff says he did it to ferret out voter fraud	Birmingham News						
San Francisco	California	28-Nov-01	municipal	The Coast Guard found the lids to eight absentee ballot boxes floating in the bay, raising suspicions of tampering.	San Francisco Chronicle						
Compton	California	November 15, 2001; /11/16/2001	mayoral	Mayor Bradley accuses opponent of stuffing boxes with counterfeit ballots and having noncitizens vote	LA Times						
Broward	Florida	27-Jan-03	ohi	The lawyer for a board of elections employee said she discovered more than 500 unopened absentee ballots in the office mailroom two days after the election. According to the story she laid out to prosecutors, she notified her supervisor and was told there had been a mix-up and that the votes needed to disappear.	Brandenton Herald						
Detroit	Michigan	12-Nov-05	mayoral	Nearly 3000 votes were lost for two days as some were taken home by poll workers, others misplaced. Vote totals failed to add up correctly when the votes were restored.	Detroit Free Press						
Detroit	Michigan	26-Nov-05	mayoral	Detroit officials lost track of ballots in nine precincts and did not count them until two days after the polls closed; a poll worker took home two computer data packs containing ballot information and did not return them until the next day, leading to tampering allegations. Judge overseeing the recount orders more security for the ballots	Detroit Free Press						
Middlesex County	New Jersey	19-Jun-03	assembly primary	Assemblywoman Friscia's suit alleges that election workers told voters who to vote for; allowed two or three people to enter voting booths at the same time; permitted people to vote even though their home addresses and signatures did not match the elections register; allowed registered Republicans to vote in a Democratic primary; provided faulty voting machines; paid people to vote for Vas; allowed non-citizens to vote; refused to accept absentee ballots, and closed Friscia's own polling station in Woodbridge.	Home News Tribune						
Atlantic City	New Jersey	11-Nov-05	mayoral and city council	city council member accused of filing absentee ballot applications for 10 people without their authorization. The Attorney General charges councilman with 10 counts of tampering with public records and one count of hindering or preventing voting	AP						
Cleveland	Ohio	20-Jun-05	presidenti al	A Cleveland elections board employee is charged with changing the votes on ballots completed by five nursing home residents in favor of Bush	Yahoo News						

Hamilton County	Tennessee	18-Jan-03	district primary	The Tennessee Bureau of Investigation searched the home of former Hamilton County Election Commission employee Rita Jones on Friday and seized an undiscovered number of documents. Ms. Jones, a 14-year employee of the Election Commission, was fired two days after the Nov. 5 general election when officials discovered a box of 189 ballots had not been counted on Election Day.	Chattanooga Times Free Press						
San Antonio	Texas	10-Dec-02	unclear	The county election administrator found that ballot counters switched ballots from Republican to Democrat	San Antonio Express News						
Alamo	Texas	15-Dec-03	county commission	A supporter of one of the candidates alleges that he saw the mayor in the city secretary's office going over a list of residents that showed who had voted and who had not and that there were open mail-in ballots in front of them	The Monitor						
Ector County	Texas	15-Dec-04	county commission	On Election Day, Republican David Dunn had one more vote than his opponent for an Ector County commission seat. After a recount, he lost by a vote. He filed a lawsuit Tuesday accusing opponent Barbara Graff and elections administrator Sharon Wilson of election fraud. He accused Graff of ballot tampering during the recount, claiming she or her supporters doctored tally sheets. Wilson mishandled the recount, tossing out two duplicate ballots for Dunn, according to the suit.	AP						
Forney	Texas	13-Dec-05	mayoral	A judge found that votes cast by several people, including City Council member Andy Parker, could not be found in the ballot box. Mr. Parker testified during the seven-day trial that he had used ballot No. 331, but the No. 331 in the box did not match the way he voted. In all, 165 people testified that they had voted early for Mr. Wilson, while just 152 early votes were counted for him - something Judge Kupper called an "irreconcilable discrepancy." The Sheriff's Department is investigating	Dallas Morning News						
Salt Lake	Utah	20-Nov-02	County Council	County clerk candidate writes a letter to the Attorney General alleging altering of vote counts	Salt Lake Tribune						
King	Washington	26-May-05	gubernatorial	An election administrator admitted she falsified a report to make it appear that all absentee ballots were accounted for. It later proved inaccurate when workers discovered 95 unopened, uncounted absentee ballots in a warehouse. Republicans say of the 96 ballots, 47 came from Rossi districts and 28 Gregoire. Gregoire won four of the five King County precincts that recorded more votes than voters. Rossi won four of the six King County precincts that recorded more voters than votes. Republicans claim this proves ballot boxes were stuffed in precincts that favored Gregoire and ballots vanished in precincts favoring Rossi.	News Tribune				See Washington summary -- judge eventually found no fraud		

	Washington	30-May-05	gubernatorial	Republican attorneys allege King County election officials committee fraud by allowing illegal ballots in Democratic districts, ballot box stuffing and thefts of votes from the Republican candidate	The Olympian						
King	Washington		24-May-05 gubernatorial	GOP lawyer contends claim that the Democrats rigged the election by stuffing ballot boxes in the Democrat's two strongest precincts and by "losing" votes in two of the Republican's strongest precincts.	AP						

Los Angeles	California	7-Feb-03	neighborhood council	In the 2002 election two candidates had to be physically removed from the polling place, one for allegedly attempting to steal ballots. Charges of fraud and improprieties included photocopying ballots and stuffing ballot boxes. 135 more ballots than stakeholders were cast. After investigating, the city found no cause to dismiss the election and the League of Women Voters did not find any stuffing of the ballot boxes.	LA Weekly						
Durham	North Carolina	29-Mar-04	city council	poll worker adds ballots -- state board investigates but does not recommend criminal charges, instead recommending that the poll judges in that precinct step down	Herald Sun						
Gaston	North Carolina	16-Dec-04	presidential	There are differences in most precincts between the number of ballots cast and the number of people recorded as voting. State investigators have concluded there is no way to rule out double voting or missing votes because poll workers cannot explain the discrepancies. More than 13,000 votes were omitted from the county's unofficial results, including 1,200 votes from a Dallas precinct and about 12,000 early votes.	Charlotte Observer						

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Absentee

5/9/2007

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										Phillips	Arkansas	2-Nov-02	primary	The sanitation director for Helena, the Phillips County seat, admitted in court to illegally casting more than 25 absentee ballots in the Democratic primary in May.	Arkansas Democrat-Gazette			
										South Gate	California	28-Jan-03	Treasurer and city council recall	Supporters of the recall, which is being led by the city's two police unions, say city employees have been illegally filling out absentee ballots against the recall.	Los Angeles Times			
Forgery-Dead										Bridgeport	Connecticut	6-Sep-02		Election officials found an absentee ballot application for someone who is dead	Connecticut Post			
			Federal		2					Bridgeport and New Haven	Connecticut	4-Nov-02	probate judge	FBI is investigating potential absentee ballot fraud in Bridgeport Democratic primary and two men face absentee ballot charges involving 2 New Haven primaries	Connecticut Post			
Coercion					1			Yes		Hartford	Connecticut	12-Aug	state legislature	former state representative is charged with seven counts of absentee ballot fraud for absentee ballot coercion in a particular apartment complex	Hartford Courant			
Ineligible			BOE					Yes		Bridgeport	Connecticut	3-Dec-03	town committee	The elections commission wants four brothers to be charged with fraudulent voting for allegedly submitting illegal absentee ballots in the March 2002 Democratic Town Committee primary. The commission alleges that none of the brothers lived in Bridgeport when they voted in those city elections.	Connecticut Post			
Ineligible								Yes		Smyrna	Delaware	3-Aug-05	town	A challenger to the mayor who lost by 2 votes is suing the mayor for personally delivering absentee ballots to minority residents, some of whom were not eligible to vote	The News Journal			
Forgery-Unknown					4			Yes		Winter Garden	Florida	5-Mar-02	city commissioner	Four are charged with forging names on absentee ballots	AP			
Forgery-Other Voters			BOE					Yes		Volusia	Florida	3-Oct-03	city	Elections officials inquire into 43 absentee ballot request forms with the wrong date of birth and 3 requests with forged signatures	Orlando Sentinel			
Ineligible					1			Yes		Winter Haven	Florida	6-Jan-04	town	criminal complaint filed against woman for voting by absentee ballot when she did not live in the district	Polk Online			

Absentee

5/9/2007

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Coercion			County					Special Prosecutor found no determination of fraud		Hialeah	Florida	21-Mar-04	city council	Miami-Dade public corruption detectives fanned across Hialeah on Friday, questioning employees of the city's public housing agency, as well as friends and relatives of politicians aligned with Mayor Raul Martinez. Sources close to the investigation say those interviewed were asked about their alleged handling of absentee ballots gathered from voters - many of them elderly - in the city's public housing units.	Miami Herald	A special state prosecutor said he found no evidence of election fraud after a yearlong investigation of absentee voting at the Hialeah Housing Authority during that city's 2003 elections	Miami Herald, May 11, 2005	
Mishandling			Grand Jury							Orlando	Florida	5-Mar-05	mayoral	A grand jury is investigating the possible mishandling of absentee ballots by a minority voting advocate who has worked for many campaigns	Orlando Sentinel	All charges are dropped. Democrats allege the whole case was politically motivated; Florida prosecutors dropped a case charging the mayor with paying a campaign worker to collect absentee ballots. Three others indicted on the same charge were also cleared.	April 21, 2005, Orlando Sentinel	April 21, 2005, The New York Times
Coercion		Yes								Cook	Illinois	15-Mar-02	state	ACORN alleges that a man went to a senior citizen home and voted the seniors' absentee ballots	Chicago Sun-Times			
Coercion				Court				Election thrown out		Calumet City	Illinois	3-Sep-03	mayoral	A county judge threw out and reversed an election because of absentee coercion of disabled voters	Chicago Tribune			
Other Voters			DA						Yes	Marion	Indiana	1-Nov-02	county	The county prosecutor is investigating absentee ballots in which signatures don't match, voter's names were misspelled, and correction fluid was used to change te address	Indianapolis Star			
			State Police						Yes	Madison	Indiana	29-Apr-03	primary	State police are investigating whether Democratic primary absentee ballots were delivered to nursing homes that traditionally vote Republican	Herald Bulletin			
Forgery-Voters Who Moved			County						Yes	Lake	Indiana	11-Jul-03	town	Allegations are made of absentee ballots from voters who moved and forged signatures by one person. Case will be heard by a county judge	Northwest Indiana News			
Ineligible			BOE						Yes	Porter	Indiana	31-Mar-04	town	Elections board investigates allegations that two ineligible voters voted by absentee ballots	Northwest Indiana News			

016051

Absentee

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Type:	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charge (Individual)	Acquittal/Diagnosis	Convicted/guilty (Individual)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Forgery-Dead				Court					Yes	East Chicago	Indiana	23-Jun-04	mayoral	The Indiana Supreme Court is considering whether to order a special mayoral election. The losing candidate claims he would have won if not for hundreds of fraudulent absentee votes cast for his opponent, including some cast on behalf of dead voters	AP			
Mishandling/Ineligible					3				Yes	Anderson	Indiana	11-Dec-04	mayoral	The longtime Democratic Party chairman in Madison County is accused of illegally delivering absentee ballots cast by two Anderson residents. Another man is accused of 17 Class D felony charges for allegedly registering absentee voters, then telling them how to vote and picking up their ballots. A woman is accused of completing an absentee ballot in September 2003 that listed an address where she did not live.	Indianapolis Star			
Multiple				Court	4			Court invalidates 155 ballots	Yes	East Chicago	Indiana	August 6, 2003, August 8, 2003	mayoral primary	It is alleged that city workers were asked to vote absentee, acquire absentee applications, and given paid election day positions for bringing in absentee votes	Northwest Indiana News	four people indicted, one for receiving absentee ballots for people ineligible to vote, one for failing to appear before the grand jury, and two for voter fraud and lying to the grand jury; county judges tosses out 155 absentee ballots but this does not change the election outcome; DOJ begins investigating	WISH TV, November 18, 2003; Northwest Indiana Times, January 21, 2004	
Coercion			Police						Yes		Maine	13-Feb-04	state house	Police have begun investigating allegations that elderly voters were pressured into casting absentee ballots for a Green Independent candidate in Maine's special election. Chief Roger Beaupre said Thursday his department has received 10 complaints of voter intimidation from elderly voters who were told votes for candidates other than Green Independent candidate Dorothy Lafortune did not count.	AP			
Coercion			State Police							River Rouge	Michigan	4-Apr-01	mayoral	state police investigating absentee coercion in a senior apartment building	Yahoo News			

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge d (Individual)	Acquittal/Dissal	Convicted/guilty pleas (Individual)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Multiple			Federal	Court					Yes	Detroit	Michigan	8-Nov-05	mayoral	A lawsuit alleges the City Clerk's assistants have allowed voters to fill out ballots in group settings, didn't sign their names on ballot envelopes and advertised their services in nursing homes. She also sent 130,000 unsolicited absentee ballot applications defying a court order.	Detroit Free Press	County Circuit Court Judge ruled the Clerk violated the law; There is an election contest and a federal investigation involving irregularities with absentee ballots.	November 9, 2005 Detroit Free Press; November 24, 2005 Detroit Free Press	
Coercion	Yes								Yes	Houston	Mississippi	10-Nov-05	mayoral	Candidate files a complaint alleging 59 absentee ballots are questionable. He produced a letter from two elderly absentee voters saying they were given plates of food in exchange for allowing his opponent to fill out their ballots.	AP			
N/A	Yes										Missouri	19-Sep-04	gubernatorial	The state Democratic Party accused Republicans of coercion when they asked county clerks to send the names of people who had requested absentee ballots	AP			
			State/Federal						Yes	East St. Louis	Missouri	5-Jan-05	city	investigations by the state attorney and the FBI into unspecified absentee ballot fraud	Post Dispatch			
			Federal						Yes	Tonopah	Nevada	23-Oct-02	local general and primary election	The FBI investigates questionable absentee ballot requests	Pahrump Valley Times			
Forgery-Other Voters					1				Yes	Las Vegas	Nevada	28-Apr-03	assembly	Man is indicted because he voted other people's ballots using absentee voter forms for people who lived outside the district.	AP			
Coercion	Yes									Atlantic City	New Jersey	31-Oct-01	Mayoral	Mayor Whelan's campaign has alleged that street operatives for the mayor's challenger, Councilman Lorenzo Langford, tricked voters into requesting absentee ballots and then went to their homes to bully them into filling the ballots out for Langford. The Whelan campaign has also alleged that Langford has stockpiled absentee ballots to fill out fraudulently. The Langford campaign yesterday denounced Whelan's actions as a means of suppressing voter rights and said it would file a federal civil-rights lawsuit this week.	Philadelphia Inquirer			

016053

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge (Individuals)	Acquittal/Denial	Convicted/guilty (Individuals)	Other determination?	Follow-up possible? (Open Investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Multiple			State						Yes	Palisades Park	New Jersey	6-Nov-02		The Deputy Attorney General said in a court filing that the prosecutor is investigating four types of irregularities: "1) improprieties in the manner in which voters requested absentee ballots; 2) instances where the voter has stated that they received assistance in voting but that fact is not noted on the voter certification; 3) instances where the absentee ballot was delivered to the Board of Elections by a person other than the one to whom the voter gave the ballot; 4) instances where the voter gave an unmarked ballot to another person."	The Record	276 absentee ballots from the 2002 election in Palisades Park are still impounded in the office of Patricia DiCostanzo, the Bergen County superintendent of elections.	October 4, 2004, The Record	
Forgery		BOE							Yes	Atlantic City	New Jersey	9-Jul-03	county primary	Board of elections requests an inquiry into alleged forged absentee ballots	Atlantic County News			
Coercion/Forgery		Federal							Yes	Passaic	New Jersey	22-Sep-04	county	The FBI is investigating charges that voters targeted by a Democratic campaign had their signatures forged or had been pressured or misled into voting absentee	Heral News (Passaic)			
Forgery-Other Voters										New Jersey	New Jersey	4-Oct-04		In the city of Passaic, three dozen voters claimed they'd been victims of absentee ballot fraud in 2003.	The Record			
Coercion				Court					Yes	Albany County	New York	8-Mar-04	special primaries	131 absentee ballots were delivered by a ward leader, leading to vague allegations of coercion. All absentee ballots and machines impounded under a court order	Albany Times Union			
				Court				140 ballots thrown out		Albany County	New York	10-Mar-04	county legislature	One person filled in more than 140 signed absentee ballot applications, and there were other administrative errors in absentee ballot distribution and return. The candidates made a deal before the judge ruled on the case to have a special election; the absentee ballots are not counted	Albany Times Union			
		DA							Yes	Haskell	Oklahoma	7-Nov-02	district attorney	An absentee ballot scandal is being investigated in Haskell County, where one man allegedly admitted notarizing 42 absentee ballots without having the voters present while another man helped him, the District Attorney said.	Daily Oklahoman			
Coercion										Providence	Rhode Island	23-Aug-02	mayoral	Elderly woman says strangers coerced her into giving them her ballot	Providence Journal-Bulletin			

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Absentee

5/9/2007

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Multiple										Senate District 30	South Carolina	27-Sep-04	state senate primary	A person with connections to the Williams campaign nicknamed "The Voter Man" convinced elderly voters, some living in residential care facilities, to fill out absentee ballot registration forms. Some say they never received a ballot, even though records indicate a ballot was cast in their names. * At least one staff member at a Mullins care facility said non-communicative Alzheimer's patients were coaxed into casting absentee ballots. * Another person with ties to the Williams campaign turned in nearly 60 absentee ballots to election officials, many from elderly voters. While not technically illegal, the volume of absentee votes raised eyebrows within the Norwood campaign. As a result of suspected fraud the party ordered a new election and the cases are being criminally investigated.	The State			
			State Federal			1					South Dakota	20-Oct-02	state wide	several counties forward questionable absentee ballot requests	Angus Leader	October 25, 2002: Red Earth Villeda, a former Democratic contractor is investigated; October 27, 2002: State and federal agents target 25 South Dakota counties; October 31, 2002: no illegally cast ballots are found (see South Dakota summary)	Angus Leader	
Forgery-Unknown			DA					Yes		Shannon	South Dakota	30-Oct-04	presidential	The prosecutor in Fall River County says he will investigate possible multiple voting by absentee ballot. The multiple ballots were cast by fewer than 10 people	AP			

Absentee

5/9/2007

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					4		4			Sioux Falls	South Dakota	2-Nov-04	senatorial	Three former Republican notary publics pled guilty to signing absentee ballots without witnessing the signatures. Three other former GOP workers are charged, as is one Daschle staff person accused of not being present for two notary applications. Officials say none of the incidents affected any votes	AP	A fourth former employee of the South Dakota Republican Party's get-out-the-vote operation has pleaded guilty to improperly notarizing absentee-ballot re-quests, and another who had pleaded not guilty will appear in court next week to change his plea. Six workers for the GOP Victory effort resigned last month after questions surfaced about some absentee-ballot applications collected at college campuses across the state. Charges were filed after officials said the workers notarized applications collected by other workers, violating a state law that requires notaries to witness documents being signed before they can give them their official seal.	November 4, 2004, Argus Leader	
Coercion	Yes									Dallas	Texas	10-May-01	district council	Both candidates accuse the other of manipulating the absentee ballot votes of senior citizens	Dallas Observer			
Forgery-Other Voters					1			Yes		Dallas	Texas	16-May-01	city council	Several affidavits alleging mail-in voter fraud have been submitted to the Dallas County district attorney's office, according to election officials. But prosecutors have declined to comment about whether those allegations, or any others, would result in a criminal complaint.	Dallas Morning News	A voter fraud investigation has resulted in the indictment of a Dallas woman who is accused of filling out a mail-in ballot in May without the voter's permission, a Dallas prosecutor said Tuesday.	February 13, 2002, Fort-Worth Star Telegram	
Forgery										Dallas	Texas	27-Jul-02	district council	A candidate for the council alleged three campaign workers spent Friday reviewing mail-in ballots and applications for the ballots and found at least 69 that they believe might have forged signatures on either document.	Fort Worth Star-Telegram			
Forgery-Unknown			DA					Yes		Dallas	Texas	22-Apr-03	city council	A candidate submitted 12 absentee ballot applications with forged signatures. The DA is investigating.	Dallas Morning News			

Absentee

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Forgery-Other Voters					17		5			Hearne	Texas	18-Oct-03	municipal	Man fined and sentenced to five years probation for voting in the names of three dozen other people by absentee ballot. He is the fifth person to plead guilty to similar charges brought by a grand jury in August. 17 were indicted.	Houston Chronicle			
Forgery-Unknown					30			Yes		Hearne	Texas	28-Dec-03	mayoral	30 people were indicted for forged absentee ballot applications and sending in multiple absentee ballots	Star Telegram			
Forgery-Unknown/Dead/Other Voters					5					El Paso	Texas	12-Feb-04	water board	Several mail in ballot requests appeared to be filled out by the same person and a few were in the names of dead people. A precinct chairwoman was charged with four counts of tampering with government records	Assoc Press	Five people have been charged with sending in absentee ballot applications in the names of other people	2/13/2004, El Paso Times	
Multiple										Hidalgo	Texas	3-Mar-04	miscellaneous, from congress to judge's race	Complaints were made to the Board of Elections against workers for several campaigns of irregularities concerning absentee ballots, including coercion of elderly voters, a complaint that someone requested an absentee ballot for a dead voter; four people said their ballots were already sealed when they received them, and a voter whos absentee ballot that was sent elsewhere	The Monitor			
Forgery-Dead			DA					Yes		Bexar	Texas	25-Mar-04	congressional	The names of 42 deceased people, most of whom lived on the South Side, appeared on applications for mail-in ballots that were submitted to election officials for the primaries. A computer at the Bexar County elections office flagged the applications and the district attorney's office is investigating. No ballots appear to have been sent to a dead person as a result of the applications, election officials have said. However, the applications were cited by Henry Cuellar - a Democratic candi-date for the District 28 congressional seat who lost by 145 votes - as one of several concerns that persuaded him to call for a recount this week. The list of applicants includes next-door neighbors, people who never voted when they were alive, and two who died in 1988.	San Antonio Express-News			

Absentee

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														All but one bear the deceased's correct voter registration number. Each had the correct address and voting precinct, and all indicated the voter was older than 65, which is one of the reasons individuals may obtain a mail-in ballot. But whoever filled out many of the applications didn't alter his or her handwriting on the forms, all of which supposedly were done by the individual voters. Two batches of the falsified documents show clear similarities.				
Coercion										South San Antonio	Texas	23-May-04		Elderly voters complain of "vote brokering" whereby "coyotes" pressure them into voting by absentee ballot. Investigators have looked into this in the past, and there has only been one conviction of someone pressuring others to vote absentee.	San Antonio Express-News			
Forgery-Dead			DA						Yes	Robstown	Texas	27-May-04	school district	The District Attorney requested a recount of ballots because of many complaints of people filing mail-in ballots sent to homes of people who have died. One of the candidates says that in one instance a wife mailed in the ballot of her husband who just died, and another was a son's vote being mistaken for the father's because they had the same name.	Corpus Christi Caller-Times			

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge (Individuals)	Acquittal/Dissal	Convicted/guilty (Individuals)	Other determination?	Follow-up possible? (Open Investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Multiple			Police		5				Yes	Falfurrias	Texas	11-Sep-04	city	After a May 26 recount, Jaime received 501 votes and Martinez wound up with 500 votes. In June, Martinez filed an election contest in district court claiming that "numerous co-conspirators" obtained votes by instructing the voters to cast their ballots for particular candidates. But a criminal investigation into voting violations started before voters cast the final ballots, according to a police report. So far, the criminal investigation has resulted in five felony and one misdemeanor indictments: Santiago Vela was indicted on a bribery charge; Armando Gon-zalez, Vanessa Kiser and Roel Mireles were indicted on illegal voting charges; Magdalena Saenz was indicted on an unlawful delivery of a voting certificate charge. One woman, Mima Quintanilla, was indicted on a misdemeanor charge for allegedly filling out a mail-in ballot for a voter without permission.	Corpus Christi Caller-Times			
	Yes									Houston	Texas	11-Nov-05	mayoral	Candidate alleges that 64 of the 579 absentee ballots cast in the primary are questionable.	AP			
Tampering			Police							Hidalgo	Texas	004, March 6,	primary	Texas Rangers investigate tampering with mail ballots by "polltiqueras"	The Monitor			
Coercion					1			Yes		Gate City	Virginia	2-Aug-05	mayor	mayor is indicted on 37 felony counts of voter fraud for coercing choices on absentee ballots	Roanoke Times	The former mayor was arraigned in Scott County Circuit Court. He entered not guilty pleas to 18 charges of aiding and abetting in violating the absentee voting process, 17 charges of making a false statement on an absentee ballot application, and two charges of conspiracy. Authorities say he targeted elderly and unsophisticated voters, pressuring them to give false reasons for voting absentee and sometimes filling out their ballots himself.	8/17/2005, Roanoke Times	

016059

Absentee

5/9/2007

Type:	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge d. (individuals)	Acquittal/Diemsal	Convicted/guilty (individuals)	Other determination?	Follow-up possible? (Open Investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Forgery-Voters/Coercion			DA						Yes	Milwaukee	Wisconsin	5-Mar-03	county board recall	A police handwriting expert labeled signatures on 60 absentee ballot envelopes suspicious and elections officials and the DA questioned 36 more. The 96 are among 182 that were distributed to 5th District voters by the African American Coalition for Empowerment. The group had residents agree to ask the city to send absentee ballots to their offices rather than directly to the voters. The group then went to the homes, witnessed the votes and returned the ballots.	Milwaukee Journal Sentinel			
Forgery-Other Voter							1			Milwaukee	Wisconsin	15-Jan-04	county recall	A voting rights activist was convicted of three felony counts stemming from his management of an absentee ballot campaign. Although evidence suggested forgery and other mischief, the case turned on one voter registration card. The voter had his signature forged by his girlfriend, and the activist had signed the form as a deputy registrar.	Milwaukee Journal Sentinel			
Forgery-Unknown							1			Milwaukee	Wisconsin	20-Feb-04	county recall	One person is convicted for forging absentee ballots	Milwaukee Journal Sentinel			

Intimidation and Suppression

5/9/2007

Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigator?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty pleas (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Challenges	Yes		third-party							Alabama	29-Aug-04	city council	About 50 challenged ballots in a Bayou La Batre City Council contest have stirred discrimination concerns because they were all demanded from Asian-American voters. Fred Marceaux of Coden, an advocate for the Asian community, called the challenged ballots "scare tactics." By all accounts, the voters were challenged to their faces as they walked into the polling place at the Bayou La Batre Community Center. Being publicly confronted on their first trip to the voting booth visibly up-set many of those who were challenged. Until this year, Asians here have seemed reluctant to step into local politics, preferring to live as a self-contained community for the most part.	AP		
Polling Place Harassment			Pollworker/third-party						Yes	Arizona	1-Oct-04	presidential	A pollworker says that during the primary two men came in and said they were checking the polls to see if illegal aliens were voting. They said the name of their organization was Truth in Action. A voting rights advocate says the group was visiting many poll sites. The editor of the organization's website says he visited the polls wearing a black t-shirt with "US Constitutional Enforcement" on the back and the image of a badge on the front. He carried tools, a camera and a video recorder to "film all the conversations I had." He said that for the general election, if he sees "a busload of Hispanic individuals who didn't speak English and who voted," he plans to follow that bus to make sure they aren't voting more than once.	The Progressive		
Structural Barrier									Yes	Arizona	6-Nov-05		In Phoenix (Maricopa County) more than 10,000 people trying to register have been rejected for being unable to prove their citizenship. Yvonne Reed, a spokesman for the recorder's office, said that most are probably U.S. citizens whose married names differ from the ones on their birth certificates or who have lost documentation. She hopes the number of rejected voters shrinks as election officials explain the new requirements. But, she said, "there will be an amount of people who we will not be able to get on the rolls because of not being able to find the right documents or just losing interest." In Tucson (Pima County) 60 percent of those who tried to register initially could not. Elections chief Chris Roads said that all appeared to be U.S. citizens, but many had moved to Arizona recently and couldn't access their birth certificates or passports. Many of those prospective voters have since been able to register, but Roads said about 1,000 citizens are still unable to vote in this week's election because of Proposition 200 requirements.	Los Angeles Times		
Challenges	Yes	Yes								Arkansas	31-Oct-02		State Democratic Party Chair accuses a Republican poll worker of focusing only on black and elderly voters during his challenges.	Arkansas Democrat Gazette		

Intimidation and Suppression

5/9/2007

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Polling Place Harassment	Yes	Yes							Yes	Arkansas	6-Nov-02		In Arkansas, where voters were allowed to cast their ballots up to two weeks early to lessen the pressure on election day, there were allegations of intimidation in the early voting. Democrats claimed that black voters were photographed as they arrived at polling booths and had their identities subjected to disproportionate scrutiny.	The Guardian		
Polling Place Harassment	Yes	Yes							Yes	Arkansas	30-Dec-02		Democrats accused Republican poll watchers of driving away voters in predominantly black precincts by taking photos of them and demanding identification during early voting	The American Prospect		
Polling Place Harassment	Yes	Yes								Arkansas	17-Nov-04	presidential	DNC Chair says black voters in Arkansas were harassed during early voting	Ethnic News Watch		
Polling Place Harassment		Yes							Yes	California	14-Nov-01	mayoral	The ousted mayor's attorney, in a legal challenge to the election, said he intends to show that Perrodin's supporters pulled guns on voters at precincts	AP		
Police		Yes								California	28-Jan-03	treasurer and city council recall	The anti-recall camp accuses police officers of harassment and of "staring down" residents.	Los Angeles Times		
Pollworkers	Yes		Third-party							California	5-Nov-03	local	Latino community organizer tells city council panel that Latinos have experienced poll workers who intimidate Latinos by illegally asking them to show identification.	Union-Tribune		
Pollworkers/ID	Yes		Third-party						Yes	California	2-Feb-04	mayoral	A group called the People of Color Caucus alleged that some Latinas wearing Gonzalez buttons were told they were not allowed to vote	Los Angeles Times		
Challenges		Yes							Yes	Colorado	28-Oct-04	presidential	Democrats fear what they believe to be a plan by Republicans to challenge new voters, especially students at the University of Colorado at Boulder who may seek to use student IDs as proof of identification at the polls. State GOP brass said they have no such plan.	Denver Post		
Police										Connecticut	11-Nov-02	congressional	U.S. Representative tells Republican registrars to request police supervision at the polls if they are concerned about fraud or disturbance	The Day Online		
Pollworkers	Yes			Federal Observers					Yes	Florida	23-May-02	2001 special election	Federal observers found pollworkers downright "hostile" to Hispanics, even insisting that voters must speak English to vote	St. Petersburg Times		
Challenges		Yes								Florida	1-Nov-02		Citing fears of voter intimidation and a repeat by GOP operatives to "barrage polling places," local Democrats - including former U.S. Attorney General Janet Reno and U.S. Rep. Carrie Meek - are suing to block Miami-Dade County from allowing a Republican political action committee to put poll watchers inside the county's precincts Tuesday.	Miami Herald		

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Intimidation and Suppression

5/8/2007

Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individual)	Acquitted/Dismissal	Convicted/guilty pleas (Individual)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Purge	Yes	Yes								Florida	22-Jun-04	presidential	Harkening back to the 1960s, when Southern states used poll taxes and intimidation to shut blacks out of elections, the Rev. Jesse Jackson on Monday accused Florida Gov. Jeb Bush of engaging in "disenfranchisement schemes" by asking counties to purge felons from voter rolls. "This is a typical South [tactic], denying the right to vote based on race and class," Jackson said. "You see classical voter disenfranchisement. These schemes to deny or suppress voters are not new schemes."	Miami Herald		
Police	Yes			Federal					Yes	Florida	19-Sep-04	presidential	The Justice Department is investigating accusations that Florida law enforcement officers intimidated elderly black voters during a probe of voting fraud in the Orlando mayoral election. Civil rights groups and Democrats contend that the agents presence and behavior, including allegedly displaying their guns, intimidated the minority voters they visited.	AP		
Pollworkers/ID			Third-party							Florida	1-Oct-04	presidential	Representatives from People for the American Way saw poll workers turn back registered voters who did not have ID, although that is not required. A spokeswoman from Election Protection says that several voters report being asked if they are citizens during early voting.	The Progressive		
Challenges		Yes								Florida	16-Oct-04	presidential	Democratic election lawyer says Republican plans to challenge voters at the polls may intimidate voters.	St. Petersburg Times		
Polling Place Harrassment										Florida	25-Oct-04	presidential	Two white men were filming voters as they entered the poll site in a presumed attempt at intimidation.	Financial Times		
Pollsite Intimidation (third-party)		Yes							Yes	Florida	26-Oct-04	presidential	The Republican Party distributed to the media affidavits from anonymous voters claiming to be harassed at polling sites in Miami, Pembroke Pines, Boca Raton, Plantation, St. Petersburg, Jacksonville Apopka and Tallahassee.	Miami Herald		
Multiple		Yes								Florida	27-Oct-04	presidential	Democratic National Committee (DNC) Chairman Terry McAuliffe has accused Republicans of engaging in "systematic efforts" to disenfranchise voters, imposing unlawful identification requirements on voters, throwing eligible voters off the rolls and depriving voters of their right to cast a provisional ballot.	Washington Times		
Challenges		Yes								Florida	29-Oct-04	presidential	Democrats have complained that GOP poll watchers will issue challenges in order to slow down the voting process and drive people away from the polls.	Palm Beach Post		

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Intimidation and Suppression

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted / guilty pleas (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution, if any
Challenges	Yes	Yes								Florida	30-Oct-04	presidential	Democrats fear Republicans will systematically challenge black and Hispanic voters and create long lines at the polls. The suspicions were fed by reports that Republicans had a list of 1,866 voters they were planning to challenge in predominantly black areas of Jacksonville.	Orlando Sentinel	In the Jacksonville area, Republicans say they have a list of 2,663 newly registered voters from mostly Democratic black communities whose registration could be fraudulent. Republicans have said that poll watchers will enforce a portion of Florida law allowing poll watchers to challenge a voter at the polls. The St. Petersburg Times on Thursday quoted Gov. Jeb Bush as saying he would not have a problem with Republican poll watchers challenging the eligibility of voters	The Ledger, October 31, 2004
Challenges	Yes		Third-party						Yes	Florida	30-Oct-04	presidential	Based on a 1982 consent decree, The Advancement Project filed a lawsuit asking a federal district court in New Jersey to ban GOP poll watcher activities in heavily minority precincts in Florida. The suit contends that in New Jersey, Louisiana, and North Carolina, the RNC sent mass mailers to thousands of voters registered predominantly in black precincts. When thousands were returned because of incorrect addresses, those names went on lists for challenges. The GOP says it has just done a mass mailer to new voters.	Tampa Tribune		
Polling Place Harrassment		Yes								Florida	30-Oct-04	presidential	At one polling station, Republicans claimed that Democratic poll watchers were approaching Republican voters and shouting "There's a dirty Bush supporter!" as they waited on line.	Ottawa Citizen		
Polling Place Harrassment		Yes								Florida	30-Oct-04	presidential	Democratic poll workers say Republican poll workers are intimidating Kerry supporters, staring at them and refusing to move away if they decline to accept a Bush-Kerry sticker.	The Boston Globe		
Polling Place Harrassment		Yes								Florida	30-Oct-04	presidential	A Republican Party spokesman said elderly voters standing in line at early polling places who refuse to accept Kerry stickers have been harassed with shouts of "Hey, we've got a Bush voter here!" He says Republican poll watchers and volunteers have been "pretty much continually harassed and intimidated."	The Boston Globe		
Challenges	Yes	Yes								Florida	31-Oct-04	presidential	Democrats say Republicans are disproportionately putting poll watchers in predominantly minority precincts and said it could signal plans to intimidate or slow down voters. In Miami-Dade County, Democrats said 59% of predominantly black precincts have at least one Republican poll watcher, while 24% of predominantly white precincts have them. In Leon County, 64% of black precincts have at least one Republican poll watcher compared with 24% of majority white precincts. In Alachua, 71% of black precincts have a Republican poll watcher assigned, while 24% of white precincts do.	St. Petersburg Times		

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Polling Place Harassment	Yes		Third-party							Florida	1-Nov-04	presidential	Election Protection reports that Haitian Americans complained that "thugs" had walked along the waiting lines at an early polling site and demanded to see identification, while telling voters they could be deported.	Cox News Service		
Challenges					Police Action					Florida	3-Nov-04	presidential	Four GOP poll watchers were ejected from the polls by police and another was "threatened by poll workers for telling them to assign voters provisional ballots. These are people without IDs or even listed on the voter roll," according to a party statement.	Boston Globe		
Challenges										Florida	3-Nov-04	presidential	GOP challengers were monitoring the polls, armed with packets that included color mug shots of felons the party said were improperly included on the voting rolls. At the urging of the Bush campaign, some of the poll watchers were wearing buttons, hats or T-shirts that said "voting rights counselor."	Washington Post		
Police	Yes	Yes							Yes	Florida	3-Nov-04	presidential	At Midway Elementary School east of Sanford, a predominantly black voter pre-cinct, Democratic officials complained a large law-enforcement presence intimidated voters. A deputy sheriff assigned to the precinct moved his patrol car, with his police dog inside, after Democrats complained to the Seminole County Sheriff's Office about it being parked at the entrance to the parking lot, where they said there were as many as four deputies at a time.	Orlando Sentinel		
Polling Place Harassment					Elections officials					Florida	2-Mar-05	presidential	Shouting matches and rowdy behavior forced elections officials across the state to step in to keep the peace. Voters reported being harassed and intimidated at the polls.	Orlando Sentinel		
Pollworkers			Voters							Georgia	3-Nov-04	presidential	Many voters said they were denied provisional ballots or had to argue with poll workers to get them.	Atlanta Journal Constitution		

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Challenges	Yes				Court				Yes	Georgia	28-Oct-04	presidential	<p>95 people who make up more than three-quarters of a rural Georgia county's registered Hispanic voters were summoned to a courthouse Thursday to defend their right to vote after a complaint alleged a county commissioner attempted to register non-U.S. citizens. The Atkinson County Board of Registrars, however, dismissed most of the complaint at the beginning of the hearing, saying the case could open the county to charges of violating the Voting Rights Act. Remaining complaints against two voters were dropped when the complainants declined to present any evidence against them. The three men who filed the complaint had said they have evidence a county commissioner attempted to help non-U.S. citizens register so they could vote for him in the July 20 Democratic primary. Lawyers from the ACLU and the Mexican American Legal Defense and Education Fund got involved because the men filed the challenges based on a list they had received from the Board of Registrars of all Hispanics registered in the south Georgia county.</p> <p>Linda Davis, chief registrar in Atkinson County, said she provided the men with a list of the 121 voters on the rolls who listed their race as Hispanic or Mexican. She said the men decided to challenge 95 of them.</p>			
State Suppression	Yes			Federal					Yes	Indiana	21-Apr-04	mayoral	<p>The Mexican American Legal Defense and Educational Fund filed a federal law-suit last October alleging that election officials conspired to persuade Hispanics to vote by absentee ballot and limit their access to the polls in the 2003 Democratic primary. The U.S. Attorney's Office is investigating similar allegations. The lawsuit seeks to overturn the election of Mayor Robert Pastrick, who de-feated challenger George Pabey, who is of Puerto Rican descent.</p>	AP		

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Suppression	Yes									Indiana	7-Oct-04	presidential	<p>Persistent warnings about terrorism also have drawn skepticism from some Democratic election officials and civil rights advocates who have accused the Republican White House of creating a climate of fear that, among other things, could suppress voter turnout. Heavy voter turnout historically has favored Democrats in U.S. elections.</p> <p>Some local officials in Indiana accused Secretary of State Todd Rokita, a Republican, of trying to intimidate voters after he asked election clerks to develop responses to "an immediate and present danger." Engy Abdelkader, civil rights director for the Council on American-Islamic Relations, says that Arab-Americans and other minorities could choose to stay away from the polls if they believe that federal agents will be questioning people there.</p>	USA Today		
Challenges					Police Action					Kentucky	29-May-02	county clerk primary	<p>A poll worker, Jeff Farmer, was stationed at Horse Creek Elementary School as a "challenger," someone who observes the process and can ask voters to prove identities or addresses. The sheriff said Farmer was warned after interfering with voters. "I told him to sit his ass down," Jordan said.</p> <p>When Farmer went outside about 10:30 a.m. and began "pulling voters out of line," according to Jordan, a sheriff's deputy told him to leave or face arrest. Farmer had a different version of events, saying he went out to smoke and wasn't allowed back in.</p>	Lexington Herald Leader		
Challenges	Yes		Third-party							Kentucky	31-Oct-03	gubernatorial	<p>A flyer written and distributed by the Republican in charge of recruiting poll workers asserts that in three previous races the NAACP and the Philip Randolph Institute have targeted "poor, black voters" and encouraged them to "commit voter fraud." Civil rights leaders say this shows that the Republican plan to put challengers in predominantly African American poll sites is racially based. The Republican County chair had announced that Republicans would place challengers at 59 precincts that were either chosen at random or because there were too few election workers.</p>	The Courier-Journal		

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Challenges	Yes				Court				Yes	Kentucky	2-Nov-03	gubernatorial	Black voters in Louisville sued Friday over a Republican plan to put vote "challengers" in dozens of black precincts	AP	A judge turned down a request Monday to block Republican poll challengers from observing Tuesday's election in predominantly black neighborhoods of the city. Jefferson County Circuit Judge Thomas Wine denied a restraining order sought by the American Civil Liberties Union of Kentucky, which claimed the poll watch-ers could intimidate minority voters or slow voting. The ACLU also filed suit in federal court seeking to bar the poll challeng-ers, but there has been no hearing.	AP, November 4, 2003
Challenges	Yes		Third-party							Kentucky	4-Nov-03	gubernatorial	Republicans plan to deploy "a small army" of challengers in Jefferson County. Critics say the mobilization of mostly white challengers in poorer minority districts is intended to intimidate. Black leaders held a rally decrying the Republican initiative.	Christian Science Monitor	Precinct workers in western Louisville and Newburg reported no problems with Republican vote challengers and predicted a high voter turnout yesterday - in contrast to fears that the challengers would intimidate black voters and keep them from the polls. Even as the number of targeted precincts dropped to 18 because of staffing and training issues, the controversy drew national attention, with the Democratic National Committee and the National Association for the Advancement of Colored People sending personnel to help organize a get-out-the-vote effort. The NAACP also stationed volunteers outside polling places to ensure that voters were treated fairly.	The Courier Journal, November 5, 2003
Challenges	Yes									Kentucky	3-Aug-04	presidential	A group of Republicans called on the county party chair to resign because of plans to use voter challengers in the election. In 2003, the party used Republicans from across the county to watch voting in 18 predominantly Democratic districts -- most of them with large numbers of black voters.	Courier Journal		
Police				Police						Louisiana	7-Oct-03	sheriff	Tangipahoa Parish Sheriff Ed Layrisson said Monday he has suspended two deputies while his office investigates allegations of public intimidation against them. The deputies were at a polling place Saturday and allegedly asked several people in a group how they planned to vote in the sheriff's race, authorities said. The deputies "have adamantly denied the allegation," Layrisson said. He said the deputies were not in uniform, but were carrying their badges and weapons.	The Advocate		
Pollworkers/ID			third-party							Louisiana	2-Nov-04	presidential	Louisiana Election Protection says it received many complaints of voters being denied the right to vote if they did not have a drivers license.	AP		

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Police		Yes								Maryland	5-Nov-02	gubernatorial	The Democratic National Committee filed a lawsuit seeking to prevent the Ehrlich campaign from using off-duty police officers as poll workers. The Democrats dropped the action when the campaign agreed the officers would not wear uniforms, badges or sidearms or identify themselves as police officers.	Washington Post		
State Suppression		Yes								Maryland	6-Nov-02	statewide	In Maryland, David Paulson, the director of communications for the state Democratic Party, charged that signs saying voters needed photo identification to vote had been "illegally" or "extralegally" placed by the Board of Elections in Prince George's County, just outside of Washington. Photo identification has never been required for voters there, he said.	UPI		
Polling Place Harassment	Yes				City					Massachusetts	12-Mar-05		In 2002, there were allegations that Russian and Chinese voters were being told how to vote by translators in a Brighton precinct that is home to the Jewish Community Housing for the Elderly complex on Wallingford Road. After those allegations, the city changed the rules at the polling place located there: Now, no resident of the building is allowed to work as an elections official there.	Boston Globe		
State Suppression/Pollworkers	Yes			Federal				Yes		Massachusetts	30-Jul-05		In a lawsuit filed yesterday, the Justice Department alleges that the city and its poll workers interfered with voters' rights by "improperly influencing, coercing, or ignoring the ballot choices of limited English proficient Hispanic and Asian-American voters" and of generally "abridging" their voting rights by treating Hispanic and Asian voters disrespectfully at the polls and by failing to provide adequate translation services for them.	Boston Globe		
Pollworkers	Yes			Third-party						Massachusetts	18-Aug-05	presidential	A survey by the Asian American Legal Defense and Education Fund found 10 voters who had been turned away because their names were not on the rolls and who were not offered provisional ballots as required by law.	Boston Globe		

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Challenges	Yes		Precinct Chair		Police					Michigan	6-Nov-02		Trouble was reported at Bowen Recreation Center in Pontiac, where police were called after voters and election workers complained that a Republican Party volunteer was harassing people. Precinct chairwoman Linda Nichols said the woman, who identified herself as Teresa Sayer, came to the poll after leaving another location where voters had complained that she was questioning whether they were eligible to vote. "She would be behind the shoulder of the poll worker telling them what they could and could not do," Nichols said. "She even got behind the voter when they were going into the voting booth, asking them if they had identification." State election officials say challengers are not allowed to talk directly to voters but can question the veracity of a voter with poll chairpersons. State Republican officials denied that the woman was intimidating voters at the polling place. The precinct, on Bagley near Orchard Lake, is heavily Democratic and black.	Detroit News		
Other	Yes									Michigan	18-Sep-04	presidential	Democrats were outraged when Republican state representative John Pappageorge was quoted in July as warning that "if we do not suppress the Detroit vote, we're going to have a tough time in this election." Detroit is 83% black.	San Francisco Chronicle		
Challenges	Yes	Yes							Yes	Michigan	4-Nov-04	presidential	Reggie Turner, a Detroit lawyer with the Kerry campaign, complained of voter intimidation by GOP challengers at Detroit sites. "The documented incidents of intimidation and harassment that we have in our files are right out of the stories regarding harassment and intimidation in the South in the 1950s and 1960s," Turner said. GOP challengers harassed people in line to vote, requesting identification when they had no right to, and had lists of voters "they intended to challenge without any legal basis for such challenges." The GOP's Paolino said the lists were of newly registered Detroit voters to whom the GOP had sent mailings that came back from the post office as address unknown.	Detroit Free Press		

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Challenges	Yes		Third-party		Federal Court					Michigan	8-Nov-05	mayoral	The NAACP has received more than 100 complaints including ones involving intimidation at the polls. There were many fights between challengers and poll workers.	Detroit Free Press	A US District judge ordered all political parties to refrain from talking to voters at the polls. The ruling came in response to a suit filed by the Detroit NAACP which said it had received complaints from 19 polling places that state and national GOP poll monitors were harassing voters. Republicans disputed the claim. The suit charged GOP workers were harassing voters in violation of a state law that prohibits challengers from talking to voters. The suit also said the watchers challenged the eligibility of Detroit voters to cast ballots, prompting some to leave without voting. The Detroit NAACP president said it was an attempt to reduce the black vote in next years state and congressional elections.	November 9, 2003 Detroit Free Press
Challenges	Yes		third-party					Yes		Minnesota	3-Nov-04	presidential	Republicans systematically challenged a group of voters brought in by a nonprofit group and a group from a shelter. At another site, a minority group advocate accused a Republican challenger of intimidating American Indian and black voters.	Duluth News-Tribune		
Pollsite Intimidation (third-party)					Court					Minnesota	3-Nov-04	presidential	Secretary of State Kiffmeyer said her office received about 140 complaints about MoveOn. Minnesota Republican Party leaders tried and failed to get a restraining order against the MoveOn organization, which they accused of stationing activists too close to polling places Tuesday. But the judge disagreed. "The evidence has consisted almost entirely of hearsay," said Hennepin County District Judge Francis Connelly after a two-hour hearing Tuesday afternoon.	St. Paul Pioneer Press		
Challenges	Yes		Local Officials						Yes	Minnesota	3-Nov-04	presidential	Officials in Beltrami County and throughout the Twin Cities reported seeing poll challengers increasingly focused on polling places with particularly heavy populations of specific groups. Examples of those specific groups were college students, Indians on reservations, minorities or the homeless. In one case, the chairman of a Minnesota Indian tribe accused Republican poll challengers of intimidating legitimate voters by aggressively challenging their residency.	Star Tribune		

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Challenges	Yes		third-party		Police Action					Minnesota	22-Mar-05	presidential	A get out the vote activist and an election judge say that a Republican operative improperly challenged so many Indian voters at the reservation on Election Day that the challenger eventually was removed by tribal police. Director of Minnesota Election Protection 2004 said that most of the 46 complaints that her group forwarded to the national database had to do with "overzealous partisan challengers." The challenges were often based "on the way a person looked" or the fact that the person was not speaking English.	Star Tribune		
Challenges	Yes		third-party							Missouri	28-Oct-04	presidential	Civil rights groups accuse the Republican Party of hiring hundreds of poll challengers as part of an effort to suppress the black vote in St. Louis. The Republican Party strongly denies this.	AP		
N/A									Yes	national	15-Oct-04	presidential	The Justice Department is ill prepared to handle a large influx of complaints about voting rights violations in the Nov. 2 presidential election, according to a report released yesterday by the Government Accountability Office. The Justice Department "lacks a clear plan" to reliably document and track allegations in a manner that could allow monitors to swiftly pick up patterns of abuse and take corrective steps, according to the GAO, Congress's nonpartisan investigative arm.	Washington Post		
Polling Place Harrassment (third-party)		Yes			Court				Yes	national	3-Nov-04	presidential	Republicans filed complaints with courts about poll monitors from the liberal group Moveon.org "intimidating" voters in New Hampshire, Iowa, Minnesota, Colorado and Michigan - all close states. Moveon.org's Eli Pariser said the GOP charges were intended to "create a false and distorted record to assist them in any legal challenges."	New York Daily News		

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Pollworkers/ID	Yes			third-party					Yes	national	4-Nov-04	presidential	Racial slurs from election workers, missing bilingual ballots and unwarranted demands to check voter identification turned away Asian American voters across the nation, according to reports by the Asian American Legal Defense and Education Fund. "There were racist remarks in New York City – poll workers were blaming them for holding up the lines. One of them said, "You Oriental guys are taking too long to vote," she said. Although the legal fund continues to tally its exiting poll surveys and has no firm estimate for the number of incidents, Fung said repeated requests from poll workers to check identification hindered the high turnout of Asian American voters. With their patience worn thin by the inadequacy of their voting site, many simply left without voting. In polling sites across Detroit, University of Michigan student volunteers monitoring the polling sites said they not only encountered deficient polling sites, but also challengers from the Republican Party deliberately aiming to drive voters away through tactics of intimidation.	University Wire		
N/A	Yes	Yes								national	18-Jan-05	presidential	In his first high-profile address since conceding the presidential election, Senator John F. Kerry decried what he called the suppression of thousands of would-be voters last November. "Thousands of people were suppressed in their efforts to vote. Voting machines were distributed in uneven ways," he told an enthusiastic audience of 1,200. "In Democratic districts, it took people four, five, 11 hours to vote, while Republicans [went] through in 10 minutes. Same voting machines, same process, our America," Kerry said. Critics of the election process in Ohio say there were not enough voting machines in urban, Democrat-leaning precincts, leading to long lines that dissuaded many voters from casting ballots. In some cases, polls were held open after the announced closing time to allow everyone in line to vote, but some left without voting after standing in line for hours. Some blacks in particular have also charged that there were organized efforts to send voters to the wrong voting places, and troubling disparities in the way voting machines counted Democratic votes.	Boston Globe		
Challenges			third-party	DA					Yes	Nevada	23-Oct-02	local	A group called "Concerned Citizens for Fair Elections" filed 1,200 voter challenges, nearly 200 of which were duplicates or triplicates of the same challenge; 220 were improper; several of those who signed the challenges under penalty of perjury said they never inspected the residence they claimed was abandoned or not occupied by a registered voter. District Attorney investigates whether there was perjury	Pahrump Valley Times		

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Challenges			BOE							Nevada	1-Oct-04	presidential	The registrar says an official of the Republican Party came to his office with a small group asking how to launch a "full scale program for challenging voters."	The Progressive		
Challenges		Yes			BOE					Nevada	29-Oct-04	presidential	An effort by a former Nevada GOP operative to question 17,000 Democratic voters in Las Vegas was rejected earlier this month by election officials there	Washington Post		
Pollworkers/Intimidation					Court					New Jersey	26-Jun-01	municipal	A court appointed election monitor found that in the May 8 election violations included refusing to provide provisional ballots and intimidation of voters by candidates' representatives	New York Times		
Suppression	Yes									New Jersey	6-Nov-01	US Senate	Hispanic and black residents in the city of Passaic receive postcards in the mail warning of "armed law enforcement officers" at the polls and fines or prisons for anyone violating voting laws	The Record		
Suppression	Yes				Federal Monitor					New Jersey	4-Dec-01	sheriff	The federal monitor found that the weekend before Election Day, Passaic city voters received a mass mailed post card reminding them that "armed law enforcement officers" would be policing the polls. The cards inferred they were official and cited the name of the monitor. He said they seemed aimed at minority voters	The Record		
Challenges					BOE					New Jersey	27-Oct-04	presidential	A resident files challenges of 55 county residents whose voter confirmation cards sent from the Board of Elections were returned undeliverable. He withdrew 47 of his challenges and the board denied the other eight. The county Republican chair said that the state Republican Party directed counties to challenge suspect voters such as those who have an address where voter confirmation cards could not be delivered.	Newark Advocate		
Challenges		Yes			Court					New Jersey	9-Nov-05	statewide	The state Democratic Party won an injunction in the Superior Court in Passaic County, with the judge issuing a statewide order barring any challenger from disputing any voter's ability to vote based on the voter's signature. The Democrats said they heard numerous complaints about GOP challengers interfering in the signature comparison process.	Star Ledger		
State Suppression		Yes								New Mexico	20-Oct-04	presidential	At a special meeting Tuesday, Sandoval County commissioners voted 3-1 against opening an additional early voting site in Rio Rancho. Commissioners cited a short time line and legal questions in voting against the poll. The commission called the meeting after Republican legislative candidates and the mayor of Rio Rancho complained that the lack of an early voting site in the city disenfranchised voters. "The combination of an incompetent county clerk and highly partisan Democrat commission has allowed disenfranchisement of the fourth largest city in New Mexico," said Whitney Cheshire, a spokeswoman for New Mexico Victory.	Albuquerque Journal		

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Suppression	Yes	Yes								New Mexico	25-Oct-04	presidential	In a mass mailing, the Republican National Committee is citing Hispanic voter registration campaigns as proof that "Democrats...will cheat in order to win." Hispanic advocates say this is designed to suppress Hispanic voting.	Washington Post		
Polling Place Harassment				Federal					Yes	New Mexico	3-Nov-04	presidential	In New Mexico, a Republican poll watcher videotaped a man as he left a polling station after casting a provisional ballot on Saturday, said Secretary of State Rebecca Vigil-Giron, a Democrat. Vigil-Giron said Republicans argued they wanted to record the voter's face for a possible legal challenge. Federal officials were investigating, she said.	Chicago Tribune		
Suppression		Yes								New York	31-Oct-05	mayoral	Democratic candidate sends a letter to the Department of Justice complaining of Republican election day plans to man some polls with off-duty corrections officers, calling it a bid to intimidate voters.	New York Daily News		
Intimidation	Yes		third-party						Yes	North Carolina	27-Oct-04	presidential	The head of the Mexican-American Legal Defense Fund says the sheriff gave a list of registered Hispanic voters to immigration authorities to check their status. The sheriff "also threatened to go door-to-door personally with his department to ensure that immigration status was checked and make sure there was no 'perception of fraud by Latinos'"	Agence France Presse		
Pollworkers/ID					BOE					North Carolina	29-Oct-04	presidential	In southeast Charlotte, Elections Director Michael Dickerson told poll workers at the Morrison Regional Library to stop asking people waiting to cast early votes to get identification cards ready. Richard Friedman, an unaffiliated voter who is volunteering with the Kerry campaign, complained after elections staff told people standing in line to get their driver's license or voter registration card ready. Most N.C. voters are not required to show ID when they vote, and no one asked for it when voters got in to cast ballots, Friedman said.	Charlotte Observer		
Police			Elections Officials							Ohio	6-Sep-04	presidential	Ohio polling sites plan to add security, which some election officials believe will intimidate voters and poll workers	Columbus Dispatch		
State Suppression		Yes								Ohio	20-Oct-04	presidential	Democrats believe the Secretary of State's order that people who appear to vote in the wrong precinct should not be allowed a provisional ballot and the unnecessary purging of voter rolls, and the Republicans' checking of new registrants are designed to intimidate voters into staying home.	Columbus Dispatch		
Challenges	Yes									Ohio	23-Oct-04	presidential	Republicans filed a challenger list in 191 precincts -- many of them in largely black neighborhoods around Dayton. Republicans say it is to prevent vote fraud	Cleveland Plain Dealer		

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Challenges					Court					Ohio	23-Oct-04	presidential	Republicans formally challenged the validity of 35,000 voter registrations across the state	Cleveland Plain Dealer	After a court fight, scheduled hearings on the challenges were canceled, but voters still received mail notifying them they were being challenged.	January 7, 2005, Columbus Dispatch
Challenges					BOE					Ohio	24-Oct-04	presidential	Dozens of Republican challenges to newly registered voters in Franklin County will be tossed out because they were not properly filed, a local elections official said yesterday. An initial review of 50 challenge forms filed by GOP activists shows 40 with an incorrect ward or precinct listed for the voter, said Michael Hackett, deputy director of the Franklin County Board of Elections. He said such mistakes will nullify requests to have people removed from the list of eligible voters. Voters whose eligibility is challenged need to prove Thursday that they're registered at their correct address. If they don't show up, elections board members can decide whether to keep them on the rolls. Franklin County Republican Chairman Doug Priebe said his party's challenges of voters' eligibility is not an attempt to deny legitimately registered people the right to cast a ballot. In Franklin County, beyond the challenges with incorrect information, it appears Republicans included some legitimately registered voters, including members of the military.	Columbus Dispatch		
Challenges	Yes	Yes							Yes	Ohio	29-Oct-04	presidential	In a lawsuit, a voter and Democrats contend Republican challenges to voters around Cleveland and Columbus are designed to keep poor and minority voters from voting.	AP		
Challenges	Yes		third-party							Ohio	30-Oct-04	presidential	Jeff Ganso of the ACLU said in Hamilton County, 250 of 251 precincts targeted by Republicans with challengers are majority African-American precincts.	Toledo Blade		
Challenges		Yes								Ohio	31-Oct-04	presidential	Democrats accuse Republicans of using challengers to suppress voter turnout. Republicans will not allow the press to attend training sessions.	Cleveland Plain Dealer		
Challenges	Yes				Court					Ohio	1-Nov-04	presidential	In a lawsuit in Hamilton County, civil rights activists say GOP challenges are discriminatory because they were filed disproportionately in precincts with a majority of black voters. A civil rights group seeks to block challengers in Ohio by arguing they violate a 1981 national order prohibiting the Republican National Committee from trying to intimidate black voters	Columbus Dispatch	District court judges blocked the challenges because they could cause delays, confusion and intimidation. 6th Circuit overturns the lower court rulings.	Columbus Dispatch, November 2, 2004
Polling Place Harassment		Yes							Yes	Ohio	3-Nov-04	presidential	In Lucas County, Ohio, Republicans asked a judge to bar poll monitors from wearing "Voter Protection Staff" and "Voting Rights Staff" armbands from polling spots.	New York Daily News		

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty plea (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution
Challenges				Federal	BOE				Yes	Ohio	5-Nov-04	presidential	The Board of Elections threw out 976 of the challenges filed by the Republican Party without prejudice after a volunteer who brought the challenges revealed she did not have any personal information about the eligibility of the challenged voters. A member of the Board told the volunteer she could be indicted for signing a sworn challenge without personal knowledge of eligibility. The Board has indicated they plan to call the Department of Justice to conduct a criminal investigation of the challenges.	Philadelphia Tribune		
State Suppression	Yes									Ohio	11-Dec-04	presidential	Because blue-collar and lower-income workers tend to vote Democratic, the long lines in Akron and other urban areas fueled suspicion of a deliberate tactic to hold down the turnout - especially in largely African-American precincts for presidential challenger John Kerry.	Akron Beacon Journal		
Multiple	Yes									Ohio	23-Jun-05	presidential	Blacks and young voters in Ohio faced widespread voter suppression - mostly because of long lines and improper identification checks - during last year's presidential election, according to a new Democratic Party report. DNC Chairman Howard Dean said that while it's unclear whether the suppression was intentional or whether it influenced the election results, the party's five-month, \$260,000 investigation showed that 28 per-cent of Ohio voters - and twice as many black voters - reported facing challenges on Election Day. "You have a particular ethnic group that has to wait three times as long as other voters, then clearly there is something going on that is aimed at particular precincts," Dean said blacks waited an average of 52 minutes to vote while white voters waited about 18 minutes. It also found that 37 percent of Ohio voters reported being asked for identification. Ohio law requires only new voters to produce identification, and new registrants accounted for 7 percent of all voters. Blacks and voters under 30 were asked for ID's at higher rates than other voters.	The Cincinnati Enquirer		
State Suppression	Yes	Yes								Ohio	23-Jun-05	presidential	Long lines were caused by the scarcity of voting machines in a number of precincts, particularly in minority areas, a report by the DNC on the election in Ohio says.	Washington Post		
Intimidation			Election Officials							Oregon	21-Oct-04	presidential	Officials are concerned about voter intimidation at ballot drop-off sites the evening of the Nov. 2 deadline. A Republican manual instructs GOP volunteers to take video cameras. Party officials say this is to make sure no ballots are collected after the 8 pm cutoff, but Democrats worry that it could frighten away some voters.	Christian Science Monitor		

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty plea (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution
Challenges		Yes								Pennsylvania	6-Nov-02	statewide	Democrats in the state are concerned about Operation Swarm and Storm -- the name they say was given to an effort by the George Gekas campaign to challenge voters based on old information. A pamphlet was allegedly prepared by the campaign, which instructed Republican poll workers to challenge voters who had recently moved to new districts. The laws had been changed, however, and such challenges could have been wrongly made. Voters in some districts were also challenged to produce identification, charged state Democratic Party spokeswoman Mia DeVane. Voters she said need only provide a matching signature to vote in the state.	UPI		
Polling Place Harassment/Pollworkers				Police/local	Court					Pennsylvania	5-Nov-03	mayoral	Complaints filed with the police, the district attorney's office, and the Committee of Seventy alleging physical violence, harassment and intimidation were the highest in modern history. The DA's office reported it had received at least 171 complaints, nearly quadruple the 41 complaints of four years ago. Most charged that voters and poll workers had been intimidated or interfered with. Inspector William Colarulo said the Police Department had received at least 110 complaints, most dealing with simple assaults, vandalism and disturbances. In the course of the day, Common Pleas Judge Benjamin Lemer signed two orders directing Republican workers at polling places in Germantown and North Philadelphia to stop demanding identification from people showing up to vote.	Philadelphia Daily News		
Challenges										Pennsylvania	26-Oct-04	presidential	Republican Representative John Perzel, speaker of the state house, told US News and World Report that "The Kerry campaign needs to come out with humongous numbers here in Philadelphia. Its important for me to keep that number down." At the same time, he said campaign workers are examining voting records for evidence of Democrats registering more than once or otherwise violating election rules. An aide to Perzel said challengers will have lists of questionable registrations at the polls.	AP		
Pollsite Location	Yes	Yes								Pennsylvania	31-Oct-04	presidential	In Philadelphia, Republicans unsuccessfully sought last week to change locations of 63 polling places, contending that their placement in closed bars or in homes would intimidate voters. Democrats pointed out that most of those locations were in minority neighborhoods and branded the move an effort to suppress black votes.	Philadelphia Inquirer		

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Type:	Racial/Ethnic Allegation	Partisan Allegation	Other: Source for Allegation	Investigation?	Other Official involvement?	Charged (individuals):	Acquittal/Dismissal:	Convicted/guilty pleas (individuals):	Follow-up recommended:	State:	Date:	Type of Election:	Alleged instance of fraud:	Original Source:	Resolution of Incident / allegation:	Source of Resolution:
Challenges			BOE							Pennsylvania	2-Nov-04	presidential	Philadelphia's voter-registration administrator cried foul last night over a letter sent from the state GOP to judges of elections, the men and women who run the city's 1,681 polling places. He said the letter had wrongly instructed those poll workers to check and compare voters' various signatures "at will." He pointed to state law, which limits such checks to prevent long voting delays. State Republicans released additional details yesterday from their list of 10,000 letters to Philadelphia voters that they said were returned as undeliverable. They said they would use this list to challenge voters at the polls today. Counsel to the state Republican Party said there were multiple reports yesterday that elderly voters in Lancaster and York Counties in Central Pennsylvania - an area the Bush campaign has been heavily courting - got phone calls telling them they would not be allowed to vote and urging them not to show up at the polls.	Philadelphia Inquirer		
Pollworkers					Court					Pennsylvania	3-Nov-04	presidential	While overwhelmed poll workers pushed provisional ballots on some voters who should not have been using them, other voters who could have used provisional ballots were being turned away. In Allentown, about 10 lawyers and community activists rushed to the Salvation Army building on North Eighth Street to challenge poll workers who were stopping about eight people whose names were not in the registration list.	Morning Call		
State Suppression										Pennsylvania	4-Nov-04	presidential	There were long lines throughout the state, leading voters to wait for several hours in order to vote. Some voters waited into the night in order to vote. Some reportedly left without voting.	Philadelphia Inquirer		
Police										Pennsylvania	8-Dec-04	presidential	In Philadelphia, some voters were sent to police stations to cast provisional ballots, House Minority Whip Steny H. Hoyer (D-Md.) told a voting rights forum. "Clearly an intimidation," he said.	Los Angeles Times		
Pollworkers			Voters		BOE					Pennsylvania	24-Apr-05	presidential	The Board of Elections fired three elections officials because of charges they intimidated Democratic voters. One voter said a poll worker was aggressive in challenging his eligibility. Another said a worker yelled at her and then grabbed her arm and forced her out of the polling place because she was wearing a Kerry button.	Lancaster Sunday News		

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Type:	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittals/Dismissals	Convicted/guilty pleas (Individuals)	Follow-up recommended?	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Challenges	Yes				Court				Yes	South Carolina	5-Nov-02		Voters in Beaufort County who only have rural route addresses or post office box numbers on their voter registration cards might face problems at the polls today, a federal lawsuit filed in Charleston late Monday alleges. The lawsuit said that poll workers could challenge these voters' ballots, and that if this happens, black voters would be disproportionately affected. The chair of the election commission said poll workers will ask these voters to identify exactly where they live, possibly by having them point out their homes on a map. He said the purpose of doing this is not to discourage or embarrass the voter, it's to ensure they get the correct ballot. He said if there is any confusion, voters will be given failsafe ballots that exclude district races but still allow voters to cast ballots in federal, state and countywide races.	The Post and Courier		
Police	Yes	Yes								South Carolina	12-Aug-04	county council	Candidate says he plans to have observers at the polls and may call for sheriff's deputies to enforce voting laws when voters try for a third time to nominate a Republican County Council candidate. His opponent alleges he is trying to intimidate black voters from voting.	Greenville News		
Challenges										South Carolina	2-Nov-04	presidential	Dozens of voters, many students, were turned away from a precinct at Benedict College after Republican poll watchers contested the legality of their vote. Challenges slowed voting at the precinct causing waits as long as four hours. The Republican Party executive director said poll watchers were challenging people who did not have proper state identification, such as a drivers license. Alternate forms of identification permit student to vote provisional ballots.	AP		
Suppression	Yes	Yes								South Dakota	31-Oct-02	US Senate	Senator Daschle says Republicans have targeted Native American communities in making allegations of vote fraud and launching initiatives in order to suppress the Native American vote	Washington Times		

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individual)	Acquittal/Dismissal	Convicted/guilty pleas (individual)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution
Other	Yes			State						South Dakota	1-Jan-03	senate	Republican attorneys fanned out across the state on Election Day to gather affidavits to show vote buying. The State Attorney General (a Republican) says that of the 50 affidavits only three alleged criminal activity, and two of those proved to be false. One person is being investigated. Two of the affidavits were found to have been forged or perjurious. Each affidavit states that the person allegedly signing it claimed to have been picked up by a van driver, offered 10 to vote, taken to the polling place and home again and again offered the 10. Most of the allegations focused on the Rosebud Reservation	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	30-Jun-04	special election	During the June 1 special election, several Native American voters were told they could not vote if they did not have ID and were not told about the affidavit option. Most of the complaints came from across the state, many from reservations and some from Rapid City, where there is a large American Indian population. A Republican poll watcher denied this was the case. He said Indian voting rights workers were intimidating poll workers.	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	26-Aug-04	presidential	Some American Indians were not allowed to vote in the primary because they did not have photo ID and some said they were not told they could instead sign an affidavit.	Newsday		
Polling Place Harassment	Yes				Court					South Dakota	2-Nov-04	senatorial	On Election Day, a district court judge ruled Republican poll watchers in Charles Mix County had to stop following American Indian voters after they cast ballots. The GOP workers were also ordered to stop writing down those people's license plate numbers.	AP		
Challenges					State Election Director					Tennessee	5-Nov-02		A GOP memo to its poll watchers said, "There are problems" with the instructions [state election director]Thompson's office provided to local officials, and focuses on whether the would-be voters are legitimately qualified. "If the officers at the precinct are not screening voters for their qualifications to vote, including their citizenship, they should be challenged so that the election officials will carry out the law and make sure they are qualified to vote if they are first-time voters," the memo says Thompson said the U.S. Department of Justice, part of President Bush's administration, notified him of the GOP memo last week and expressed concerns about it. After conferring with the Justice Department and state Attorney General's office, Thompson sent a four-page memo to local election officials Friday that makes it clear that poll watchers are forbidden by law to question or challenge voters directly and that election officials are not to require would-be voters to provide proof of eligibility, as the GOP memo seeks.	Commercial Appeal		

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted / guilty pleas (individuals)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution if any
													The state Democratic Chair said the challenges targeted African American voters.			

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individual)	Acquittal/Dismissal	Convicted/guilty plea? (Individual)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution?
State Suppression	Yes								Yes	Texas	6-Oct-04		Students at historically black college Prairie View A & M filed several lawsuits against a Texas district attorney for making comments that he would prosecute students that falsely declared the school as their place of residency. In 1979, the US Supreme Court ruled in favor of Prairie View A & M, upholding a student's right to vote.	Los Angeles Sentinel		
Challenges	Yes									Utah	18-Jun-04	congressional primary	An immigration-issues group is mounting a last-minute bid to challenge hundreds of foreign-born voters in Utah's Republican primary Tuesday. The effort is the work of ProjectUSA, based in Washington, D.C. The Utah voter challenge would require those singled out in the state's 3rd Congressional District by ProjectUSA to confirm at the polls that they are U.S. citizens and registered voters. State elections director Amy Naccarato is concerned ProjectUSA might scare off some legitimate voters.	Deseret Morning News	The Washington-based immigration issues group ProjectUSA has backed down on its plan to challenge blocs of Utah voters in areas with high immigrant populations. Craig Nelsen, president of ProjectUSA, had said he intended to challenge the voters in Utah's 3rd Congressional District based on concerns that illegal immigrants would vote for Congressman Chris Cannon in Tuesday's primary. Nelsen said Friday that after analyzing voter registration rolls and U.S. Census Bureau data for Utah's 3rd Congressional District, his group "didn't find any (patterns) that would warrant a challenge." Election officials in Salt Lake and Utah counties echoed Naccarato's relief Friday afternoon that no challenge had been filed. Attorneys in both counties had been scrambling to review the legality of any such challenges. "Our biggest concern was the message it was sending to voters," said Utah County Clerk Jim Jackson. "It almost smacked of discrimination against a group. That's just not right."	Deseret Morning News, June 19, 2004
Challenges					County Clerk					Utah	6-Nov-04	congressional	The Republican candidate challenged the legal registration of 1,495 residents of the Holladay-area neighborhoods in the days before the election. 1,494 were Democrats, and one was from the American Party. The County Clerk determined the claims were groundless and said he could be subject to a charge of voter intimidation.	Salt Lake Tribune		

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State Suppression		Yes			Court					Washington	20-Dec-04	gubernatorial	Procedures for validating ballot signatures vary widely from county to county in Washington state, a fact that has become significant given the razor-thin margin of the governor's race. A survey by The Seattle Times showed that counties use different procedures for evaluating signatures, the newspaper reported Sunday. More than 3,400 absentee and provisional ballots in Washington were rejected in the November election because the signatures didn't match those on file with elections officials. The state Supreme Court last week rejected an argument by the Democratic Party that counties have disenfranchised voters by handling mismatched signatures so differently.	AP		
State Suppression										Washington	20-Dec-04	gubernatorial	King County election workers were told as early as May that if an absentee ballot came in without a matching signature on file they were required to make a concerted effort to verify that the vote was valid. Before a special election in May, King County election workers routinely violated state law by counting such ballots without making any attempt to verify the signatures. In this November's general election, the county's absentee-ballot staff still didn't make the effort to find matching signatures. But instead of counting the ballots automatically, they rejected them.	Seattle Times		
Challenges	Yes			Press						Washington	31-Mar-05		A Soap Lake man is challenging the voting credentials of hundreds of Washington voters, saying he thinks they're illegal immigrants who registered and cast ballots illegally. But Martin Ringhofer may have a hard time proving the challenges he has filed in Spokane and 10 other Washington counties. For one thing, there's the methodology of his research. Ringhofer said he obtained a list of people who registered to vote when they obtained or renewed a driver's license, then culled the list for names "that appear to be from outside the United States," particularly those that appeared to be Hispanic or Asian. For another, there's the fact that many of the people on his list are citizens. In fact, The Spokesman-Review contacted a dozen of the 161 people on Ringhofer's Spokane County list, and all of them are citizens.	Spokesman Review		

Intimidation and Suppression

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Challenges			Voters		BOE				Yes	Washington	5-Nov-05	county	Elections officials said hundreds of angry voters called to complain about a Republican backed effort challenging their right to vote. Several voters said the GOP County Vice-Chair was wrong that their registrations did not have their legitimate address. Those voters challenged will have to either re-submit registration forms or when challenged, vote by provisional ballot. Democrats called it a voter intimidation and suppression effort.	Seattle Post-Intelligencer	The GOP withdrew 140 of 1500 claims, admitting they were faulty. Democrats charged that Republicans' real aim was to discourage voters from voting. Voters whose registrations were challenged will have to vote by paper and the Canvassing Board will conduct hearings on whether the votes should count. Challenged voters may make their case at the hearings, at which the burden of proof is on the Republican challengers.	Seattle Post-Intelligencer, November 8, 2005
Challenges		Yes		County					Yes	Washington	10-Nov-05	presidential	A county councilman asks the county prosecutor to investigate whether a Republican challenger committed perjury in filing some of the challenges without justification. The challenger was the head of the county GOP's Voter Registration Integrity Project" which challenged the registrations of 1,944 voters saying they were registered at private mailbox businesses and storage complexes. Many of the challenges turned out to be baseless. Others did not know it was illegal. Those voters had to file a challenge ballot. The validity of those ballots will be determined at a canvassing board hearing. County Democrats claim the challenges were an attempt to intimidate and disenfranchise voters.	Seattle Times		
Federal Agents			Defendants in case							West Virginia	31-May-05	primary	Defendants in a vote buying case allege that federal agents intimidated voters by videotaping and photographing voters as they visited the polls	AP		
State Suppression		Yes								Wisconsin	13-Oct-04	presidential	Milwaukee County Executive Scott Walker, citing vote-fraud concerns, is publicly balking at a City of Milwaukee request for almost 260,000 additional ballots in anticipation of high turnout for the Nov. 2 presidential election. Mayor Tom Barrett blasted Walker's stance, and Common Council President Willie Hines Jr. immediately joined in, saying it was an attempt to suppress the central-city vote.	Milwaukee Journal Sentinel		
Third Party Suppression	Yes			State						Wisconsin	27-Oct-04	presidential	Federation for American Immigration Reform sent Michigan residents to Wisconsin voter registration stations set up by an immigrant rights groups to see whether an illegal immigrant was registering illegal voters. The group said it refused to register the Michigan voters and if they insisted they discarded their forms. Prosecutors will check to ensure the registrations were not mailed in.	AP		

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Challenges					City Attorney/D A	BOE - dismissed				Wisconsin	29-Oct-04	presidential	Although the Board of Elections refused a request by the state Republican Party to have 5,619 names and addresses removed from Milwaukee voting lists, the party plans to challenge anyone who tries to vote from those addresses at the polls. A Journal Sentinel review shows many of the names and addresses confirmed some of the problems cited by the GOP, as well as uncovered additional missing addresses. Some cited by the GOP may be explained by clerical errors, however.	Milwaukee Journal Sentinel	Amid a renewed push Friday by Republicans to get some 6,600 names removed from Milwaukee voting lists, prosecutors began examining 500 new registrants that a city review indicated are from non-existent addresses. The same review by the city attorney's office, however, raised doubts about the quality of the GOP's original list, finding that hundreds of the addresses that the Republicans claim are invalid and want removed do, in fact, exist. Some others, according to City Attorney Grant Langley, can be explained by data entry errors, not attempted fraud. Late Friday, Langley outlined the review situation in a letter to Lisa Artison, head of the city Election Commission. The letter said the review by his staff and the district attorney's office found cases where the database used by the GOP was corrupted, dropping digits on some homes so otherwise valid addresses showed up as non-existent. In other cases, a check of the original handwritten registration cards showed digits had been transposed by clerks, something that can be corrected at the polls. Langley's letter says the review casts "doubt on the overall accuracy" of the GOP list and the way it was compiled. At least some of the addresses will be investigated for possible fraud, however. Republican and City of Milwaukee leaders reached an agreement Sunday ending a faceoff over thousands of registered voters with questionable addresses. 2) Under an agreement reached, a list of 5,512 prospective city voters whose addresses are questionable will be distributed to polling places. Those on the list who show up to vote will be asked to fill out a change of address card or registration form, and to show proof of residency -- a driver's license, utility bill or some other document showing an address -- before casting their ballot. Anyone without proof of residency at an address on the list will have to take an oath, and that person's ballot will be marked as being challenged by the poll worker.	Milwaukee Journal Sentinel, October 30, 2004

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Challenges		Yes								Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel		
Suppression								Yes		Wisconsin	2-Nov-04	presidential	The tires of 30 vans Republicans had rented to help get out the vote were slashed.	AP		

Source of Resolution 2

Source of Resolution 2.

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Source of
Resolution 2:

Milwaukee
Journal
Sentinel,
November 1,
2004

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Source of Resolution 2

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EAC Voting Fraud-Voter Intimidation Preliminary Research

Nexis Articles - Noncitizen Voting

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Maricopa County	Arizona	5-Nov-05		159 noncitizens were found on the voting rolls. The county recorder said all of the cases involved people who misunderstood voting requirements. The county attorney nonetheless has charged ten of the immigrants with felonies.	LA Times						
Compton	California	12-Feb-02	mayor and city council	After an election legal challenge, two incumbents who originally lost were reinstated. In her ruling, the judge said numerous noncitizens voted illegally.	Los Angeles Times						
Pontiac	Michigan	11-Dec-01	mayor	Losing candidate claims there was "suspect" noncitizen voting	Detroit Free Press						
	Minnesota	23-Feb-05	presidential	Secretary of State Kiffmeyer said that she has asked several county attorneys across Minnesota to investigate evidence her staff uncovered that suggests some noncitizens illegally registered to vote in the November election. "So far, at least, we have 32 people who have registered to vote and seem to be -- allegedly -- not U.S. citizens," Kiffmeyer said. Some of the 32 also voted in the election. Both registering and voting are illegal for noncitizens. Kiffmeyer said her staff discovered the possible criminal offenses by comparing voter registration cards to driver's license records, which now identify noncitizens visiting the United States on visas.	Saint Paul Pioneer Press						
	North Carolina	24-Oct-04		A Washington-based advocacy group for tougher immigration laws recently said that it believes illegal immigrants may be registered to vote in North Carolina because they were able to sign up when obtaining driver's licenses without Social Security numbers. State elections and Division of Motor Vehicles officials say they've run two checks - one in 2002 and again this year - of people who received driver's licenses without proof of citizenship and found only a handful who had registered to vote. Those cases are being investigated, they said.	AP						
Houston	Texas	28-Jan-05	state house	Republican representative ousted narrowly by Democratic opponent alleges there was noncitizen voting in the election	Dallas Morning News						
	Utah	30-Aug-05		The Attorney General will investigate allegations in a legislative audit that found evidence of fourteen people believed to be noncitizens who have voted in a past election. The auditors office has said that a follow up investigation found that 6 of the 14 were actually citizens, two were confirmed by immigration authorities as having prior deportation orders and the other 6 are still under review. Of the six that were citizens, three had their Social Security numbers mistyped in the database and three were naturalized citizens.	Desert Morning News						

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Intentional Felon Voting

City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Phillips County	Arkansas	2-Nov-02		The state Republican Party alleges five convicted felons voted, four of them in early voting	Arkansas Democrat-Gazette						
Sacramento	California	12-Sep-04	gubernatorial	For the first time since 1994, a man was charged with three counts of registering to vote while on parole and a fourth count of voting in the recall election.	Sacramento Bee						
	Colorado	25-Mar-05		In a survey of counties, 13 counties had referred 69 cases of possible felon voting to county attorneys. Denver County referred 52 cases of felon voting.	Denver Post						
	Florida	29-Oct-04	presidential	Florida's Republican Party says it has a list of 925 felons who have voted illegally or are planning to. The information could be used to challenge voters. The GOP found the allegedly illegal voters by starting with the same flawed set of names the state compiled in order to purge the rolls -- that list was scrapped when its inaccuracies were exposed. Democrats and civil rights groups suggested that Republicans wanted to use the list to intimidate black Democrats from going to the polls. The party took the initial state list of voters and compared it to the Florida Parole Commission names of felons rights who had been restored	Miami Herald						
Okaloosa	Florida	19-Oct-05		Man is accused of registering to vote in Okaloosa County in 1999 and casting a ballot in November 2002, even though he had been convicted of a felony offense of selling illegal drugs in Colorado in 1980, said Michele Nicholson, spokeswoman for the Okaloosa County sheriff's department. It is illegal for felons to vote in Florida unless their rights have been restored	Miami Herald						
Port Deposit	Maryland	8-Jun-03	mayor	Losing candidate alleges people convicted of crimes were allowed to vote. The chief election official of the town dismissed the allegations.	Baltimore Sun						

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EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Intentional Felon Voting

	Oklahoma	22-May-05	presidential	<p>A death row inmate and a child pornographer are among about 2,500 felons who remained on Oklahoma voting rolls after their convictions, The Oklahoman re-ported on Sunday.</p> <p>Records show some felons have voted, even though it's illegal while they're serving their sentences.</p> <p>"It's a huge problem," said state Rep. Mike Reynolds, who estimates as many as 16,000 felons are on voting rolls.</p> <p>About 1,100 may have voted in last year's general election. An exact count is difficult - in part because voters sometimes sign the wrong lines in poll books. Most significantly, the Oklahoma State Election Board has ignored the notices from U.S. prosecutors in Oklahoma and other states.</p> <p>Thousands are filed away in a back room. The law is unclear whether voting rights can be stripped after a guilty plea or only after sentencing. Some convicts are unsure about their voting status, and judges rarely explain it to them at sentencing.</p>	AP						
Davidson	Tennessee	12-Jan-05	presidential	<p>31 provisional voters were found to be felons whose voting rights had not been restored. The county election commission is debating action.</p>	Nashville City Paper						
Falfurrias	Texas	11-Sep-04	city	<p>Three indicted on illegal voting charges were ineligible to vote because they were convicted felons who lost voting privileges. One said she has been on probation for two years, and said she did not know that she was ineligible to vote because officials in the local voter registration office approved a replacement voter registration card before the city election.</p>	Corpus Christi Caller Times						
Norfolk	Virginia	14-Jan-04	unclear	<p>Man convicted in 1986 for larceny by check votes after being notified he had been taken off the voter rules. He entered a plea of illegal voting; State Attorney General says he has never prosecuted or seen such a case during his five years on the election board</p>	Hampton Roads News						
King	Washington	29-Apr-05	gubernatorial	<p>In its case to overturn the election, Republicans allege 736 King County felons illegally cast ballots, and another 220 illegal felon votes were cast elsewhere. Knowingly casting an illegal vote is a crime, but several felon votes said they were unaware they could not vote.</p>	Seattle Post-Intelligencer					See summary of Washington	

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Intentional Felon Voting

											<p>May 5, 2005: Officials say charges will be filed, although officials said these cases are hard to prosecute because it must be established that the felon knew he could not vote -- see complete summary of Milwaukee; December 5, 2005: federal prosecutors charge 10 felons with voting illegally -- four were convicted, one was acquitted and five cases are still pending; the County DA charged two with felon voting -- still pending. See Milwaukee summary.</p>		
Milwaukee	Wisconsin	10-May-05	presidential	investigators say they have evidence of 200 felons voting illegally	Milwaukee Journal Sentinel							Milwaukee Journal Sentinel	Milwaukee Journal Sentinel
Hanna	Wyoming	27-Apr-01	mayor	State Division of Criminal Investigation says convicted felons allegedly voted	AP								

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Wrongful Removal from Registration Lists

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Pulaski	Arkansas	16-Apr-04		The US Department of Justice says county officials have violated election law and proposed a consent decree with the county regarding ballot gathering and counting. The Department investigated registration practices that may have disenfranchised numerous voters, including sending voters to multiple poll sites and voters wrongly missing from the registration list. Under the agreement, the county will fix the problems in the database and DOJ lawyers will monitor polling places and the clerk's office	AP						
	Colorado	31-Oct-04	presidential	Democrats are complaining about an attempt to remove up to 6,000 convicted felons from the electoral roll, at the behest of the state's Republican secretary of state, Donetta Davidson, despite a US federal law that prohibits eliminating a voter's rights within 90 days of an election to give time for the voter to protest.	The Observer						
	Florida	29-Sep-04	presidential	Secretary of State Hood tried to revive the discredited 2000 statewide purge list of suspected felons and ex-felons for 2004. That list disproportionately removed black voters from the rolls. The state tried to keep the list secret until forced to release it by court order. When it was released, it was found to contain a disproportionate number of black voters, including 2,000 who had had their rights restored and included several people who could show they had not criminal record at all. In addition, the list of 48,000 contained only 61 Hispanic names, way out of line with the strength of both the general Hispanic population and prison population. Hood was forced to drop the list	The Independent (UK)						
Newark	New Jersey	2-Nov-04	presidential	More than 200 voters sought court orders because they were turned away from a polling place, mostly because their names were not on voter lists. In 95% of the cases the judges ruled they could cast ballots.	AP						
Albany	New York	2-Nov-04	presidential	Students at SUNY Albany found their names no longer on the voter registration rolls, even though they had voted at the same location in the past	AP						

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Deceptive Practices

City/County	State	Date	Type of Election	Alleged Instance of Fraud	Original Source	Source 1	Source 2	Source 3	Resolution of Incident / Allegation	Source of Resolution 1	Source of Resolution 2
Phoenix	Arizona	11-Dec-04	presidential	A Phoenix resident, a registered Democrat, says he received a call three days before the election that he was supposed to cast a ballot across town, 30 miles away, which was wrong. Legal experts believe thousands of other Arizonans received similar calls and are investigating whether the state Republican Party was the source. The Republican Party denies it.	Arizona Republic						
Tucson	Arizona	11-Dec-04	presidential	A voter found a message on her voting machine telling him to go to the wrong polling place. Using the "last number" dial back feature she got the local Republican headquarters.	Arizona Republic						
Jefferson	Colorado	24-Oct-04	presidential	Voters in Jefferson County have received calls from someone posing as an election official and instructing them to throw away their absentee ballots.	Denver Post						
	Florida	19-Jul-04		Election administrators post signs saying "Photo and Signature Identification Required" when those without such ID may vote by affidavit ballot	St Petersburg Times						
	Florida	31-Oct-04	presidential	Rumors have been circulated that people can't vote if they have outstanding child-support statements	New York Post						
Volusia	Florida	2-Nov-04	presidential	The Chair of the Election Assistance Commission was given a flyer distributed in a black neighborhood directing voters to the wrong address for polling stations, giving the contact information for the local NAACP	The New York Sun						
	Florida	3-Nov-04	presidential	From throughout the state, election officials said there were reports of voters receiving phone calls incorrectly telling them their polling places had been moved, or that they weren't allowed to vote. In Osceola County, voting-rights attorney Fatimah Gilliam said some voters received automated phone calls saying that their polling place was closed. The precinct, at the Robert Guevara Community Center in Buenaventura Lakes, is located in a predominantly Hispanic and highly Democratic neighborhood. In rural Lafayette County, Election Supervisor Lana B. Morgan said some voters reported people going door-to-door to tell them they needed to go to another county to vote - information that Morgan said was both wrong and dangerous.	Orlando Sentinel						
	Florida	17-Nov-04	presidential	DNC Chair says phone calls were received by Democratic Party-aligned voters in Florida telling them to send their absentee ballots in only after Election Day was over.	Ethnic Newswatch						
	Florida	11-Dec-04	presidential	Some voters reported they were told they could vote by phone	Arizona Republic						
New Orleans	Louisiana	12-Dec-02	US Senate	The Landrieu campaign said a pamphlet was circulated in New Orleans public housing complexes just before the runoff. The document said: "Vote!!! Bad Weather? No problem!!! If the weather is uncomfortable on election day (Saturday December 7th) Remember you can wait and cast your ballot on Tuesday December 10th." Anyone who waited past Saturday, however, missed the chance to vote.	Times-Picayune						

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Deceptive Practices

Baltimore	Maryland	4-Nov-02	gubernatorial	Democrats produced fliers they said was circulating in some neighborhoods that reminded people to vote on Wednesday -- the day after election day -- and advised them to pay any parking tickets and overdue rent before they could vote	Washington Post							
Ann Arbor	Michigan	2-Nov-04	presidential	The Secretary of State had to put out a statement about where to send absentee ballots after voters in Ann Arbor received calls telling them to mail the ballots to the wrong address	AP							
Clark	Nevada	2-Nov-04	presidential	15-20 Democrats received calls claiming to be from the Board of Elections in which voters were told their poll site had moved. One woman contacted the party Monday and said a group of people visited her home over the weekend and told her that if she filled out her sample ballot, they would deliver it to the election division and save her a trip to the polls today. Hispanic residents have complained of phone calls from Republican representatives who said they can register their vote over the phone, Nevada Democratic Party spokesman Jon Summers said.	Las Vegas Review Journal							
Passaic	New Jersey	4-Dec-01	sheriff	Federal monitor reports that voters in Passaic City and Patterson received phone calls reminding them, falsely, that they would need identification such as a drivers license to vote. He said it seemed aimed at minority voters.	The Record							
	New Mexico	25-Oct-04	presidential	In a mass mailing, the Republican National Committee is citing Hispanic voter registration campaigns in New Mexico as proof that "Democrats...will cheat in order to win."	Washington Post							
	Ohio	26-Oct-04	presidential	In Ohio, within little more than a week, the Board of Elections in Cuyahoga County received complaints of voters being contacted by people they said claimed to be from the election board: One Cleveland woman said her mother got a call from such a man telling her, falsely, that the location of her polling station had changed. Another woman said two men posing as election officials knocked on her door and said they had come to pick up her absentee ballot. An elderly woman in a suburban senior center complained about a call telling her the Nov. 2 election had been postponed until Nov. 3. The deputy director of the Board of Elections in Franklin County, which includes the capital Columbus, said his office was getting similar calls. At first they were "sporadic," he said, but now there are "a lot of them."	Los Angeles Times							
	Ohio	28-Oct-04	presidential	State officials say people have been impersonating party and elections officials on the phone directing people to go to the wrong polling place or to vote November 3. Tricks appeared targeted at African Americans, senior citizens and new voters. Democrats say Republican plans to engage in mass challenges is an effort to deny minorities access to the polls.	UPI							

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Deceptive Practices

Lake County	Ohio	29-Oct-04	presidential	A memo with a Lake County Board of Elections letterhead tells residents not to vote if registered by certain Democratic or progressive groups. Many voters received an "urgent advisory" claiming voters registered by the NAACP, the Democratic presidential campaign, their local congressional campaign, or America Coming Together are not eligible to vote	Cleveland Plain Dealer						
	Ohio	31-Oct-04	presidential	In Franklin, both Democrats and Republicans have been receiving phone calls from phony Board of Elections workers telling them that their polling places have been changed. A Republican spokesman say that Ohio Republicans have received calls telling them their absentee ballots will be picked up by election workers, which is illegal. In West Dayton, Democrats received calls reminding them to vote on November 5, three days after the election.	New York Post						
Cleveland	Ohio	3-Nov-04	presidential	In a suburb of Cleveland, some voters reported being told that "if they went in to vote and had any traffic violations, they would be arrested or fined," said Chellie Pingree, president of Common Cause.	Chicago Tribune						
	Oregon	10-Nov-04	presidential	There are more than a dozen allegations of that would-be voters's registration cards were destroyed, altered or thrown away by canvassers. The cases are under investigation by the AG.	AP						
Philadelphia	Pennsylvania	25-Oct-04	presidential	An official said at a meeting of the city election board that he had received calls from about 30 longtime voters who said that they had received calls from someone telling them not to bother going to the polls because their registrations had expired. They had not.	Philadelphia Inquirer						
Allegheny	Pennsylvania	28-Oct-04	presidential	At the Ross Park Mall people are distributing leaflets printed on bogus, but official-looking, county stationery telling Republicans to vote Tuesday, Nov. 2, and Democrats to wait a day. The election will be over on Nov. 3. The fliers have succeeded in spreading confusion, and county officials spent parts of Wednesday fielding phone calls from residents. Officials say the fliers also turned up in mailboxes of homes in the North Hills. The letter reads in part: "Due to the immense voter turnout that is expected on Tuesday November 2 the state of Pennsylvania has requested and extended the voting period ... Voters will be able to vote on both November 2 and November 3." The letter is signed by "Anne Ryan," and a phone number on the flier rings in Tampa, Fla. Workers there reached by telephone denied any knowledge of the flier. Police are investigating.	Pittsburgh Tribune Review						
Westmoreland	Pennsylvania	3-Nov-04	presidential	Lawyers working for the Election Protection program got a call that in Westmoreland a radio station told listeners that people who had outstanding warrants against them would not be allowed to vote.	The New York Times						

**EAC Voting Fraud-Voter Intimidation Preliminary Research
Nexis Articles - Deceptive Practices**

	Pennsylvania	3-Nov-04	presidential	Dorm residents at Temple University and the University of Pennsylvania reported that a doctored version of an Associated Press news article left the impression that out-of-state students voting in Pennsylvania could be forced to repay state grants because of a residency controversy. It was unclear which group was orchestrating the false information, but both of the targeted universities are in heavily Democratic areas.	Knight-Ridder								
Columbia	South Carolina	1-Nov-04	presidential	Election Protection reports on a faked letter using NAACP letterhead that claims that those with an outstanding parking ticket or unpaid child support will be arrested if they vote.	Cox News Service								
	South Carolina	2-Nov-04	presidential	AP reported on a letter that falsely purported to be from the South Carolina NAACP to black voters, saying they couldn't vote if they owed more than \$50 in parking tickets	The New York Sun								
	South Carolina	3-Nov-04	presidential	A leaflet claiming to be issued by the NAACP warned residents that if they had outstanding traffic violations or had not submitted credit reports one week prior to the election, they would be barred from voting and could be arrested.	The New York Times								
	Virginia	31-Oct-04	presidential	Rumors have been circulated that police are setting up sting operations at polls to find any voters who are also on the outstanding warrants list.	New York Post								
Fredericksburg	Virginia	9-Nov-05	gubernatorial	Elections registrars receive many complaints of voters getting phone calls telling them falsely that their polling precinct had changed.	Free Lance Star								
Richmond	Virginia	9-Nov-05	gubernatorial	Residents report door-hangers with false precinct information on them	Free Lance Star								
Milwaukee	Wisconsin	31-Oct-04	presidential	In Wisconsin, a flier is circulating in Milwaukee's black neighborhoods that purports to be from the "Milwaukee Black Voters League." "If you've already voted in any election this year, you can't vote in the presidential election," the flier reads. "If you violate any of these laws, you can get ten years in prison and your children will get taken away from you."	Washington Post								
Madison	Wisconsin	27-Oct-05	presidential	Republicans ask the US attorney to investigate a letter a voter received claiming to be from the Republican National Committee and urging a vote for John Kerry	AP								

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**EAC Voting Fraud-Voter Intimidation Preliminary Research
Nexis Articles - Vote Buying**

City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source1	Source 2	Source 3	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Phenix City	Alabama	31-Aug	municipal	The Attorney General and DA are investigating allegations of buying of absentee ballot votes	Columbus Ledger-Enquirer						
Pulaski	Arkansas	29-Aug-02	US House	Candidate says opposing campaign's consultant was paying residents of black nursing homes to cast absentee ballots and trying to skew the vote of black voting precincts in some cases.	Arkansas Democrat-Gazette						
Washington Park	Illinois	17-May-01	village	Candidate alleges that one voter was paid not to vote after being paid to vote absentee and two other people, possibly noncitizens, were paid for absentee ballots.	Belleville News-Democrat						
East St. Louis	Illinois	30-Jun-05	county	5 convicted of conspiring to buy votes with cash, cigarettes and liquor	Chicago Sun Times						
Berrien County	Indiana	16-Apr-05	city commission	A Berrien County judge Friday overturned the recall of Glenn Yarbrough in a civil trial against the city of Benton Harbor and Clerk Jean Nesbitt. In his ruling, Judge Paul Maloney said the true will of the people was violated by gross voter fraud in February's recall election. He cited bought votes, forged ballots, and jobs promised in return for "yes" votes, crimes allegedly committed by someone other than Yarbrough.	South Bend Tribune						
Clay	Kentucky	24-Oct-02	county	federal prosecutors are investigating absentee vote buying	Courier Journal						
	Kentucky	6-Nov-02	primary	In Knott County, there were nearly a dozen complaints in the primary alleging vote-selling for drugs, said assistant commonwealth's attorney Lori Daniel, but no one has admitted it. She said the attorney general's office has a pending investigation in Knott County. Reports of vote-buying also were reported in Magoffin, Pike and Floyd counties during the primary.	Courier Journal				1. August 2003 two acquitted of vote buying in the primary. In June 2003 another man in Lackey was found innocent of vote buying. Two indicted in Knott County pled guilty earlier in August 2003. 15 still under indictment 2. February 3, 2004: Knott County man sentenced to 20 months in prison for vote buying in the 1998 primary. The Knott County Judge-Executive and another man were convicted October 1 of vote buying	August 16, 2003, Courier Journal	AP February 3, 2004
London	Kentucky	16-Sep-04	2002 judicial	Man found guilty of paying \$10 each to a group in a church parking lot after voting	AP						
Winnfield	Louisiana	12-Apr-02	police chief and mayor	Losing candidate accuses opponent of paying ten people to vote	Daily Town Talk						
Marksville	Louisiana	15-May-02	mayoral	Two men accused of buying votes for small amounts of money	AP				1. Both were convicted. 2. One of the accused had his conviction overturned by the 3rd circuit	1. Daily Town Talk, September 21, 2002 2. Daily Town Talk, April 3, 2003	
Iberville	Louisiana	13-Dec-02	primary	Iberville Parish Councilman Howard Oubre Jr. and three other Plaquemine residents were arrested Thursday for allegedly paying people to vote absentee in a recent election. Oubre went into the community and solicited people to vote absentee in the Oct. 5 primary election. Oubre allegedly paid these people between \$3 and \$10	The Advocate	1					

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Vote Buying

River Rouge	Michigan	4-Apr-04	mayoral	State police are looking into allegations that the mayor's supporters offered payments o up to \$25 for absentee votes	Yahoo News					
Ingham	Michigan	6-Oct-04	presidential	The Michigan Republican Party accused Michael Moore of bribing students to vote in the presidential election. The party sent letter to prosecutors in four counties. As part of his tour, Moore tossed out packets of low-priced instant noodles and 12-packs of Hanes briefs to students who promised they would vote.	Lansing State Journal					
Detroit	Michigan	15-Dec-05	mayoral	Detroit's top elections official said Wednesday she is concerned that people may have sold votes on the eve of the city's Nov. 8 election, and said she may ask the Wayne County prosecutor to investigate. Gloria Williams, director of elections for City Clerk Jackie Currie, cited a Nov. 7 incident in which a Detroit man told police he thought he witnessed a scheme to pay people for votes as he stood in line to cast an absentee ballot. Detroit police took a report from the man but closed the case without further contact with the suspects or witnesses. A woman cited in the police report said nothing improper happened - political activists were coordinating with poll workers. Williams said the question is whether the people were required to vote a cer-tain way in exchange for jobs handing out literature and promoting candidates at voting places the next day.	Detroit Free Press					
Tippah	Mississippi	27-Mar-04	sheriff	Seven people have been charged for buying people's votes on absentee ballots	AP					
East St. Louis	Missouri	2-Jun-05	mayoral	A precinct committeeman and four others are on trial, accused of using money from the County Democrats to buy votes	St. Louis Post-Dispatch			5 Democratic operatives were convicted, four pled guilty	Belleville News Democrat (July 3, 2005)	
Lenoir	North Carolina	9-Mar-03	sheriff	For \$ 10, \$ 20 or \$ 25, dozens of people -- perhaps more than 300 -- sold their votes in a race that saw a veteran Democratic sheriff turned out of office. The State Bureau of Investigation has been on the case for months, assigning as many as 10 agents to it. The U.S. Attorney's Office in Charlotte is also involved. So far, there have been no indictments.	News and Observer					

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Vote Buying

Rosebud Indian Reservation	South Dakota	23-Dec-02	US Senate	<p>Republicans investigating Election Day irregularities in South Dakota based allegations of vote buying on rumors discussed on the Rosebud Indian Reservation, says David Norcross, a New Jersey lawyer who presided over the search for fraud.</p> <p>Republicans collected statements on a wide range of events, including accusations of people offering multiple names to vote and improper use of polling places by Democratic workers. The most serious claims, however, were three affidavits signed by Native Americans from the Mission area who said they were offered \$10 to vote by the driver of a van with a Tim Johnson for Senate sign in the window.</p> <p>Attorney General Mark Barnett has said that two of those statements were false and the third was suspect, but not before the allegations became the basis of reports in several national media outlets.</p>	Argus Leader				<p>Republican attorneys fanned out across the state on Election Day to gather affidavits to show vote buying. The State Attorney General (a Republican) says that of the 50 affidavits only three alleged criminal activity, and two of those proved to be false. One person is being investigated. Two of the affidavits were found to have been forged or perjurious. Each affidavit states that the person allegedly signing it claimed to have been picked up by a van driver, offered 10 to vote, taken to the polling place and home again and again offered the 10. Most of the allegations focused on the Rosebud Reservation</p>	1/1/2003, Indian Country Today (Lakota Times)
Pine Ridge Reservation	South Dakota	2-Nov-04	presidential	<p>On the Pine Ridge Indian Reservation, investigators are looking into Republican allegations of vote-buying.</p>	AP					
Gregg	Texas	9-Sep-03	constitutional amendments	<p>DA is investigating an employer for allegedly giving concert tickets to workers who cast early ballots</p>	Tyler Morning Telegraph					
McAllen	Texas	20-Aug-05	mayoral	<p>Grand jury is investigating whether "politiqueras" tried to buy absentee ballots</p>	The Monitor					
Hidalgo	Texas	22-Dec-05	mayoral	<p>Ten people were indicted on allegations of telling people who to vote for and unlawful solicitation of ballots for money.</p>	AP					
Falfurrias	Texas	11-Sep-04	city	<p>Candidate alleges the opposing campaign bribed some voters with money, beer and cigarettes in exchange for their votes, according to his lawsuit contesting the election</p>	Corpus Christie Caller Times					
Appalachia	Virginia	11-May-05	council	<p>State police are looking at claims that supporters of a candidate offered food, cigarettes and liquor to residents in a public housing complex for letting the supporter fill out absentee ballots for them</p>	The Post			<p>A special prosecutor was named to oversee an investigation into alleged vote buying and ballot theft in Appalachia</p>	Roanoke Times, September 24, 2004	
Logan	West Virginia	19-Jul-04	federal primaries	<p>County sheriff pleads guilty to conspiring to buy votes in elections he was running in</p>	AP					
Lincoln	West Virginia	31-May-05	primary	<p>12 people are indicted for selling their votes for \$20 or \$40.</p>	AP					
Logan	West Virginia	29-Nov-05	various	<p>Logan County Clerk plans to plead guilty to conspiring to bribe voters between 1992 and 2002. Prosecutors already have guilty pleas from the county sheriff and the police chief.</p>	AP					
Logan	West Virginia	2-Dec-05	House primary	<p>FBI operates a sting operation by putting up a phony candidate to catch a man engaging in buying votes. Man is being tried for conspiracy to buy votes</p>	Washington Post					

EAC Voting Fraud-Voter Intimidation Preliminary Research
 Nexis Articles - Vote Buying

	West Virginia	1-Jan-06		Thirteen people have been convicted of vote buying in the southern part of West Virginia over the last several years, including the 2004 primaries. However, the federal investigation is ongoing. In terms of cooperating witnesses, prosecutors may also continue to rely on Thomas Esposito. In an apparently unprecedented move, the FBI briefly planted the former longtime Logan mayor as a candidate in a 2004 legislative race. Evidence supplied by Esposito and his 75-day candidacy yielded December guilty pleas from two Logan County residents	AP								
Hanna	Wyoming	27-Apr-01	mayoral	State Division of Criminal Investigation said gratuities, such as alcoholic beverages, were allegedly offered in exchange for votes.	AP								
										1. August 2003 two acquitted of vote buying in the primary. In June 2003 another man in Lackey was found innocent of vote buying. Two indicted in Knott County pled guilty earlier in August 2003. 15 still under indictment 2. February 3, 2004: Knott County man sentenced to 20 months in prison for vote buying in the 1998 primary. The Knott County Judge-Executive and another man were convicted October 1 of vote buying	August 16, 2003, Courier Journal	AP February 3, 2004	

Voter Registration Fraud

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Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (individuals)	Acquitted/Dismissal	Convicted/guilty (individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
			Federal					Yes		Arkansas	23-Oct-02		At least six dead people tried to register to vote, including one helped by a person also listed on campaign-spending reports as having received \$100 from the state Democratic party, said Marty Ryall, Republican Party chairman. Michael Cook, executive director of the Arkansas Democratic Party, said a former staffer had hired two teenagers to register voters and that they took names directly from the phone book. He said the incident happened seven months ago and that party officials are cooperating with the U.S. Attorney's Office.	Washington Times				
				1				Yes		California	16-May-02		A Lafayette man has been charged with voter fraud after registering his toy poodle, Barnabas, to vote, a move he says was meant to show lax registration oversight. Donald Miller, 78, has been charged with misdemeanor voter fraud. The Contra Costa County district attorney's office found out about the stunt after reports about Barnabas being called for jury duty in March.	AP				
									18th CD	California	3-Jun-02	congressional	Several voters have said they were tricked into registering to vote as Republicans when they were told they were signing a petition to lower taxes or applying for a rebate from the power company or some other falsehood.	Roll Call				
						1			Stockton	California	13-Jul-02	congressional	A Stockton man hired to register Republican voters pleaded guilty to forging someone's name on a voter registration card. The conviction is the first arising from a Republican funded voter registration drive that Democrats allege involved fraud.	Modesto Bee				
				8				Yes	Lynwood	California	16-Oct-03	city council	Eight family members of a councilman are charged with registering at nonexistent addresses	Los Angeles Times				
						1			Stockton	California	24-Mar-	unclear	paid worker pleads guilty to a misdemeanor charge of forging six registration cards in 2001	Recordnet				
			State							California	20-Oct-04	presidential	Solano County elections officers, suspecting fraud, have sent about 150 voter registration forms to the California Secretary of State's Office for examination. Officials say the questionable forms are the products of intense efforts by both Democrats and Republicans to register voters for the upcoming presidential election. That zeal, further fueled by cash given to so-called "bounty hunters" who sign up voters, may lead to intentional errors on voter forms, officials said - a misspelled name, a fabricated street address, a rearranged Social Security number.	Tri-Valley Herald (Pleasanton, CA)				
				1				Yes	Hayward City	California	1-Nov-05	school board	Roger Treskunoff, 51, a former school board candidate and former Hayward City Councilman was charged with creating fictitious names and registering those names as voters with the Alameda County Registrar of Voters.	Contra Costa Times				

Voter Registration Fraud

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Partisan Allegation	Other Source Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissed	Convicted/guilty pleas (Individuals)	Other determinations	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
						1			San Joaquin	California	March 24, 2005; 6/16/2005	state senate	County says it is examining 1500 voter registration cards for fraud because of similar looking signatures.	Recordnet		June 2005: Paid worker charged with five felony counts of forging voter registration cards (none resulted in fraudulent votes) He admittedly forged 35 voter registration cards in 2004 when he was being paid \$5 for each voter he registered.	Modesto Bee	
		BOE					Yes		Denver	Colorado	16-Oct-04	presidential	A worker at the Election Commission found a registration form with her own name on it. When another form was cross-referenced with Vital Records, it was found to be from a dead person. Denver workers have forwarded 200 suspicious registrants to the DA. The voter outreach coordinator says the computer immediately flags names of voters who have registered more than once. Several other counties have found suspect voter registration forms.	Rocky Mountain News				
Yes										Colorado	17-Oct-04	presidential	The Secretary of State accused the Attorney General of not doing enough to prosecute potential ballot crimes. The Secretary confirmed that 6,000 felons are registered to vote. A Denver woman told a TV station she had registered to vote 25 times and signed up several friends up to 40 times to help her boyfriend, a paid staffer for a community group registering voters	Atlanta Journal Constitution				
		State					Yes			Colorado	18-Oct-04	presidential	With just two weeks before the Nov. 2 election, the state has been rocked by evidence that some voter-registration drives have submitted applications with forged signatures. In other cases, would-be voters have applied to vote as many as 40 times. At the same time, some registration drives have collected applications and then failed to submit them by the Oct. 4 deadline, prompting Secretary of State Donetta Davidson to announce the use of provisional ballots last week. At yesterday's meeting with county clerks and district attorneys, Mrs. Davidson announced procedures for accepting provisional ballots, which are issued to people who say they have registered but whose names fail to appear on the voter roll. Such ballots would be marked "VRD," for "Voter Registration Drive." The would-be voter would have to produce identification and tell when and where they registered. The ballot later would be checked against the state's voter data-bases. The clerks are referring cases that appear to be blatant fraud, such as forged signatures, to the county attorneys. Bill Ritter, the Denver	Washington Times				
		Local		6			Yes		Denver	Colorado	28-Oct-04	presidential	Denver prosecutors charged two people Wednesday with falsely filling out multiple voter forms to boost their pay in a paid registration drive. Criminal cases are pending against four people for questionable registrations in the metro area, and there may be more before investigations are completed.	Rocky Mountain News				
		State					Yes		Orange	Florida	31-Oct-02	state senate	The State Attorney is investigating charges of illegal changes to party affiliations on voter registration cards for a primary. The scheme seems to have been targeted at Hispanics.	Orlando Sentinel				

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								Yes	Florida		23-Oct-04	presidential	Officials say that more than 4,200 students from many colleges and universities in the state had their party affiliation switched without them knowing and tricked into registering Republican when they were asked to sign an assortment of petitions and forms. Some students attributed the work to a company working for the Republican Party	AP			
		Local						Yes	Duval	Florida	29-Oct-04	presidential	Elections officials asked prosecutors to investigate possible voter fraud involving 25 registration forms with apparently bogus addresses.	Telegraph Herald (IA)			
								Yes	Florida		31-Oct-04	presidential	Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed. Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.	Washington Post			
							Charges dismissed as baseless		Florida		15-Dec-05	constitutional amendment	Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation. Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials. The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.	St. Petersburg Times			
		Federal						Yes	Fulton County	Georgia	4-Nov-05	presidential	The U.S. attorney for Georgia's Northern District is investigating the circumstances surrounding more than 2,400 "entirely fraudulent" voter registration applications submitted to Fulton County prior to the November 2004 elections, county elections officials say. Most of those suspect applications were submitted to the Georgia Secretary of State in September 2004 by the Georgia Coalition for the Peoples' Agenda, according to Atlanta attorney Harry W. MacDougald, a member of the Fulton County Board of Registration and Elections. Details of the federal investigation surfaced as part of litigation that challenges as unconstitutional Georgia's new voter photo identification law. Common Cause v. Billups. No. 4:05CV201 (N.D. Ga.). MacDougald made the investigation public in an affidavit submitted on behalf of defendants in the case	Fulton County Daily Report			

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		BOE						Yes	Chicago	Illinois	12-Mar-04	primary	Chicago election officials say as many as 2,000 fraudulent voter registrations have turned up in advance of Tuesday's primary election. Two suspects are under investigation, the Chicago Tribune said, both of whom gathered registrations on behalf of the Puerto Rico Federal Affairs Administration.	UPI				
Yes							Press investigation finds fraud allegations false		East St. Louis	Illinois	30-Oct-04	supreme court	Illinois Republicans on Friday urged officials to look into "potential instances of massive voter fraud" in East St. Louis, showing pictures of an East St. Louis Democratic precinct committeemen's home that dozens of people registered to vote have listed as their address. But it turns out that that address and another called into question aren't single-family homes but are boarding houses or apartments that may house dozens of people.	St. Louis Post Dispatch				
				1				Yes	Ander son	Indiana	11-Mar-	unclear	Voter registered under the address of his rental property in another town faces perjury charges	WishTV				
				5				Yes	St. Martin ville	Louisiana	17-Jul-03	city council	5 people are arraigned on charges of including false information on their voter registration cards	Daily Advertiser				
				1				Yes	St. Martin ville	Louisiana	17-Dec-03	city council	City Councilwoman indicted for submitting false information to register to vote during her re-election campaign and persuaded three people not in the district to fill out registration forms; the voters were charged as well.	2 The Advocate				
										Maryland	17-Jun-01		An 82-year-old woman signed her dog's name on a voter registration card to test the system. No charges were filed.	Washington Post				
	Local			1				Yes	Lansing	Michigan	28-Oct-04	presidential	Ingham County sheriff's detectives have turned over to prosecutors the findings of their investigation into hundreds of phony voter registration forms from a state advocacy group. It appeared that some PIRGIM workers went through a Lansing phone book and forged people's signatures on forms	Lansing State Journal	Detroit Free Press September 23, 2004	An eight-month investigation of alleged voter registration fraud has resulted in misdemeanor charges against a Lansing man. Edward Pressley IV, who worked on a voter registration drive sponsored by the environmental group PIRGIM, is accused of submitting a phony registration form to the Ingham County clerk.	Detroit Free Press August 1, 2005	
				17	14	64		Yes	Coates	Minnesota	31-Oct-02	all	94 voter registration forms had false addresses matching a strip club	Washington Times		The strip club's owner is facing felony criminal charges alleging conspiracy to procure unlawful voting and conspiracy to commit forgery. Of the original 94 defendants who filled out registration forms, 64 people accepted offers to plead guilty to misdemeanors, instead of facing trials on felony forgery charges. Another 17 criminal cases, including the charges against Jacobson, are pending, while 14 cases were dismissed	Pioneer Press, St. Paul, Minn. June 10, 2005	

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				1				Yes	Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution				
		Local		9				Yes	St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch		Nine people are slated to be indicted today on charges of collecting or de-destroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.	11/7/2003, St. Louis Post Dispatch	11/11/2003, St. Louis Post Dispatch
		Federal		3				Yes	St. Louis	Missouri	17-Apr-01	presidential general election and mayoral primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch		Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary	St. Louis Post-Dispatch (March 5, 2002)	
						6			St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms ("6 plead guilty in vote fraud case")	St. Louis Post Dispatch		Prosecutor says all the cards were caught and no one voted illegally	St. Louis Post-Dispatch	
Yes	Federal							Yes		Nevada	17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution				

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								Yes	Clark County	Nevada	31-Oct-04	presidential	Voting Registrar Lomax said he found that canvassers returned stacks of 1,000 completed registration forms that often contained 30 to 50 applications filled out in the same handwriting. Lomax had no total figure for such fraudulent registrations. He also found that canvassers registered the same individuals several times over the span of a week. Some legitimately registered voters called to ask why they were getting registration forms--with their party affiliation changed, Lomax said. Apparently some canvassers went through the phone book and reregistered people without their consent, listing their parties incorrectly, Lomax said. Though registration drive organizers told Lomax's office that canvassers were paid by the hour, many canvassers told his staff and even provided pay stubs that showed they were paid \$2 for every completed registration form they collected in malls, stores and neighborhoods. Lomax said. *They were on both sides. It wasn't just Democrats, it wasn't just Republicans,* Lomax said. *The money was clearly the root of all evil here. They were paying people to register the voters. And the people doing this were way down the economic scale, and they wanted their money and they were just filling in forms.	Chicago Tribune				
		Federal					Yes		New Mexico		10-Sep-04		US Attorney forms a task force after finding two teenagers registered to vote	Albuquerque Journal				
Yes							Yes		Bernalillo County	New Mexico	15-Sep-04	presidential	Three Republican candidates want to examine all voter registration forms sub-mitted by a woman who, while working for a group that signs up new voters, registered a 13-year-old New Mexico boy.	AP				
		BOE					BOE finding	Yes		New York	19-Sep-02	gubernatorial	Dead voters were among the thousands of flawed voter registrations submitted by campaign workers of Governor Pataki during an enrollment drive, New York City officials determined	Poughkeepsie Journal				
		Local					Yes		Bronx	New York	23-Jun-03	gubernatorial	Bronx DA and a grand jury investigate whether Rikers Island supervisors filled out registration cards in the names of inmates (such inmates are eligible to vote)	Newsday				
									Queens	New York	15-Sep-04	state assembly	About 100 people in the Flushing area gave commercial addresses on voter registration forms, raising suspicion at polling sites yesterday that may cast a shadow over the assembly race.	Newsday				
									Greensboro	North Carolina	6-Dec-01		Imtiaz Ahmed Siddiqui pleaded guilty Thursday to voter fraud in a brief federal court hearing that included no mention of the allegation that he may be acquainted with terrorists. Siddiqui, 31, answering questions in halting English, admitted he signed a voter registration form that identified him as a U.S. citizen when he got a driver's license in Durham in August. He is a citizen of Pakistan.	AP				

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		State						Yes	Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer				
						BOE and DMV find small # of questionable registrations				North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina you can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP				
							Yes		Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer				
							Yes		Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer				
				1			Yes		Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch				
	BOE/State			1			Yes			Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Akron Beacon Journal

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		Joint State/local/federal						Yes		Ohio	20-Oct-04	presidential	State GOP Chair says that the party tried to contact 231,834 new registrants in the five largest counties and had 5.7% returned as undeliverable.	Columbus Dispatch		An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	8-Nov-05	Akron Beacon Journal
								Yes	Defiance	Ohio	31-Oct-04	presidential	The sheriff arrested a man for submitting 130 phony registration forms with such names as Mary Poppins and Dick Tracy. Authorities say he confessed to being paid in crack cocaine by an NAACP volunteer.	Dallas Morning News			11/8/2005	Akron Beacon Journal
		Unknown						Yes	Parma	Ohio	9-Jan-05	presidential	Three police officers are being investigated on accusations that they listed police headquarters as their home addresses when registering for the Nov. 2 election, officials said.	AP				
		State						Yes		Oregon	17-Oct-04	presidential	The Secretary of State announced an investigation into allegations that a paid canvasser with Sproul & Associates had been told to register only Republicans. The head of the organization denied the accusations.	Atlanta Journal Constitution				
										Oregon	30-Oct-04	presidential	In interviews, students at Mt. Hood and Chemeketa community colleges, Western Oregon University and the University of Oregon all told similar stories: They were approached on campus and asked to sign a petition, often urging lower auto-mobile insurance rates for students, and then asked to sign or initial a second document, which turned out to be a voter registration card. Many of the students were urged to mark Republican as their party affiliation; others were told to leave the party affiliation section blank but to put their initials next to Republican on that part of the form. Many of the students already were registered voters. Some students didn't realize they were registering to vote, or that their party affiliation was about to change. Nathan Sproul, whose company conducted the registration drive, did not respond to calls seeking comment. His firm has been accused of using similar tactics involving bogus petitions at colleges in Pennsylvania, according to the Pittsburgh Post-Gazette. In an earlier interview with The Oregonian, Sproul confirmed that his canvassers are paid a "bounty" of extra money for registering Republicans but said he did not think that was a problem.	Newhouse News Service				

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Yes									Pennsylvania		25-Oct-04	presidential	Republicans mailed letters to 130,000 people who had registered to vote in the last 6 months. 10,000 came back as undeliverable. The legal counsel to the state party said Republicans had looked at a sample of the letters and found 15 of 100 of the registrants were dead. The director of a nonpartisan organization says in a transient city many people may have moved over a six month period, and many letters might not have reached people living in shelters or substandard housing.	Philadelphia Inquirer				
		County					Yes		Allegheny	Pennsylvania	28-Oct-04	presidential	County investigators have launched an investigation into a scam in which University of Pittsburgh and Community College of Allegheny County students believed they were signing petitions to legalize marijuana for medical use, only to find themselves registered as Republicans.	Pittsburgh Tribune Review				
				4			Yes		East Providence	Rhode Island	20-Aug-05	town primary	Four people charged with using business addresses to register to vote	Pawtucket Times				
		Unknown		7			Yes		East Providence	Rhode Island	2-Dec-05	municipal	Nine people are accused of registering at business addresses. Charges against two are dropped because they did not sign the registration cards. Three other defendants have been invited to apply to the adult diversion program. Arraignments were postponed for four others. October 30, 2004: As many as 287 people were originally suspected.	Providence Journal				
				1			Yes		Rapid City	South Dakota	19-Oct-02	unclear	forged registration applications by a worker being paid by the application	Argus Leader		one indictment on five counts of forgery	Argus Leader	
		Unknown					Yes			South Dakota	21-Oct-02	statewide	Several counties, almost all of them adjoining an American Indian reservation, submit questionable registration forms to law enforcement	Argus Leader		Red Earth Villeda, a contractor for the Democratic Party, is investigated. SEE SOUTH DAKOTA SUMMARY	Argus Leader	
				1					Rapid City	South Dakota	12-Jul-03	unclear	Individual reaches plea agreement for falsifying registration cards	Midwest News				
						1				South Dakota	28-Jul-04		A Phoenix man accused of forging voter registration forms in Codington County has been sentenced to prison. Howard L. Brewer, 44, pleaded guilty last month to three counts of forgery. He was charged after the county auditor's office received an envelope in April that contained 20 voter registrations. Eight to 10 of the forms were suspicious.	AP				
		County					Yes		Harris	Texas	5-Feb-05	state legislature	County Tax Assessor-Collector alleges 157 registered had false addresses. County officials are investigating	Houston Chronicle				
				1					Prince William	Virginia	5-May-05	state legislature	Candidate charged with lying on a registration card and voting in a district where he did not reside.	Washington Times				

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Yes									Milwaukee	Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual -- including thousands who might be missing an apartment number on their registration -- at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel				
		Unknown					Yes		Madison	Wisconsin	10-May-05	presidential	The vast majority of voters alleged to have been phantoms because their verification forms were returned as undeliverable really exist and their cards were returned because of innocent mistakes in filling out voter registration forms. Of 1,194 verification cards returned, 16 are still be examined	Wisconsin State Journal				
				2			Yes		Milwaukee	Wisconsin	11-May-05	presidential	Arrest warrants issued and felony charges filed against two workers for Project Vote who admitted to filling out multiple registration cards using fictitious information to earn money	Milwaukee Journal Sentinel				
				2					Milwaukee	Wisconsin	6-Dec-05	presidential	County DA charges two people affiliated with ACORN for filing false voter registrations	AP				

EAC SUMMARY OF EXPERT INTERVIEWS FOR
VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Interview with Commissioner Harry Van Sickle and Deputy Chief Counsel to the Secretary of State Larry Boyle, State of Pennsylvania

March 1, 2006

As Commissioner Van Sickle has only been in office for about a year, Mr. Boyle answered most of our questions.

Fraud and Intimidation

Neither Van Sickle nor Boyle was aware of any fraud of any kind in the state of Pennsylvania over the last five years. They are not aware of the commission of any deceptive practices, such as flyers that intentionally misinform as to voting procedures. They also have never heard of any incidents of voter intimidation. With respect to the mayoral election of 2003, the local commission would know about that.

Since the Berks County case of 2003, where the Department of Justice found poll workers who treated Latino voters with hostility among other voting rights violations, the Secretary's office has brought together Eastern Pennsylvania election administrators and voting advocates to discuss the problems. As a result, other counties have voluntarily chosen to follow the guidance of the Berks County federal court order.

Regarding the allegations of fraud that surrounded the voter identification debate, Mr. Boyle said was not aware of any instances of fraud involving identity. He believes this is because Pennsylvania has laws in place to prevent this. For example, in 2002 the state legislature passed an ID law that is stricter than HAVA's – it requires all first time voters to present identification. In addition, the SURE System – the state's statewide voter registration database – is a great anti-fraud mechanism. The system will be in place statewide in the May 2006 election.

In addition, the state took many steps before the 2004 election to make sure it would be smooth. They had attorneys in the counties to consult on problems as well as staff at the central office to take calls regarding problems. In addition, in 2004 the state used provisional ballots for the first time. This resolved many of the problems that used to occur on Election Day.

Mr. Boyle is not aware of any voter registration fraud. This is because when someone registers to vote, the administrator does a duplicate check. In addition, under new laws a person registering to vote must provide their drivers license or Social Security number which are verified through the Department of Motor Vehicles and the Social Security Administration. Therefore, it would be unlikely that someone would be able to register to vote falsely.

Process

Most problems are dealt with at the local level and do not come within the review of the Secretary of State's office. For instance, if there is a complaint of intimidation, this is generally dealt with by the county courts which are specially designated solely to election cases on

EAC SUMMARY OF EXPERT INTERVIEWS FOR
VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Election Day. The Secretary does not keep track of these cases. Since the passage of NVRA and HAVA counties will increasingly call the office when problems arise.

Recommendations

Mr. Boyle suggested we review the recommendations of the Pennsylvania Election Reform Task Force which is on the Secretary's website. Many of those recommendations have been introduced in the legislature.

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

January 13, 2006

Questions

How are Prosecution Decisions Made?

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

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

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

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

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

EAC SUMMARY OF EXPERT INTERVIEWS FOR
VOTING FRAUD-VOTER INTIMIDATION RESEARCH

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

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

What Kinds of Complaints Would Routinely Override Principles of Federalism?

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

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

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

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

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

Other Information

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

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the

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US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

Cases:

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

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

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

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought when there was a pattern or scheme to corrupt the process. Charges were not brought against individuals – those cases went un-prosecuted. This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes.

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

Felon voters in Milwaukee.

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

Double voters in a variety of jurisdictions.

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

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

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Interview with Douglas Webber, Assistant Attorney General, Indiana

February 15, 2006

Background

Mr. Webber was an attorney for the Marion County Election Board and was also part of the Indianapolis Ballot Security Team (sometimes called the Goon Squad). This Team was a group of attorneys well trained in election law whose mission was to enforce ballot security.

Litigation

Status of litigation in Indiana: On January 12 the briefing was completed. The parties are waiting for a decision from the U.S. district judge. The judge understood that one of the parties would seek a stay from the 7th Circuit Court of Appeals. The parties anticipate a decision in late March or early April. Mr. Webber did the discovery and depositions for the litigation. Mr. Webber feared the plaintiffs were going to state in their reply brief that HAVA's statewide database requirement would resolve the problems alleged by the state. However, the plaintiffs failed to do so, relying on a Motor Voter Act argument instead. Mr. Webber believes that the voter ID at issue will make the system much more user-friendly for the poll workers. The Legislature passed the ID legislation, and the state is defending it, on the basis of the problem of the *perception* of fraud.

Incidents of fraud and intimidation

Mr. Webber thinks that no one can put his or her thumb on whether there has been voter fraud in Indiana. For instance, if someone votes in place of another, no one knows about it. There have been no prosecuted cases of polling place fraud in Indiana. There is no recorded history of documented cases, but it does happen. In the litigation, he used articles from around the country about instances of voter fraud, but even in those examples there were ultimately no prosecutions, for example the case of Milwaukee. He also stated in the litigation that there are all kinds of examples of dead people voting---totaling in the hundreds of thousands of votes across the country.

One interesting example of actual fraud in Indiana occurred when a poll worker, in a poll using punch cards, glued the chads back and then punched out other chads for his candidate. But this would not be something that would be addressed by an ID requirement.

He also believes that the perception that the polls are loose can be addressed by the legislature. The legislature does not need to wait to see if the statewide database solve the problems and therefore affect the determination of whether an ID requirement is necessary. When he took the deposition of the Republican Co-Director, he said he thought Indiana was getting ahead of the curve. That is, there have been problems around the country, and confidence in elections is low. Therefore Indiana is now in front of getting that confidence back.

Mr. Webber stated that the largest vote problem in Indiana is absentee ballots. Absentee ballot fraud and vote buying are the most documented cases. It used to be the law that applications for absentee ballots could be sent anywhere. In one case absentee votes were exchanged for "a job on election day"---meaning one vote for a certain price. The election was contested and the trial

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judge found that although there was vote fraud, the incidents of such were less than the margin of victory and so he refused to overturn the election. Mr. Webber appealed the case for the state and argued the judge used the wrong statute. The Indiana Supreme Court agreed and reversed. Several people were prosecuted as a result – those cases are still pending.

Process

In Indiana, voter complaints first come to the attorney for the county election board who can recommend that a hearing be held. If criminal activity was found, the case could be referred to the county prosecutor or in certain instances to the Indiana Attorney General's Office. In practice, the Attorney General almost never handles such cases.

Mr. Webber has had experience training county of election boards in preserving the integrity and security of the polling place from political or party officials. Mr. Webber stated that the Indiana voter rolls need to be culled. He also stated that in Southern Indiana a large problem was vote buying while in Northern Indiana a large problem was based on government workers feeling compelled to vote for the party that gave them their jobs.

Recommendations

- Mr. Webber believes that all election fraud and intimidation complaints should be referred to the Attorney General's Office to circumvent the problem of local political prosecutions. The Attorney General should take more responsibility for complaints of fraud because at the local level, politics interferes. At the local level, everyone knows each other, making it harder prosecute.
- Indiana currently votes 6 am to 6 pm on a weekday. Government workers and retirees are the only people who are available to work the polls. Mr. Webber suggested that the biggest change should be to move elections to weekends. This would involve more people acting as poll workers who would be much more careful about what was going on.
- Early voting at the clerk's office is good because the people there know what they are doing. People would be unlikely to commit fraud at the clerk's office. This should be expanded to other polling places in addition to that of the county clerk.
- Finally, Mr. Webber believes polling places should be open longer, run more professionally but that there needs to be fewer of them so that they are staffed by only the best, most professional people.

**Interview Sharon Priest, former Secretary of State, Arkansas
January 24, 2006**

Process:

When there is an allegation of election fraud or intimidation, the county clerk refers it to the local district attorney. Most often, the DA does not pursue the claim. There is little that state administrators can do about this because in Arkansas, county clerks are partisanly elected and completely autonomous. Indeed, county clerks have total authority to determine who is an eligible voter.

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Data:

There is very little data collected in Arkansas on fraud and intimidation cases. Any information there might be stays at the county level. This again is largely because the clerks have so much control and authority, and will not release information. Any statewide data that does exist might be gotten from Susie Storms from the State Board of Elections.

Most Common Problems

The perception of fraud is much greater than the actual incidence of fraud.

- The DMV does not implement NVRA in that it does not take the necessary steps when providing the voter registration forms and does not process them properly. This leads to both ineligible voters potentially getting on the voting rolls (e.g. noncitizens, who have come to get a drivers license, fill out a voter registration form having no intention of actually voting) and voter thinking they are registered to vote to find they are not on the list on Election Day. Also, some people think they are automatically registered if they have applied for a drivers license.
- Absentee ballot fraud is the most frequent form of election fraud.
- In Arkansas, it is suspected that politicians pay ministers to tell their congregations to vote for them
- In 2003, the State Board documented 400 complaints against the Pulaski County Clerk for engaging in what was at least borderline fraud, e.g. certain people not receiving their absentee ballots. The case went to a grand jury but no indictment was brought.
- Transportation of ballot boxes is often insecure making it very easy for insiders to tamper with the ballots or stuff the ballot boxes. Priest has not actually witnessed this happen, but believes it may have.
- Intimidation at the poll sites in court houses. Many voters are afraid of the county judges or county employees and therefore will not vote. They justifiably believe their ballots will be opened by these employees to see who they voted for, and if they voted against the county people, retribution might ensue.
- Undue challenges to minority language voters at the poll sites
- Paid registration collectors fill out phony names, but these individuals are caught before anyone is able to cast an ineligible ballot.

Suggested Reforms for Improvement:

- Nonpartisan election administration
- Increased prosecution of election crimes through greater resources to district attorneys. In addition, during election time, there should be an attorney in the DA's office who is designated to handle election prosecution.
- There should be greater centralization of the process, especially with respect to the statewide database. Arkansas has a "bottom up" system. This means the counties still control the list and there is insufficient information sharing. For example, if someone

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lives in one county but dies in another, the county in which the voter lived – and was registered to vote – will not be notified of the death.

Interview with Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

March 22, 2006

Background

Thompson is a member of the Cheyenne River Sioux tribe in South Dakota. For many years she worked locally on elections doing poll monitoring and legal work, from a nonpartisan perspective. In 2004, she headed the Native Vote Election Protection, a project run by the National Congress of American Indians, and was in charge of monitoring all Native American voting sites around the country, focusing on 10 or 15 states with the biggest Native populations. She is now permanently on staff of the National Congress of American Indians as the Director of Government relations. NCAI works jointly with NARF as well as the Election Protection Coalition.

Recent trends

Native election protection operations have intensified recently for several reasons. While election protection efforts in Native areas have been ongoing, leaders realized that they were failing to develop internal infrastructure or cultivate locally any of the knowledge and expertise which would arrive and leave with external protection groups.

Moreover, in recent years partisan groups have become more aware of the power of the native vote, and have become more active in native communities. This has partly resulted in an extreme increase in voter intimidation tactics. As native communities are easy to identify, easy to target, and generally dominated by a single party, they are especially vulnerable to such tactics.

Initially, reports of intimidation were only passed along by word of mouth. But it became such a problem in the past 5 to 6 years that tribal leaders decided to raise the issue to the national level. Thompson points to the Cantwell election in 2000 and the Johnson election in South Dakota in 2002 as tipping points where many began to realize the Indian vote could matter in Senate and national elections.

Thompson stressed that Native Vote places a great deal of importance on being nonpartisan. While a majority of native communities vote Democratic, there are notable exceptions, including communities in Oklahoma and Alaska, and they have both parties engaging in aggressive tactics. However, she believes the most recent increase in suppression and intimidation tactics have come from Republican Party organizations.

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Nature of Suppression/Intimidation of Native Voters

Thompson categorizes suppression into judge related and poll-watcher related incidents, both of which may be purposeful or inadvertent, as well as longstanding legal-structural constraints.

Structural problems

One example of inadvertent suppression built into the system stems from the fact that many Indian communities also include significant numbers of non-Indians due to allotment. Non-Indians tend to be most active in the state and local government while Indians tend to be more involved in the tribal government. Thus, the individuals running elections end up being non-Indian. Having Indians vote at polling places staffed by non-Indians often results in incidents of disrespect towards Native voters (Thompson emphasized the considerable racism which persists against Indians in these areas). Also, judges aren't familiar with Indian last names and are more dismissive of solving discrepancies with native voters.

Structural problems also arise from laws which mandate that the tribal government cannot run state or local elections. In places like South Dakota, political leaders used to make it intentionally difficult for Native Americans to participate in elections. For example, state, local and federal elections could not be held in the same location as tribal elections, leading to confusion when tribal and other elections are held in different locations. Also, it is common to have native communities with few suitable sites, meaning that a state election held in a secondary location can suddenly impose transportation obstacles.

Photo ID Issues

Thompson believes both state level and HAVA photo ID requirements have a considerable negative impact. For a number of reasons, many Indian voters don't have photo ID. Poor health care and poverty on reservations means that many children are born at home, leading to a lack of birth certificates necessary to obtain ID. Also, election workers and others may assume they are Hispanic, causing additional skepticism due to citizenship questions. There is a cultural issue as well—historically, whenever Indians register with the federal government it has been associated with a taking of land or removal of children. Thus many Indians avoid registering for anything with the government, even for tribal ID.

Thompson also offered examples of how the impact of ID requirements had been worsened by certain rules and the discriminatory way they have been carried out. In the South Dakota special election of 2003, poll workers told Native American voters that if they did not have ID with them and they lived within sixty miles of the precinct, the voter had to come back with ID. The poll workers did not tell the voters that they could vote by affidavit ballot and not need to return, as required by law. This was exacerbated by the fact that the poll workers didn't know the voters—as would be the case with non-Indian poll workers and Indian voters. Many left the poll site without voting and did not return.

In Minnesota, the state tried to prohibit the use of tribal ID's for voting outside of a reservation, even though Minnesota has a large urban Native population. Thompson believes this move was

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very purposeful, and despite any reasonable arguments from the Secretary of State, they had to file a lawsuit to stop the rule. They were very surprised to find national party representatives in the courtroom when they went to deal with lawsuit, representatives who could only have been alerted through a discussion with the Secretary of State.

Partisan Poll-Monitoring

Thompson believes the most purposeful suppression has been perpetrated by the party structures on an individual basis, of which South Dakota is a great example.

Some negative instances of poll monitoring are not purposeful. Both parties send in non-Indian, non-Western lawyers, largely from the East Coast, which can lead to uncomfortable cultural clashes. These efforts display a keen lack of understanding of these communities and the best way to negotiate within in them. But while it may be intimidating, it is not purposeful.

Yet there are also many instances of purposeful abuse of poll monitoring. While there were indeed problems during the 2002 Johnson election, it was small compared to the Janklow special election. Thompson says Republican workers shunned cultural understanding outreach, and had an extensive pamphlet of what to say at polls and were very aggressive about it. In one tactic, every time a voter would come up with no ID, poll monitors would repeat "You can't vote" over and over again, causing many voters to leave. This same tactic appeared across reservations, and eventually they looked to the Secretary of State to intervene.

In another example, the head of poll watchers drove from poll to poll and told voters without IDs to go home, to the point where the chief of police was going to evict him from the reservation. In Minnesota, on the Red Lake reservation, police actually did evict an aggressive poll watcher—the fact that the same strategies are employed several hundred miles apart points to standardized instructions.

None of these incidents ever went to court. Thompson argues this is due to few avenues for legal recourse. In addition, it is inherently difficult to settle these things, as they are he said-she said incidents and take place amidst the confusion of Election Day. Furthermore, poll watchers know what the outline of the law is, and they are careful to work within those parameters, leaving little room for legal action.

Other seeming instances of intimidation may be purely inadvertent, such as when, in 2002, the U.S. Attorney chose Election Day to give out subpoenas, and native voters stayed in their homes. In all fairness, she believes this was a misunderstanding.

The effect of intimidation on small communities is especially strong and is impossible to ultimately measure, as the ripple effect of rumors in insular communities can't be traced. In some communities, they try to combat this by using the Native radio to encourage people to vote and dispel myths.

She has suggestions for people who can describe incidents at a greater level of detail if interested.

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Vote Buying and Fraud

They haven't found a great deal of evidence on vote-buying and fraud. When cash is offered to register voters, individuals may abuse this, although Thompson believes this is not necessarily unique to the Native community, but a reflection of high rates of poverty. This doesn't amount to a concerted effort at conspiracy, but instead represents isolated incidents of people not observing the rules. While Thompson believes looking into such incidents is a completely fair inquiry, she also believes it has been exploited for political purposes and to intimidate. For example, large law enforcement contingents were sent to investigate these incidents. As Native voters tend not to draw distinctions between law enforcement and other officials, this made them unlikely to help with elections.

Remedies

As far as voter suppression is concerned, Native Vote has been asking the Department of Justice to look into what might be done, and to place more emphasis on law enforcement and combating intimidation. They have been urging the Department to focus on this at least much as it is focusing on enforcement of Section 203. Native groups have complained to DOJ repeatedly and DOJ has the entire log of handwritten incident reports they have collected. Therefore, Thompson recommends more DOJ enforcement of voting rights laws with respect to intimidation. People who would seek to abuse the process need to believe a penalty will be paid for doing so. Right now, there is no recourse and DOJ does not care, so both parties do it because they can.

Certain states should rescind bars on nonpartisan poll watchers on Election Day; Thompson believes this is contrary to the nonpartisan, pro-Indian presence which would best facilitate voting in Native communities.

As discussed above, Thompson believes ID requirements are a huge impediment to native voters. At a minimum, Thompson believes all states should be explicit about accepting tribal ID on Election Day.

Liberalized absentee ballot rules would also be helpful to Native communities. As many Indian voters are disabled and elderly, live far away from their precinct, and don't have transportation, tribes encourage members to vote by absentee ballot. Yet obstacles remain. Some voters are denied a chance to vote if they have requested a ballot and then show up at the polls. Thompson believes South Dakota's practice of tossing absentee ballots if a voter shows up at the ED would serve as an effective built-in protection. In addition, she believes there should be greater scrutiny of GOTV groups requesting absentee ballots without permission. Precinct location is a longstanding issue, but Thompson recognizes that states have limited resources. In the absence of those resources, better absentee ballot procedures are needed.

Basic voter registration issues and access are also important in native communities and need to be addressed.

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Thompson is mixed on what restrictions should be placed on poll watcher behavior, as she believes open elections and third party helpers are both important. However, she would be willing to explore some sort of stronger recourse and set of rules concerning poll watchers' behavior. Currently, the parties are aware that no recourse exists, and try to get away with what they will. This is not unique to a single party—both try to stay within law while shaking people up. The existing VRA provision is 'fluffy'—unless you have a consent decree, you have very little power. Thompson thinks a general voter intimidation law that is left a bit broad but that nonetheless makes people aware of some sort of kickback could be helpful.

Interview with Jason Torchinsky, former attorney with the Civil Rights Section of the Department of Justice, assistant general counsel for the American Center for Voting Rights (ACVR) and Robin DeJarnette, political consultant for C4 and C5 organizations and executive director for the ACVR.

February 16, 2006

ACVR Generally

Other officers of the ACVR-Thor Hearne II-general counsel and Brian Lunde, former executive director of the Democratic National Committee.

Board of Directors of ACVR-Brian Lunde, Thor Hearne II, and Cameron Quinn

ACVR works with a network of attorneys around the country and has been recently involved with lobbying in PA and MO.

Regarding the August 2005 Report

ACVR has not followed up on any of the cases it cited in the 2005 report to see if the allegations had been resolved in some manner. Mr. Torchinsky stated that there are problems with allegations of fraud in the report and prosecution---just because there was no prosecution, does not mean there was no vote fraud. He believes that it is very hard to come up with a measure of voter fraud short of prosecution. Mr. Torchinsky does not have a good answer to resolve this problem.

P. 35 of the Report indicates that there were coordinated efforts by groups to coordinate fraudulent voter registrations. P. 12 of the Ohio Report references a RICO suit filed against organizations regarding fraudulent voter registrations. Mr. Torchinsky does not know what happened in that case. He stated that there was a drive to increase voter registration numbers regardless of whether there was an actual person to register. He stated that when you have an organization like ACORN involved all over the place, there is reason to believe it is national in scope. When it is the same groups in multiple states, this leads to the belief that it is a concerted effort.

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Voting Problems

Mr. Torchinsky stated there were incidents of double voting---ex. a double voter in Kansas City, MO. If the statewide voter registration database requirement of HAVA is properly implemented, he believes it will stop multiple voting in the same state. He supports the HAVA requirement, if implemented correctly. Since Washington State implemented its statewide database, the Secretary of State has initiated investigations into felons who voted. In Philadelphia the major problem is permitting polling places in private homes and bars – even the homes of party chairs.

Mr. Torchinsky believes that voter ID would help, especially in cities in places like Ohio and Philadelphia, PA. The ACVR legislative fund supports the Real ID requirements suggested by the Carter-Baker Commission. Since federal real ID requirements will be in place in 2010, any objection to a voter ID requirement should be moot.

Mr. Torchinsky stated that there are two major poll and absentee voting problems---(1) fraudulent votes-ex. dead people voting in St. Louis and (2) people voting who are not legally eligible-ex. felons in most places. He also believes that problems could arise in places that still transport paper ballots from the voting location to a counting room. However, he does not believe this is as widespread a problem now as it once was.

Suggestions

Implement the Carter-Baker Commission recommendations because they represent a reasonable compromise between the political parties.

**Interview with Joe Rich, former Chief of the Voting Section,
US Department of Justice
February 7, 2006**

Background

Mr. Rich went to Yale undergraduate and received his law degree from the University of Michigan. He served as Chief of the Voting Section from 1999-2005. Prior to that he served in other leadership roles in the Civil Rights Division and litigated several civil rights cases.

Data Collection and Monitoring

The section developed a new database before the 2004 election to log complaint calls and what was done to follow up on them. They opened many investigations as a result of these complaints, including one on the long lines in Ohio (see DOJ letter on website, as well as critical commentary on the DOJ letter's analysis). DOJ found no Section 2 violation in Ohio. John Tanner should be able to give us this data. However, the database does not include complaints that were received by monitors and observers in the field.

All attorney observers in the field are required to submit reports after Election Day to the Department. These reports would give us a very good sense of the scope and type of problems that arose on that day and whether they were resolved on the spot or required further action.

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The monitoring in 2004 was the biggest operation ever. Prior to 2000, only certain jurisdictions could be observed – a VRA covered jurisdiction that was certified or a jurisdiction that had been certified by a court, e.g. through a consent decree. Since that time, and especially in 2004, the Department has engaged in more informal “monitoring.” In those cases, monitors assigned to certain jurisdictions, as opposed to observers, can only watch in the polling place with permission from the jurisdiction. The Department picked locations based on whether they had been monitored in the past, there had been problems before, or there had been allegations in the past. Many problems that arose were resolved by monitors on the spot.

Processes for Cases not Resolved at the Polling Site

If the monitor or observer believes that a criminal act has taken place, he refers it to the Public Integrity Section (PIN). If it is an instance of racial intimidation, it is referred to the Civil Rights Criminal Division. However, very few such cases are prosecuted because they are very hard to prove. The statutes covering such crimes require actual violence or the threat of violence in order to make a case. As a result, most matters are referred to PIN because they operate under statutes that make these cases easier to prove. In general, there are not a high number of prosecutions for intimidation and suppression.

If the act is not criminal, it may be brought as a civil matter, but only if it violated the Voting Rights Act – in other words, only if there is a racial aspect to the case. Otherwise the only recourse is to refer it to PIN.

However, PIN tends not to focus on intimidation and suppression cases, but rather cases such as alleged noncitizen voting, etc. Public Integrity used to only go after systematic efforts to corrupt the system. Now they focus on scattered individuals, which is a questionable resource choice. Criminal prosecutors over the past 5 years have been given more resources and more leeway because of a shift in focus and policy toward noncitizens and double voting, etc.

There have been very few cases brought involving African American voters. There have been 7 Section 2 cases brought since 2001 – only one was brought on behalf of African American voters. That case was initiated under the Clinton administration. The others have included Latinos and discrimination against whites.

Types of Fraud and Intimidation Occurring

There is no evidence that polling place fraud is a problem. There is also no evidence that the NVRA has increased the opportunity for fraud. Moreover, regardless of NVRA’s provisions, an election official can always look into a voter’s registration if he or she believes that person should no longer be on the list. The Department is now suing Missouri because of its poor registration list.

The biggest problem is with absentee ballots. The photo ID movement is a vote suppression strategy. This type of suppression is a bigger problem than intimidation. There has been an increase in vote suppression over the last five years, but it has been indirect, often in the way that

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laws are interpreted and implemented. Unequal implementation of ID requirements at the polls based on race would be a VRA violation.

The most common type of intimidation occurring is open hostility by poll workers toward minorities. It is a judgment call whether this is a crime or not – Craig Donsanto of PIN decides if it rises to a criminal matter.

Election Day challenges at the polls could be a VRA violation but such a case has never been formally pursued. Such cases are often resolved on the spot. Development of a pre-election challenge list targeted at minorities would be a VRA violation but this also has never been pursued. These are choices of current enforcement policy.

Long lines due to unequal distribution of voting machines based on race, list purges based on race and refusal to offer a provisional ballot on the basis of race would also be VRA violations.

Recommendations

Congress should pass a new law that allows the Department to bring civil actions for suppression that is NOT race based, for example, deceptive practices or wholesale challenges to voters in jurisdictions that tend to vote heavily for one party.

Given the additional resources and latitude given to the enforcement of acts such as double voting and noncitizen voting, there should be an equal commitment to enforcement of acts of intimidation and suppression cases.

There should also be increased resources dedicated to expanded monitoring efforts. This might be the best use of resources since monitors and observers act as a deterrent to fraud and intimidation.

Interview with Joe Sandler, Counsel to the DNC

February 24, 2006

Background

Sandler is an election attorney. He worked for the DNC in 1986, was in-house counsel from 1993-1998, and currently is outside counsel to the DNC and most state Democratic Parties. Sandler was part of the recount team in Florida in both 2002 and 2004. He recruited and trained attorneys in voting issues---starting in 2002 Sandler recruited in excess of 15, 000 attorneys in twenty-two states. He is now putting together a national lawyers council in each state.

2004-Administrative Incompetence v. Fraud

Sandler believes the 2004 election was a combination of administrative incompetence and fraud. Sandler stated there was a deliberate effort by the Republicans to disenfranchise voters across the

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country. This was accomplished by mailing out cards to registered voters and then moving to purge from the voters list those whose cards were returned. Sandler indicated that in New Mexico there was a deliberate attempt by Republicans to purge people registered by third parties. He stated that there were intentional efforts to disenfranchise voters by election officials like Ken Blackwell in Ohio.

The problems with machine distribution in 2004 were not deliberate. However, Sandler believes that a large problem exists in the states because there are no laws that spell out a formula to allocate so many voting machines per voter.

Sandler was asked how often names were intentionally purged from the voter lists. He responded that there will be a lot of names purged as a result of the creation of the voter lists under HAVA. However, Sandler stated most wrongful purging results from incompetence. Sandler also said there was not much intimidation at the polls because most such efforts are deterred and that the last systematic effort was in Philadelphia in 2003 where Republicans had official looking cars and people with badges and uniforms, etc.

Sandler stated that deliberate dissemination of misinformation was more incidental, with individuals misinforming and not a political party. Disinformation did occur in small Spanish speaking communities.

Republicans point to instances of voter registration fraud but Sandler believes it did not occur, except for once in a blue moon. Sandler did not believe non-citizen voting was a problem. He also does not believe that there is voter impersonation at the polls and that Republicans allege this as a way of disenfranchising voters through restrictive voter identification rules.

Fraud and Intimidation Trends

Sandler stated that over the years there has been a shift from organized efforts to intimidate minority voters through voter identification requirements, improper purging, failure to properly register voters, not allocating enough voting machines, failure to properly use the provisional ballot, etc., by voter officials as well as systematic efforts by Republicans to deregister voters.

At the federal level, Sandler said, the voting division has become so politicized that it is basically useless now on intimidation claims. At the local level, Sandler does not believe politics prevents or hinders prosecution for vote fraud.

Sandler's Recommendations

Moving the voter lists to the state level is a good idea where carefully done

Provisional ballots rules should follow the law and not be over-used

No voter ID

Partisanship should be taken out of election administration, perhaps by giving that responsibility by someone other than the Secretary of State. There should at least be conflict of interest rules

Enact laws that allow private citizens to bring suit under state law

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All suggestions from the DNC Ohio Report:

1. The Democratic Party must continue its efforts to monitor election law reform in all fifty states, the District of Columbia and territories.
2. States should be encouraged to codify into law all required election practices, including requirements for the adequate training of official poll workers.
3. States should adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access. These standards should be based on set ratios of numbers of machines and pollworkers per number of voters expected to turn out, and should be made available for public comment before being adopting.
4. States should adopt legislation to make clear and uniform the rules on voter registration.
5. The Democratic Party should monitor the processing of voter registrations by local election authorities on an ongoing basis to ensure the timely processing of registrations and changes, including both newly registered voters and voters who move within a jurisdiction or the state, and the Party should ask state Attorneys General to take action where necessary to force the timely updating of voter lists.
6. States should be urged to implement statewide voter lists in accordance with the Help America Vote Act (“HAVA”), the election reform law enacted by Congress in 2002 following the Florida debacle.
7. State and local jurisdictions should adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day.
8. The Democratic Party should monitor the purging and updating of registered voter lists by local officials, and the Party should challenge, and ask state Attorneys General to challenge, unlawful purges and other improper list maintenance practices.
9. States should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.)
10. State Attorneys General and local authorities should vigorously enforce, to the full extent permitted by state law, a voter’s right to vote without showing identification.
11. Jurisdictions should be encouraged to use precinct-tabulated optical scan systems with a computer assisted device at each precinct, in preference to touchscreen (“direct recording equipment” or “DRE”) machines.
12. Touchscreen (DRE) machines should not be used until a reliable voter verifiable audit feature can be uniformly incorporated into these systems. In the event of a recount, the paper or other auditable record should be considered the official record.
13. Remaining punchcard systems should be discontinued.
14. States should ask state Attorneys General to challenge unfair or discriminatory distribution of equipment and resources where necessary, and the Democratic Party should bring litigation as necessary.
15. Voting equipment vendors should be required to disclose their source code so that it can be examined by third parties. No voting machine should have wireless connections or be able to connect to the Internet.
16. Any equipment used by voters to vote or by officials to tabulate the votes should be used

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exclusively for that purpose. That is particularly important for tabulating/aggregating computers.

17. States should adopt "no excuse required" standards for absentee voting.
18. States should make it easier for college students to vote in the jurisdiction in which their school is located.
19. States should develop procedures to ensure that voting is facilitated, without compromising security or privacy, for all eligible voters living overseas.
20. States should make voter suppression a criminal offense at the state level, in all states.
21. States should improve the training of pollworkers.
22. States should expend significantly more resources in educating voters on where, when and how to vote.
23. Partisan officials who volunteer to work for a candidate should not oversee or administer any elections.

Interview with John Ravitz, Executive Director, New York City Board of Elections
February 16, 2006

Process

If there is an allegation of fraud or intimidation, the commissioners can rule to act on it. For example, in 2004 there were allegations in Queens that people had registered to vote using the addresses of warehouses and stores. The Board sent out teams of investigators to look into this. The Board then developed a challenge list that was to be used at the polls if any of the suspect voters showed up to vote.

If the allegation rises to a criminal level, the Board will refer it to the county district attorney. If a poll worker or election official is involved, the Board may conduct an internal investigation. That individual would be interviewed, and if there is validity to the claim, the Board would take action.

Incidences of Fraud and Intimidation

Mr. Ravitz says there have been no complaints about voter intimidation since he has been at the Board. There have been instances of over-aggressive poll workers, but nothing threatening. Voter fraud has also generally not been a problem.

In 2004, the problem was monitors from the Department of Justice intimidating voters. They were not properly trained, and were doing things like going into the booth with voters. The Board had to contact their Department supervisors to put a stop to it.

Charges regarding "ballot security teams" have generally just been political posturing.

The problem of people entering false information on voter registration forms is a problem. However, sometimes a name people allege is false actually turns out to be the voter's real name. Moreover, these types of acts do not involve anyone actually casting a fraudulent ballot.

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With respect to the issue of voters being registered in both New York and Florida, the Board now compares its list with that of Florida and other places to address the problem. This will be less of an issue with the use of statewide voter registration databases, as information becomes easier to share. Despite the number of people who were on the voter registration lists of both jurisdictions, there was no one from those lists who voted twice.

Most of the problems at the polls have to do with poll workers not doing what they are supposed to do, not any sort of malfeasance. This indicates that improved training is the most important measure we can take.

There have been instances in which poll workers ask voters for identification when they shouldn't. However, the poll workers seem to do it when they cannot understand the name when the voter tells it to them. The Board has tried to train them that no matter what, the poll worker cannot ask for identification in order to get the person's name.

Absentee ballot fraud has also not been a problem in New York City. This is likely because absentee ballots are counted last – eight days after election day. This is so that they can be checked thoroughly and verified. This is a practice other jurisdictions might consider.

New York City has not had a problem with ex-felons voting or with ex-felons not knowing their voting rights. The City has not had any problems in recent years with deceptive practices, such as flyers providing misinformation about voting procedures.

Recommendations

- Better poll worker training
- Thorough inspection of absentee ballots subsequent to the election

Interview with John Tanner, Director, Civil Rights Division, U.S. Department of Justice

February 24, 2006

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

Authority and Process

The Voting Section, in contrast to the Public Integrity section as Craig Donsanto described it, typically looks only at systemic problems, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In

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situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

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

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

When the section receives a complaint, attorneys first determine whether it is a matter of individuals or systemic. When deciding what to do with the complaint, the section errs on the side of referring it criminally because they do not want civil litigation to complicate a possible criminal case.

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

Often, lawsuits bring voluntary compliance.

Voter Intimidation

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

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

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

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

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

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

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

Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

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

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

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

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

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Recommendations

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

Interview with Kevin Kennedy, State Elections Director, State of Wisconsin

April 11, 2006

Background

Kennedy is a nonpartisan, appointed official. He has been in this position since 1983.

Complaints of fraud and intimidation do not usually come to Kennedy's office. Kennedy says that complainants usually take their allegations to the media first because they are trying to make a political point.

2004 Election Incidents of Fraud

The investigations into the 2004 election uncovered some cases of double voting and voting by felons who did not know they were not eligible to vote, but found no concerted effort to commit fraud. There have been a couple of guilty pleas as a result, although not a number in the double digits. The task force and news reports initially referred to 100 cases of double voting and 200 cases of felon voting, but there were not nearly that many prosecutions. Further investigation since the task force investigation uncovered that in some instances there were mis-marks by poll workers, fathers and sons mistaken for the same voter, and even a husband and wife marked as the same voter. The double votes that are believed to have occurred were a mixture of absentee and polling place votes. It is unclear how many of these cases were instances of voting in two different locations.

In discussing the case from 2000 in which a student claimed – falsely – that he had voted several times, Kennedy said that double voting can be done. The deterrent is that it's a felony, and that one person voting twice is not an effective way to influence an election. One would need to get a lot of people involved for it to work.

The task force set up to investigate the 2004 election found a small number of illegal votes but given the 7,000 alleged, it was a relatively small number. There was no pattern of fraud.

The one case Kennedy could recall of an organized effort to commit fraud was in the spring of 2003 or 2004. A community service agency had voters request that absentee ballots be sent to the agency instead of to the voters and some of those ballots were signed without the voters' knowledge. One person was convicted, the leader of the enterprise.

In Milwaukee, the main contention was that there were more ballots than voters. However, it was found that the 7,000 vote disparity was tied to poll worker error. The task force found that there was no concerted effort involved. Kennedy explained that there are many ways a ballot

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can get into a machine without a voter getting a number. These include a poll worker forgetting to give the voter one; someone does Election Day registration and fills out a registration form but does not get a number because the transaction all takes place at one table; and in Milwaukee, 20,000 voters who registered were not put on the list in time and as a short term solution the department sent the original registration forms to the polling places to be used instead of the list to provide proof of registration. This added another element of confusion that might have led to someone not getting a voter number.

The Republican Party used this original list and contracted with a private vendor to do a comparison with the U.S. postal list. They found initially that there were 5,000 bad addresses, and then later said there were 35,000 illegitimate addresses. When the party filed a complaint, the department told them they could force the voters on their list to cast a challenge ballot. On Election Day, the party used the list but found no actually voting from those addresses. Kennedy suspects that the private vendor made significant errors when doing the comparison.

In terms of noncitizen voting, Kennedy said that there is a Russian community in Milwaukee that the Republican Party singles out every year but it doesn't go very far. Kennedy has not seen much in the way of allegations of noncitizen voting.

However, when applying for a drivers license, a noncitizen could register to vote. There is no process for checking citizenship at this point, and the statewide registration database will not address this. Kennedy is not aware of any cases of noncitizen voting as a result, but it might have happened.

Kennedy said that the biggest concern seemed to be suspicions raised when groups of people are brought into the polling site from group homes, usually homes for the disabled. There are allegations that these voters are being told how to vote.

Incidents of Voter Intimidation

In 2004, there was a lot of hype about challenges, but in Wisconsin, a challenger must articulate a basis under oath. This acts as a deterrent, but at the same time it creates the potential that someone might challenge everyone and create long lines, keeping people from voting. In 2004, the Republican Party could use its list of suspect addresses as a legitimate basis for challenges, so there is the potential for abuse. It is also hard to train poll workers on that process. In 2004, there were isolated cases of problems with challengers.

In 2002, a flyer was circulated only in Milwaukee claiming that you had vote by noon. This was taken as an intimidation tactic by the Democrats.

Reforms

Wisconsin has had difficulty with its database because 1) they have had a hard time getting a good product out of the vendor and 2) until now there was no registration record for one-quarter of the voters. Any jurisdiction with fewer than 5000 voters was not required to have a registration list.

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In any case, once these performance issues are worked out, Kennedy does believe the statewide voter registration database will be very valuable. In particular, it will mean that people who move will not be on more than one list anymore. It should also address the double voting issue by identifying who is doing it, catching people who do it, and identifying where it could occur.

Recommendations

Better trained poll workers

Ensure good security procedures for the tabulation process and more transparency in the vote counting process

Conduct post-election audits

Interview with Lori Minnite, Barnard College

February 22, 2006

Background

Ms. Minnite is an assistant professor of political science at Barnard College. She has done substantial research on voter fraud and wrote the report "Securing the Vote." Ms. Minnite also did work related to an election lawsuit. The main question that she was asked to address in the lawsuit was---did election-day registration increase the possibility of fraud?

Securing the Vote

In Securing the Vote, Ms. Minnite found very little evidence of voter fraud because the historical conditions giving rise to fraud have weakened over the past twenty years. She stated that for fraud to take root a conspiracy was needed with a strong local political party and a complicit voter administration system. Since parties have weakened and there has been much improvement in the administration of elections and voting technology, the conditions no longer exist for large scale incidents of polling place fraud.

Ms. Minnite concentrates on fraud committed by voters not fraud committed by voting officials. She has looked at this issue on the national level and also concentrated on analyzing certain specific states. Ms. Minnite stressed that it is important to keep clear who the perpetrators of the fraud are and where the fraud occurs because that effects what the remedy should be. Often, voters are punished for fraud committed by voting officials.

Other Fraud Issues

Ms. Minnite found no evidence that NVRA was leading to more voter fraud. She supports non-partisan election administration. Ms. Minnite has found evidence that there is absentee ballot fraud. She can't establish that there is a certain amount of absentee ballot fraud or that it is the major kind of voter fraud.

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Recommendations

Assure there are accurate voter records and centralize voter databases

Reduce partisanship in electoral administration.

Interview with Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

March 7, 2006

Background

Ms. Perales is an attorney with the Mexican American Legal Defense Fund (MALDEF). MALDEF's mission is to foster sound public policies, laws and programs to safeguard the civil rights of the 40 million Latinos living in the United States and to empower the Latino community to fully participate in our society. One of the areas MALDEF works in is electoral issues, predominately centered on the Voting Rights Act. Ms. Perales did not seem to have a sense of the overall electoral issues in her working region (the southwest) effecting Hispanic voters and did not seem to want to offer her individual experiences and work activities as necessarily a perfect reflection of the challenges Hispanic voters face.

Largest Election Problems Since 2000

Santa Anna County, New Mexico-2004-intimidated voters by video taping them.

San Antonio-One African American voter subjected to a racial slur.

San Antonio-Relocated polling places at the last minute without Section 5 pre-clearance.

San Antonio-Closed polls while voters were still in line.

San Antonio-2003-only left open early voting polls in predominantly white districts.

San Antonio-2005-racially contested mayoral run-off election switched from touch screen voting to paper ballots.

Voter Fraud and Intimidation

In Texas, the counties are refusing to open their records with respect to Section 203 compliance (bilingual voting assistance), and those that did respond to MALDEF's request submitted incomplete information. Ms. Perales believes this in itself is a form of voter intimidation.

Ms. Perales said it is hard to say if the obstacles minorities confront in voting are a result of intentional acts or not because the county commission is totally incompetent. There have

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continuously been problems with too few ballots, causing long lines, especially in places that had historically lower turnout. There is no formula in Texas for allocating ballots – each county makes these determinations.

When there is not enough language assistance at the polls, forcing a non-English speaker to rely on a family member to vote, that can suppress voter turnout.

Ms. Perales is not aware of deceptive practices or dirty tricks targeted at the Latino community.

There have been no allegations of illegal noncitizen voting in Texas. Indeed, the sponsor of a bill that would require proof of citizenship to vote could not provide any documentation of noncitizen voting in support of the bill. The bill was defeated in part because of the racist comments of the sponsor. In Arizona, such a measure was passed. Ms. Perales was only aware of one case of noncitizen voting in Arizona, involving a man of limited mental capacity who said he was told he was allowed to register and vote. Ms. Perales believes proof of citizenship requirements discriminate against Latinos.

Recommendations

Ms. Perales feels the laws are adequate, but that her organization does not have enough staff to do the monitoring necessary. This could be done by the federal government. However, even though the Department of Justice is focusing on Section 203 cases now, they have not even begun to scratch the surface. Moreover, the choices DOJ has made with respect to where they have brought claims do not seem to be based on any systematic analysis of where the biggest problems are. This may be because the administration is so ideological and partisan.

Ms. Perales does not believe making election administration nonpartisan would have a big impact. In Texas, administrators are appointed in a nonpartisan manner, but they still do not always have a nonpartisan approach. Each administrator tends to promote his or her personal view regardless of party.

Interview with Pat Rogers, private attorney

March 3, 2006

Background

In addition to his legal practice with *Modrall, Sperling, Roehl, Harris & Sisk*, Rogers also does some state-level lobbying for Verizon Wireless, GM, Dumont and other companies. His experience in election law goes back to 1988, where his first elections case was a defense against Bill Richardson, who had sued to get another candidate tossed off a ballot because of petition fraud. Since 1988, he has been involved in election cases at least once every two years.

2004 Litigation

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In a case that ended before the New Mexico Supreme Court, Rogers represented the Green Party and other plaintiffs against the New Mexico Secretary of State for sending a directive telling local boards not to require ID for first time voters registering by mail. He argued that this watered-down ID check conflicted with what seemed fairly clear statutory requirements for first time voters. In 2004 these requirements were especially important due to the large presence of 3rd party organizations registering voters such as a 527 funded by Governor Richardson, ACORN, and others.

Plaintiffs were seeking a temporary restraining order requiring Secretary of State to follow the law. Yet the Supreme Court ultimately decided that, whether the directive was right or wrong, it was too late to require ID lest Bush v. Gore issues be raised.

Today, the issue is moot as the state legislature has changed the law, and the Secretary of State will no longer be in office. It seems unlikely they will send any policy directives to county clerks lest they violate due process/public notice.

Major issues in NM w/ regard to vote fraud

Registration fraud seems to be the major issue, and while the legislature has taken some steps, Rogers is skeptical of the effect they will have, considering the history of unequal application of election laws. He also believes there are holes in the 3rd party registration requirement deadlines.

Rogers views a national law requiring ID as the best solution to registration problems. Rather than imposing a burden he contends it will enhance public confidence in the simplest way possible.

Registration Fraud in 2004 election

It came to light that ACORN had registered a 13 year old. The father was an APD officer and received the confirmation, but it was sent to the next door address, a vacant house. They traced this to an ACORN employee and it was established that this employee had been registering others under 18.

Two weeks later, in a crack cocaine bust of Cuban nationals, one of those raided said his job was registering voters for ACORN, and the police found signatures in his possession for fictitious persons.

In a suspicious break-in at an entity that advertised itself as nonpartisan, only GOP registrations were stolen.

In another instance, a college student was allegedly fired for registering too many Republicans.

Rogers said he believed these workers were paid by the registration rather than hourly.

There have been no prosecution or convictions related to these incidents. In fact, there have been no prosecutions for election fraud in New Mexico in recent history. However, Rogers is

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skeptical that much action can be expected considering the positions of Attorney General, Governor, and Secretary of State are all held by Democrats. Nor has there been any interest from the U.S. attorney—Rogers heard that U.S. attorneys were given instruction to hold off until after the election in 2004 because it would seem too political.

As part of the case against the Secretary of State regarding the identification requirement, the parties also sued ACORN. At a hearing, the head of ACORN, and others aligned with the Democratic Party called as witnesses, took the 5th on the stand as to their registration practices.

Other incidents

Very recently, there have been reports of vote buying in the town of Espanola. Originally reported by the *Rio Grande Sun*, a resident of a low-income housing project is quoted as saying it has been going on for 10-12 years. The Albuquerque Journal is now reporting this as well. So far the investigation has been extremely limited.

In 1996, there were some prosecutions in Espanola, where a state district judge found registration fraud.

In 1991, the chair of Democratic Party of Bertolino County was convicted on fraud. Yet she was pardoned by Clinton on same day as Marc Rich.

Intimidation/Suppression

Rogers believes the most notable example of intimidation in the 2004 election was the discovery of a DNC Handbook from Colorado advising Democratic operatives to widely report intimidation regardless of confirmation in order to gain media attention.

In-person polling place fraud

There have only been isolated instances of people reporting that someone had voted in their name, and Rogers doesn't believe there is any large scale conspiracy. Yet he contends that perspective misses the larger point of voter confidence. Although there has been a large public outcry for voter ID in New Mexico, it has been deflected and avoided by Democrats.

In 2004, there were more Democratic lawyers at the polls than there are lawyers in New Mexico. Rogers believes these lawyers had a positive impact because they deterred people from committing bad acts.

Counting Procedures

The Secretary of State has also taken the position that canvassing of the vote should be done in private. In NM, they have a 'county canvas' where they review and certify, after which all materials—machine tapes, etc.,—are centralized with the Secretary of State who does a final canvass for final certification. Conducting this in private is a serious issue, especially considering the margin in the 2000 presidential vote in New Mexico was only 366 votes. They wouldn't be

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changing machine numbers, but paper numbers are vulnerable.

On a related note, NM has adopted state procedures that will ensure their reports are slower and very late, considering the 2000 late discovery of ballots. In a close race, potential for fraud and mischief goes up astronomically in the period between poll closing and reporting. Rogers believes these changes are going to cause national embarrassment in the future.

Rogers attributes other harmful effects to what he terms the Secretary of State's incompetence and inability to discern a nonpartisan application of the law. In the 2004 election, no standards were issued for counting provisional ballots. Furthermore, the Secretary of State spent over \$1 million of HAVA money for 'voter education' in blatant self-promotional ads.

Recommendations

Rogers believes it would be unfeasible to have nonpartisan election administration and favors transparency instead. To make sure people have confidence in the election, there must be transparency in the whole process. Then you don't have the 1960 vote coming down to Illinois, or the Espanola ballot or Dona Anna County (ballots found there in the 2000 election). HAVA funds should also be restricted when you have an incompetent, partisan Secretary of State.

There should be national standards for reporting voting results so there is less opportunity for fraud in a close race. Although he is not generally an advocate of national laws, he does agree there should be more national uniformity into how votes are counted and recorded.

Interview with Rebecca Vigil-Giron, Secretary of State, New Mexico

March 24, 2006

Background

Vigil-Giron has been Secretary of State for twelve years and was the President of the National Association of Secretaries of State in 2004. Complaints of election fraud and intimidation are filed with the SOS office. She then decides whether to refer it to the local district attorney or the attorney general. Because the complaints are few and far between, the office does not keep a log of complaints; however, they do have all of the written complaints on file in the office.

Incidents of Fraud and Intimidation

During the 2004 election, there were a couple of complaints of polling place observers telling people outside the polling place who had just voted, and then the people outside were following the voters to their cars and videotaping them. This happened in areas that are mostly second and third generation Latinos. The Secretary sent out the sheriff in one instance of this. The perpetrators moved to a different polling place. This was the only incident of fraud or intimidation Vigil-Giron was aware of in New Mexico.

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There have not been many problems on Native reservations because, unlike in many other states, in New Mexico the polling place is on the reservation and is run by local Native Americans. Vigil-Giron said that it does not make sense to have non-Natives running those polls because it is necessary to have people there who can translate. Because most of the languages are unwritten, the HAVA requirement of accessibility through an audio device will be very helpful in this regard. Vigil-Giron said she was surprised to learn while testifying at the Voting Rights Act commission hearings of the lack of sensitivity to these issues and the common failure to provide assistance in language minority areas.

In 2004 the U.S. Attorney, a Republican, suddenly announced he was launching an investigation into voter fraud without consulting the Secretary of State's office. After all of that, there was maybe one prosecution. Even the allegations involving third party groups and voter registration are often misleading. People doing voter registration drives encourage voters to register if they are unsure if they are already registered, and the voter does not even realize that his or her name will then appear on the voter list twice. The bigger problem is where registrations do not get forwarded to election administrators and the voter does not end up on the voting list on Election Day. This is voter intimidation in itself, Vigil-Giron believes. It is very discouraging for that voter and she wonders whether he or she will try again.

Under the bill passed in 2004, third parties are required to turn around voter registration forms very quickly between the time they get them and when they must be returned. If they fail to return them within 48 hours of getting them, they are penalized. This, Vigil-Giron believes, is unfair. She has tried to get the Legislature to look at this issue again.

Regarding allegations of vote buying in Espanola, Vigil-Giron said that the Attorney General is investigating. The problem in that area of New Mexico is that they are still using rural routes, so they have not been able to properly district. There has, as a result, been manipulation of where people vote. Now they seem to have pushed the envelope too far on this. The investigation is not just about vote buying, however. There have also been allegations of voters being denied translators as well as assistance at the polls.

Vigil-Giron believes there was voter suppression in Ohio in 2004. County officials knew thirty days out how many people had registered to vote, they knew how many voters there would be. Administrators are supposed to use a formula for allocation of voting machines based on registered voters. Administrators in Ohio ignored this. As a result, people were turned away at the polls or left because of the huge lines. This, she believes, was a case of intentional vote suppression.

A few years ago, Vigil-Giron heard that there may have been people voting in New Mexico and a bordering town in Colorado. She exchanged information with Colorado administrators and it turned out that there were no cases of double voting.

Recommendations

Vigil-Giron believes that linking voter registration databases across states may be a way to see if people who are registered twice are in fact voting twice.

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The key to improving the process is better trained poll workers, who are certified, and know what to look for on Election Day. These poll workers should then work with law enforcement to ensure there are no transgressions.

There should be stronger teeth in the voter fraud laws. For example, it should be more than a fourth degree felony, as is currently the case.

Interview with Sarah Bell Johnson Interview

April 19, 2006

Procedures for Handling Fraud

Fraud complaints are directed first to the state Board of Elections. Unlike boards in other states, Kentucky's has no investigative powers. Instead, they work closely with both the Attorney General and the U.S. Attorney. Especially since the current administration took office, they have found the U.S. Attorney an excellent partner in pursuing fraud cases, and have seen many prosecutions in the last six years. She believes that there has been no increase in the incidence of fraud, but rather the increase in prosecutions is related to increased scrutiny and more resources.

Major Types of Fraud and Intimidation

Johnson says that vote buying and voter intimidation go hand in hand in Kentucky. While historically fraud activity focused on election day, in the last 20 years it has moved into absentee voting. In part, this is because new voting machines aren't easy to manipulate in the way that paper ballots were open to manipulation in the past, especially in distant rural counties. For this reason, she is troubled by the proliferation of states with early voting, but notes that there is a difference between absentee ballot and early voting on machines, which is far more difficult to manipulate.

Among the cases of absentee ballot fraud they have seen, common practice involves a group of candidates conspiring together to elect their specific slate. Nursing homes are an especially frequent target. Elderly residents request absentee ballots, and then workers show up and 'help' them vote their ballots. Though there have been some cases in the Eastern district of election day fraud, most have been absentee.

Johnson argues that it is hard to distinguish between intimidation and vote buying. They have also seen instances where civic groups and church groups intimidate members to vote in a specific manner, not for reward, but under threat of being ostracized or even telling them they will go to hell.

While she is aware of allegations of intimidation by the parties regarding minority precincts in Louisville, the board hasn't received calls about it and there haven't been any prosecutions.

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Challengers

Challengers are permitted at the polls in Kentucky. Each party is allowed two per location, and they must file proper paperwork. There is a set list of defined reasons for which they can challenge a voter, such as residency, and the challengers must also fill out paperwork to conduct a challenge.

As for allegations of challengers engaging in intimidation in minority districts, Johnson notes that challengers did indeed register in Jefferson County, and filed the proper paperwork, although they ultimately did not show up on election day.

She finds that relatively few challengers end up being officially registered, and that the practice has grown less common in recent years. This is due more to a change of fashion than anything. And after all, those wishing to affect election outcomes have little need for challengers in the precinct when they can target absentee voting instead.

In the event that intimidation is taking place, Kentucky has provisions to remove disruptive challengers, but this hasn't been used to her knowledge.

Prosecutions

Election fraud prosecutions in Kentucky have only involved vote buying. This may be because that it is easier to investigate, by virtue of a cash and paper trail which investigators can follow. It is difficult to quantify any average numbers about the practice from this, due in part to the five year statute of limitations on vote buying charges. However, she does not believe that vote-buying is pervasive across the state, but rather confined to certain pockets.

Vote-hauling Legislation

Vote hauling is a common form of vote buying by another name. Individuals are legally paid to drive others to the polls, and then divide that cash in order to purchase votes. Prosecutions have confirmed that vote hauling is used for this purpose. While the Secretary of State has been committed to legislation which would ban the practice, it has failed to pass in the past two sessions.

Paying Voter Registration Workers Legislation

A law forbidding people to pay workers by the voter registration card or for obtaining cards with registrations for a specific party was passed this session. Individuals working as part of a registration campaign may still be paid by hour. Kentucky's experience in the last presidential election illustrates the problems arising from paying individuals by the card. That contest included a constitutional amendment to ban gay marriage on the ballot, which naturally attracted the attention of many national groups. One group paying people by the card resulted in the registrar being inundated with cards, including many duplicates in the same bundle, variants on names, and variants on addresses. As this practice threatens to overwhelm the voter registration process, Kentucky views it as constituting malicious fraud.

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Deceptive practices

Other than general reports in the news, Johnson hasn't received any separate confirmation or reports of deceptive practices, i.e., false and misleading information being distributed to confuse voters.

Effect of Kentucky's Database

Johnson believes Kentucky's widely praised voter registration database is a key reason why the state doesn't have as much fraud as it might, especially the types alleged elsewhere like double and felon voting. While no database is going to be perfect, the connections with other state databases such as the DMV and vital statistics have been invaluable in allowing them to aggressively purge dead weight and create a cleaner list. When parties use their database list they are notably more successful. Johnson wonders how other states are able to conduct elections without a similar system.

Some factors have made especially important to their success. When the database was instituted in 1973, they were able to make everyone in the state re-register and thus start with a clean database. However, it is unlikely any state could get away with this today.

She is also a big supporter of a full Social Security number standard, as practiced in Kentucky. The full Social Security, which is compared to date of birth and letters in the first and last name, automatically makes matching far more accurate. The huge benefits Kentucky has reaped make Johnson skeptical of privacy concerns arguing for an abbreviated Social Security number. Individuals are willing to submit their Social Security number for many lesser purposes, so why not voting? And in any event, they don't require a Social Security number to register (unlike others such as Georgia). Less than a percent of voters in Kentucky are registered under unique identifiers, which the Board of Elections then works to fill in the number through cross referencing with the DMV.

Recommendations

Johnson believes the backbone of effective elections administration must be standardized procedures, strong record keeping, and detailed statutes. In Kentucky, all counties use the same database and the same pre election day forms. Rather than seeing that as oppressive, county officials report that the uniformity makes their jobs easier.

This philosophy extends to the provisional ballot question. While they did not have a standard in place like HAVA's at the time of enactment, they worked quickly to put a uniform standard in place.

They have also modified forms and procedures based on feedback from prosecutors. Johnson believes a key to enforcing voting laws is working with investigators and prosecutors and ensuring that they have the information they need to mount cases.

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She also believes public education is important, and that the media could do more to provide information about what is legal and what is illegal. Kentucky tries to fulfill this role by information in polling places, press releases, and high profile press conferences before elections. She notes that they deliberately use language focusing on fraud *and* intimidation.

Johnson is somewhat pessimistic about reducing absentee ballot fraud. Absentee ballots do have a useful function for the military and others who cannot get to the polling place, and motivated individuals will always find a way to abuse the system if possible. At a minimum, however, she recommends that absentee ballots should require an excuse. She believes this has helped reduce abuse in Kentucky, and is wary of no-excuse practices in other states.

Interview with Steve Ansolobhere and Chandler Davidson
February 17, 2006

Methodology suggestions

In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that asks whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. Mr. Ansolobhere recommended Jonathan Krosnick, Doug Rivers, and Paul Sniderman at Stanford; Donald Kinder and Arthur Lupia at Michigan; Edward Carmines at Indiana; and Phil Tetlock at Berkeley. In the alternative, Mr. Ansolobhere suggested that the EAC might work with the Census Bureau to have them ask different, additional questions in their Voter Population Surveys.

Mr. Chandler further suggested it is important to talk to private election lawyers, such as Randall Wood, who represented *Ciro Rodriguez* in his congressional election in Texas. Mr. Ansolobhere also recommended looking at experiments conducted by the British Election Commission.

Incidents of Fraud and Intimidation

Mr. Davidson's study for the Lawyers Committee for Civil Rights on the Voting Rights Act documented evidence of widespread difficulty in the voting process. However, he did not attempt to quantify whether this was due to intentional, malevolent acts. In his 2005 report on ballot security programs, he found that there were many allegations of fraud made, but not very many prosecutions or convictions. He saw many cases that did go to trial and the prosecutors lost on the merits.

In terms of voter intimidation and vote suppression, Mr. Davidson said he believes the following types of activities do occur: videotaping of voters' license plates; poll workers asking

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intimidating questions; groups of officious-looking poll watchers at the poll sites who seem to be some sort of authority looking for wrongdoing; spreading of false information, such as phone calls, flyers, and radio ads that intentionally mislead as to voting procedures.

Mr. Ansolobhere believes the biggest problem is absentee ballot fraud. However, many of these cases involve people who do not realize what they are doing is illegal, for example, telling someone else how to vote. Sometimes there is real illegality occurring however. For example, vote selling involving absentee ballots, the filling out of absentee ballots en masse, people at nursing homes filling out the ballots of residents, and there are stories about union leaders getting members to vote a certain way by absentee ballot. This problem will only get bigger as more states liberalize their absentee ballot rules. Mr. Chandler agreed that absentee ballot fraud was a major problem.

Recommendations

Go back to “for cause” absentee ballot rules, because it is truly impossible to ever ensure the security of a mail ballot. Even in Oregon, there was a study showing fraud in their vote by mail system.

False information campaigns should be combated with greater voter education. Los Angeles County’s voter education program should be used as a model.

Interview with Tracy Campbell, author

March 3, 2006

Background

Campbell’s first book on election fraud looked at Ed Pritchard, a New Deal figure who went to jail for stuffing ballot boxes. While his initial goal in writing that book was to find out why Pritchard had engaged in vote stealing, his growing understanding of a pervasive culture of electoral corruption led him to consider instead how it was that Pritchard was ever caught. In 1998, he started working on a book regarding fraud in Kentucky, which quickly became a national study. He hoped to convey the ‘real politics’ which he feels readers, not to mention academics, have little sense about. While less blatant than in previous eras, fraud certainly still occurs, and he mentions some examples in his book. The major trend of the past 60-70 years has been that these tactics have grown more subtle.

While he hasn’t conducted any scientific study of the current state of fraud, his sense as a historian is that it seems naive, after generations of watching the same patterns and practices influence elections, to view suspect election results today as merely attributable to simple error.

Vote-buying and absentee fraud

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Campbell sees fraud by absentee ballot and vote buying as the greatest threats to fair elections today. He says vote fraud is like real estate: location, location, location—the closer you can keep the ballots to the courthouse the better. Absentee ballots create a much easier target for vote brokers who can manage voting away from the polling place, or even mark a ballot directly, in exchange for, say, \$50—or even more if an individual can bring their entire family. He has noted some small counties where absentee ballots outnumber in-person ballots.

However, few people engaged in this activity would call it ‘purchasing’ a vote. Instead, it is candidate Jones’ way of ‘thanking’ you for a vote you would have cast in any event. The issue is what happens if candidate Smith offers you more. Likewise, the politicians who engage in vote fraud don’t see it as a threat to the republic but rather as a game they have to play in order to get elected.

Regional patterns

Campbell suggests such practices are more prevalent in the South than the Northern states, and even more so compared to the West. The South has long been characterized as particularly dangerous in intimidation and suppression practices—throughout history, one can find routine stories of deaths at the polls each year. While he maintains that fraud seems less likely in the Western states, he sees the explosion of mail in and absentee ballots there as asking for trouble.

Poll site closings as a means to suppress votes

Campbell points to a long historical record of moving poll sites in order to suppress votes. Polling places in the 1800s were frequently set-up on rail cars and moved further down the line to suppress black votes.

He would include door-to-door canvassing practices here, as well as voting in homes, which was in use in Kentucky until only a few years ago. All of these practices have been justified as making polling places ‘more accessible’ while their real purpose has been to suppress votes.

Purge lists

Purge lists are, of course, needed in theory, yet Campbell believes the authority to mark names off the voter rolls presents extensive opportunity for abuse. For this reason, purging must be done in a manner that uses the best databases, and looks at only the most relevant information. When voters discover their names aren’t on the list when they go to vote, for example, because they are “dead,” it has a considerable demoralizing effect. Wrongful purging takes place both because of incompetence and as a tool to intentionally disenfranchise.

Campbell believes transparency is the real issue here. An hour after the polls close, we tend to just throw up our hands and look the other way, denying voters the chance to see that discrepancies are being rectified. He believes the cost in not immediately knowing election outcomes is a small price to pay for getting results right and showing the public a transparent process.

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Deceptive practices

Today's deceptive practices have are solidly rooted in Reconstruction-era practices—i.e. phony ballots, the Texas 'elimination' ballot. The ability to confuse voters is a powerful tool for those looking to sway elections.

Language minorities

Campbell argues there is a fine line between offering help to non-English speakers and using that help against them. A related issue, particularly in the South, is taking advantage of the illiterate.

Current intimidation

Another tactic Campbell considers an issue today is polling place layout: the further vote suppressers can keep people away from the polls, the better. Practices such as photographing people leaving a polling place may also tie into vote-buying, where photos are used to intimidate and validate purchased votes. A good way to combat such practices is by keeping electioneering as far from the polls as possible.

Recommendations

Specific voting administration recommendations Campbell advocates would include reducing the use of absentee ballots and improving the protective zone around polling places.

Campbell would also like to see enforcement against fraud stepped up and stiffer penalties enacted, as current penalties make the risk of committing fraud relatively low. He compares the risk in election fraud similar to steroid use in professional sports—the potential value of the outcome is far higher than the risk of being caught or penalized for the infraction, so it is hard to prevent people from doing it. People need to believe they will pay a price for engaging in fraud or intimidation. Moreover, we need to have the will to kick people out of office if necessary.

He is skeptical of the feasibility of nonpartisan election administration, as he believes it would be difficult to find people who care about politics yet won't lean one way or the other—such an attempt would be unlikely to get very far before accusations of partisanship emerged. He considers the judiciary the only legitimate check on election fraud.

Interview with Wade Henderson, Executive Director, Leadership Conference for Civil Rights

February 14, 2006

Data Collection

Mr. Henderson had several recommendations as to how to better gather additional information and data on election fraud and intimidation in recent years. He suggested interviewing the

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following individuals who have been actively involved in Election Protection and other similar efforts:

- Jon Greenbaum, Lawyers Committee for Civil Rights
- Tanya Clay, People for the American Way
- Melanie, Campbell, National Coalition for Black Political Participation
- Larry Gonzalez, National Association of Latino Election Officers
- Jacqueline Johnson, National Congress of American Indians
- Chellie Pingree, Common Cause
- Jim Dickson, disability rights advocate
- Mary Berry, former Chair of the US Commission on Civil Rights, currently at the University of Pennsylvania
- Judith Browne and Eddie Hailes, Advancement Project (former counsel to the US Commission on Civil Rights)
- Robert Rubin, Lawyers Committee for Civil Rights – San Francisco Office
- Former Senator Tom Daschle (currently a fellow at The Center for American Progress)

He also recommended we review the following documents and reports:

- The 2004 litigation brought by the Advancement Project and SEIU under the 1981 New Jersey Consent Decree
- Forthcoming LCCR state-by-state report on violations of the Voting Rights Act
- Forthcoming Lawyers Committee report on violations of the Voting Rights Act (February 21)

Types of Fraud and Intimidation Occurring

Mr. Henderson said he believed that the kinds of voter intimidation and suppression tactics employed over the last five years are ones that have evolved over many years. They are sometimes racially based, sometimes based on partisan motives. He believes the following types of activity have actually occurred, and are not just a matter of anecdote and innuendo, and rise to the level of either voter intimidation or vote suppression:

- Flyers with intentional misinformation, such as ones claiming that if you do not have identification, you cannot vote, and providing false dates for the election
- Observers with cameras, which people associate with potential political retribution or even violence
- Intimidating police presence at the polls
- Especially in jurisdictions that authorize challenges, the use of challenge lists and challengers goes beyond partisanship to racial suppression and intimidation
- Unequal deployment of voting equipment, such as occurred in Ohio. Also, he has seen situations in which historically Black colleges will have one voting machine while other schools will have more.

Mr. Henderson believes that these matters are not pursued formally because often they involve activities that current law does not reach. For example, there is no law prohibiting a Secretary of State from being the head of a political campaign, and then deploying voting machines in an uneven manner. There is no way to pursue that. Also, once the election is over, civil litigation

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becomes moot. Finally, sometimes upon reflection after the campaign, some of the activities are not as sinister as believed at the time.

Mr. Henderson believes government does not engage in a sustained investigation of these matters or pursue any kind of resolution to them. LCCR has filed a FOIA request with both the Civil Rights Division and the Criminal Division of the Department of Justice to examine this issue.

Election Protection activities will be intensified for the 2006 elections, although the focus may shift somewhat given the implementation of new HAVA requirements.

Recommendations for Reform

There was tremendous concern after the 2004 election about conflicts of interest – the “Blackwell problem” – whereby a campaign chair is also in charge of the voting system. We need to get away from that.

He also supports Senator Barak Obama’s bill regarding deceptive practices, and is opposed to the voter identification laws passing many state legislatures.

- States should adopt election-day registration, in order to boost turnout as well as to allow eligible voters to immediately rectify erroneous or improperly purged registration records
- Expansion of early voting & no-excuse absentee voting, to boost turnout and reduce the strain on election-day resources.
- Provisional ballot reforms:
 - Should be counted statewide – if cast in the wrong polling place, votes should still be counted in races for which the voter was eligible to vote (governor, etc.)
 - Provisional ballots should also function as voter registration applications, to increase the likelihood that voters will be properly registered in future elections
- Voter ID requirements: states should allow voters to use signature attestation to establish their identity
- The Department of Justice should increase enforcement of Americans with Disabilities Act and the accessibility requirements of the Help America Vote Act
- Statewide registration databases should be linked to social service agency databases
- Prohibit chief state election officials from simultaneously participating in partisan electoral campaigns within their states
- Create and enforce strong penalties for deceptive or misleading voting practices

Interview with Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

Brennan Center findings on fraud

The Brennan Center’s primary work on fraud is their report for the Carter Baker Commission with commissioner Spencer Overton, written in response to the Commission’s ID

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recommendations. Brennan reviewed all existing reports and election contests related to voter fraud. They believe the contests serve as an especially good record of whether or not fraud exists, as the parties involved in contested elections have a large incentive to root out fraudulent voters. Yet despite this, the incidence of voter impersonation fraud discovered is extremely low—something on the order 1/10000th of a percentage of voters. See also the brief Brennan filed on 11th circuit in Georgia photo ID case which cites sources in Carter Baker report and argues the incidence of voter fraud too low to justify countermeasures.

Among types of fraud, they found impersonation, or polling place fraud, is probably the least frequent type, although other types, such as absentee ballot fraud are also very infrequent. Weiser believes this is because impersonation fraud is more likely to be caught and is therefore not worth the risk. Unlike in an absentee situation, actual poll workers are present to disrupt impersonation fraud, for instance, by catching the same individual voting twice. She believes perhaps one half to one quarter of the time the person will be caught. Also, there is a chance the pollworker will have personal knowledge of the person. Georgia Secretary of State Cathy Cox has mentioned that there are many opportunities for discovery of in person fraud as well. For example, if one votes in the name of another voter, and that voter shows up at the polls, the fraud will be discovered.

Weiser believes court proceedings in election contests are especially useful. Some are very extensive, with hundreds of voters brought up by each side and litigated. In both pre-election challenges and post-election contests, parties have devoted extraordinary resources into 'smoking out' fraudulent voters. Justin Leavitt at Brennan scoured such proceedings for the Carter Baker report, which includes these citations. Contact him for answers to particular questions.

Countermeasures/statewide databases

Brennan has also considered what states are doing to combat impersonation fraud besides photo ID laws, although again, it seems to be the rarest kind of fraud, beyond statistically insignificant. In the brief Brennan filed in the Georgia case, the Center detailed what states are already doing to effectively address fraud. In another on the web site includes measures that can be taken that no states have adopted yet. Weiser adds that an effort to look at strategies states have to prevent fraud, state variations, effectiveness, ease of enforcement would be very useful.

Weiser believes the best defense against fraud will be better voter lists—she argues the fraud debate is actually premature because states have yet to fully implement the HAVA database requirement. This should eliminate a great deal of 'deadwood' on voter rolls and undermine the common argument that fraud is made possible by this deadwood. This was the experience for Michigan, which was able to remove 600,000 names initially, and later removed almost 1 million names from their rolls. It is fairly easy to cull deadwood from lists due to consolidation at the state level—most deadwood is due to individuals moving within the state and poor communication between jurisdictions. (Also discuss with Chris Thomas, who masterminded the Michigan database for more information and a historical perspective.)

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Regarding the question of whether the effect of this maintenance on fraud in Michigan can be quantified, Weiser would caution against drawing direct lines between list problems and fraud. Brennan has found various groups abusing the existence of list deadwood to make claims about fraudulent voting. This is analyzed in greater detail in the Brennan Center's critique of a purge list produced by the NJ Republican party, and was illustrated by the purge list produced by the state of Florida. When compiling such lists and doing comparisons, sound statistical methods must be utilized, and often are not.

The NJ GOP created a list and asked NJ election officials to purge names of ineligible voters on it. Their list assumed that people appearing on the list twice had voted twice. Brennan found their assumptions shoddy and based on incorrect statistical practices, such as treating individuals with the same name and birthdays as duplicates, although this is highly unlikely according to proper statistical methods. Simply running algorithms on voter lists creates a number of false positives, does not provide an accurate basis for purging, and should not be taken as an indicator of fraud.

Regarding the Florida purge list, faulty assumptions caused the list to systematically exclude Hispanics while overestimating African Americans. Matching protocols required that race fields match exactly, despite inconsistent fields across databases.

The kinds of list comparisons that are frequently done to allege fraud are unreliable. Moreover, even if someone is on a voter list twice, that does not mean that voter has voted twice. That, in fact, is almost never the case.

Ultimately, even matching protocols without faulty assumptions will have a 4 percent to 35 percent error rate—that's simply the nature of database work. Private industry has been working on improving this for years. Now that HAVA has introduced a matching requirement, even greater skepticism is called for in judging the accuracy of list maintenance.

Intimidation and Suppression

Brennan does not have a specific focus here, although they do come across it and have provided assistance on bills to prevent suppression and intimidation. They happen to have an extensive paper file of intimidating fliers and related stories from before the 2004 election. (They can supply copies after this week).

Challengers

Brennan has analyzed cases where challenger laws have been beneficial and where they have been abused. See the decision and record from the 1982 NJ vs. RNC case for some of the history of these laws. Brennan is currently working on developing a model challenger law.

Weiser believes challenge laws with no requirement that the challenger have any specific basis for the challenge or showing of ineligibility are an invitation to blanket harassing challenges and have a range of pitfalls. State laws are vague and broad and often involve arcane processes such as where voters are required to meet a challenge within 5 days. There are incentives for political abuse, potential for delaying votes and disrupting the polls, and they are not necessarily directed

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toward the best result. Furthermore, when a voter receives a mailer alleging vote fraud with no basis, even the mere fact of a challenge can be chilling. A voter does not want to have to go through a quasi-court proceeding in order to vote.

Brennan recommends challenge processes that get results before election, minimize the burden for voters, and are restricted at polling place to challenges by poll workers and election officials, not voters. They believe limitless challenges can lead to pandemonium—that once the floodgates are open they won't stop.

Recommendations

Intimidation— Weiser believes Sen. Barak Obama's bill is a good one for combating voter harassment and deceptive practices. Many jurisdictions do not currently have laws prohibiting voter harassment and deceptive practices.

Fraud— Current state and federal codes seem sufficient for prosecuting fraud. Weiser doesn't consider them under-enforced, and sees no need for additional laws.

Voter lists— New legislation or regulations are needed to provide clear guidance and standards for generating voter lists and purging voters, otherwise states could wrongfully disenfranchise eligible voters.

Challengers— Challenge laws need to be reformed, especially ones that allow for pre-election mass challenges with no real basis. There is no one size fits all model for challenger legislation, but some bad models involving hurdles for voters lead to abuse and should be reformed. There should be room for poll workers to challenge fraudulent voters, but not for abuse.

Also useful would be recommendations for prosecutors investigating fraudulent activity, How should they approach these cases? How should they approach cases of large scale fraud/intimidation? While there is sufficient legislative cover to get at any election fraud activity, questions remain about what proper approaches and enforcement strategies should be.

Interview with Bill Groth, Attorney for the Plaintiffs in Indiana Identification Litigation
February 22, 2006

Fraud in Indiana

Indiana has never charged or prosecuted anyone for polling place fraud. Nor has any empirical evidence of *voter impersonation* fraud or dead voter fraud been presented. In addition, there is no record of any credible complaint about *voter impersonation* fraud in Indiana. State legislators signed an affidavit that said there had never been impostor voting in Indiana. At the same time, the Indiana Supreme Court has not necessarily required evidence of voter fraud before *approving* legislative attempts to address fraud.

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The state attorney general has conceded that there is no concrete fraud in Indiana, but has instead referred to instances of fraud in other states. Groth filed a detailed motion to strike evidence such as John Fund's book relating to other states, arguing that none of that evidence was presented to the legislature and that it should have been in the form of sworn affidavits, so that it would have some indicia of verifiability.

Photo ID law

By imposing restrictive ID measures, Groth contends you will discourage 1,000 times more legitimate voters than illegitimate voters you might protect against. He feels the implementation of a REAL ID requirement is an inadequate justification for the law, as it will not affect the upcoming 2006 election where thousands of registered voters will be left without proper ID. In addition, he questions whether REAL ID will be implemented as planned in 2008 considering the backlash against the law so far. He also feels ID laws are unconstitutional because of inconsistent application.

Statewide database as remedy

Groth believes many problems will be addressed by the statewide database required under HAVA. To the extent that the rolls in Indiana are bloated, it is because state officials have not complied with NVRA list maintenance requirements. Thus, it is somewhat disingenuous for them to use bloated voter rolls as a reason for imposing additional measures such as the photo ID law. Furthermore, the state has ceded to the counties the obligation to do maintenance programs, which results in a hit or miss process (see discussion in reply brief, p 26 through p. 28).

Absentee fraud

To the extent that there has been an incidence of fraud, these have all been confined to absentee balloting. Most notably the East Chicago mayoral election case where courts found absentee voting fraud had occurred. See: Pabey vs. Pastrick 816 NE 2nd 1138 Decision by the Indiana Supreme Court in 2004.

Intimidation and vote suppression

Groth is only aware of anecdotal evidence supporting intimidation and suppression activities. While he considers the sources of this evidence credible, it is still decidedly anecdotal. Instances he is aware of include police cars parked in front of African American polling places. However, most incidents of suppression which are discussed occurred well in the past. Trevor Davidson claims a fairly large scale intimidation program in Louisville.

Challengers

There was widespread information that the state Republican Party had planned a large scale challenger operation in Democratic precincts for 2004, but abandoned the plan at the last minute.

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Last year the legislature made a crucial change to election laws which will allow partisan challengers to be physically inside the polling area next to members of the precinct board. Previously, challengers at the polling place have been restricted to the 'chute,' which provides a buffer zone between voting and people engaging in political activity. That change will make it much easier to challenge voters. As there is no recorded legislative history in Indiana, it is difficult to determine the justification behind this change. As both chambers and the governorship are under single-party control, the challenger statute was passed under the radar screen.

Photo ID and Challengers

Observers are especially concerned about how this change will work in conjunction with the photo ID provision. Under the law, there are at least two reasons why a member of the precinct board or a challenger can raise object to an ID: whether a presented ID conforms to ID standards, and whether the photo on an ID is actually a picture of the voter presenting it. The law does not require bipartisan agreement that a challenge is valid. All it takes is one challenge to raise a challenge to that voter, and that will lead to the voter voting by provisional ballot.

Provisional ballot voting means that voter must make a second trip to the election board (located at the county seat) within 13 days to produce the conforming ID or to swear out an affidavit that they are who they claim to be. This may pose a considerable burden to voters. For example, Indianapolis and Marion County are coterminous—anyone challenged under the law will be required to make second trip to seat of government in downtown Indianapolis. If the voter in question did not have a driver's license in the first place, they will likely need to arrange transportation. Furthermore, in most cases the election result will already be known.

The law is vague about acceptable cause for challenging a voter's ID. Some requirements for valid photo ID include being issued by state or fed gov't, w/ expiration date, and the names must conform exactly. The League of Women Voters is concerned about voters with hyphenated names, as the Indiana DMV fails to put hyphens on driver's licenses potentially leading to a basis for challenge. Misspelling of names would also be a problem. The other primary mode of challenge is saying the photo doesn't look like the voter, which could be happen in a range of instances. Essentially, the law gives unbridled discretion to challengers to decide what conforms and what does not.

Furthermore, there is no way to determine whether a challenge is in good or bad faith, and *there is* little penalty for making a bad faith challenge. The fact that there are no checks on the challenges at the precinct level, or even a requirement of concurrence from an opposing party challenger leads to the concern that challenge process will be abused. The voter on the other hand, will need to get majority approval of county election board members to defeat the challenge.

Groth suggests the political situation in Indianapolis also presents a temptation to abuse this process, as electoral margins are growing increasingly close due to shifting political calculus.

Other cases

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VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Groth's other election law work has included a redistricting dispute, a dispute over ballot format, NVRA issues, and a case related to improper list purging, but nothing else related to fraud or intimidation. The purging case involved the election board attempting to refine its voter list by sending registration postcards to everyone on the list. When postcards didn't come back they wanted to purge those voters. Groth blames this error more on incompetence, than malevolence, however, as the county board is bipartisan. (The Indiana Election Commission and the Indiana election division are both bipartisan, but the 92 county election boards which will be administering photo id are controlled by one political party or the other—they are always an odd number, with the partisan majority determined by who controls the clerk of circuit court office.)

Recommendations

Supports nonpartisan administration of elections. Indiana specific recommendations including a longer voting day, time off for workers to vote, and an extended registration period.

He views the central problem of the Indiana photo ID law is that the list of acceptable forms of ID is too narrow and provides no fallback to voters without ID. At the least, he believes the state needs to expand the list so that most people will have at least one. If not, they should be allowed to swear an affidavit regarding their identity, under penalty of perjury/felony prosecution. This would provide sufficient deterrence for anyone considering impersonation fraud. He believes absentee ballot fraud should be addressed by requiring those voters to produce ID as well, as under HAVA.

His personal preference would be signature comparison. Indiana has never encountered an instance of someone trying to forge a name in the poll book, and while this leaves open the prospect of dead voters, that danger will be substantially diminished by the statewide database. But if we are going to have some form of ID, he believes we should apply it to everyone and avoid disenfranchisement, provided they swear an affidavit.

Interview with Neil Bradley, February 21, 2004

Voter Impersonation Cases (issue the Georgia ID litigation revolves around)

Mr. Bradley asserted that Georgia Secretary of State Cox stated in the case at issue: that she clearly would know if there had been any instances of voter impersonation at the polls; that she works very closely with the county and local officials and she would have heard about voter impersonation from them if she did not learn about it directly; and that she said that she had not heard of "any incident"---which includes acts that did not rise to the level of an official investigation or charges.

Mr. Bradley said that it is also possible to establish if someone has impersonated another voter at the polls. Officials must check off the type of voter identification the voter used. Voters without ID may vote by affidavit ballot. One could conduct a survey of those voters to see if they in fact voted or not.

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The type of voter fraud that involves impersonating someone else is very unlikely to occur. If someone wants to steal an election, it is much more effective to do so using absentee ballots. In order to change an election outcome, one must steal many votes. Therefore, one would have to have lots of people involved in the enterprise, meaning there would be many people who know you committed a felony. It's simply not an efficient way to steal an election.

Mr. Bradley is not aware of any instance of voter impersonation anywhere in the country except in local races. He does not believe it occurs in statewide elections.

Voter fraud and intimidation in Georgia

Georgia's process for preventing ineligible ex-felons from casting ballots has been improved since the Secretary of State now has the power to create the felon purge list. When this was the responsibility of the counties, there were many difficulties in purging felons because local officials did not want to have to call someone and ask if he or she was a criminal.

The State Board of Elections has a docket of irregularity complaints. The most common involve an ineligible person mailing in absentee ballots on behalf of another voter.

In general, Mr. Bradley does not think voter fraud and intimidation is a huge problem in Georgia and that people have confidence in the vote. The biggest problems are the new ID law; misinformation put out by elections officials; and advertisements that remind people that vote fraud is a felony, which are really meant to be intimidating. Most fraud that does occur involves an insider, and that's where you find the most prosecutions. Any large scale fraud involves someone who knows the system or is in the courthouse.

Prosecution of Fraud and Intimidation

Mr. Bradley stated that fraud and intimidation are hard to prosecute. However, Mr. Bradley made contradictory statements. When asked whether the decision to prosecute on the county level was politically motivated, he first said "no." Later, Mr. Bradley reversed himself stating the opposite.

Mr. Bradley also stated that with respect to US Attorneys, the message to them from the top is that this is not a priority. The Georgia ACLU has turned over information about violations of the Voting Rights Act that were felonies, and the US Attorney has done nothing with the information. The Department of Justice has never been very aggressive in pursuing cases of vote suppression, intimidation and fraud. But, the Georgia ACLU has not contacted Craig Donsanto in DC with information of voter fraud.

Mr. Bradley believes that voter fraud and intimidation is difficult to prove. It is very hard to collect the necessary factual evidence to make a case, and doing so is very labor-intensive.

Recommendations

In Georgia, the Secretary of State puts a lot of work into training local officials and poll workers,

EAC SUMMARY OF EXPERT INTERVIEWS FOR
VOTING FRAUD-VOTER INTIMIDATION RESEARCH

and much of her budget is put into that work. Increased and improved training of poll workers, including training on how to respectfully treat voters, is the most important reform that could be made.

Mr. Bradley also suggested that increased election monitoring would be helpful.

Interview with Justice Evelyn Stratton, Supreme Court of Ohio

February 17, 2006

The 2004 Election

Justice Stratton stated that usually in the period right before an election filings die down due to the Ohio expedited procedures for electoral challenges. However, the 2004 election was unusual because there were motions and cases decided up to the day of the election. Justice Stratton believed that most of the allegations were knee-jerk reactions without any substance. For example, without any factual claims, suit was brought alleging that all voter challengers posed a threat to voters. Thematically, allegations were either everyday voting problems or "conspiracies" depending on where the complaint came from. The major election cases in 2004 revolved around Secretary of State Blackwell.

Justice Stratton made a point that the Ohio Supreme Court bent over backwards in the 2004 election to be fair to both sides. There was never any discussion about a ruling helping one political party more than the other.

Justice Stratton cited two cases that summarize and refute the 2004 complaints---819 NE 2d 1125 (Ohio 2004) and 105 Ohio St. 3d 458 (2004).

General Election Fraud Issues

Justice Stratton has seen very few fraud cases in Ohio. Most challenges are for technical statutory reasons. She remembered one instance where a man who assisted handicapped voters marked the ballot differently than the voter wanted. Criminal charges were brought against this man and the question that the Ohio Supreme Court had to decide was whether ballots could be opened and inspected to see how votes were cast.

Justice Stratton claimed she knew of isolated incidences of fictitious voter registration but these were not prosecuted. She has not seen any evidence of ballots being stuffed, dead people voting, etc.

Suggestions for Changes in Voting Procedures

The Ohio Supreme Court is very strict about laches---if a person sits on their rights too long, they lose the right to file suit. The Ohio expedited procedures make election challenges run very smooth. Justice Stratton does not remember any suits brought on the day of the election. She supports a non-partisan head of state elections. Justice Stratton believes that last minute

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challenges should not be permitted and that lower courts need to follow the rules for the expedited procedures. Even given the anomalies with lower courts permitting late election challenges in 2004, the Ohio Supreme Court does not want to make a new rule unless this pattern repeats itself in 2008.

Interview with Tony Sirvello, Executive Director, IACREOT

April 12, 2006

Biographical

Sirvello is currently the executive director of the International Association of Clerks, Recorders, Election Officials and Treasurers, an organization of 1700 members. Formerly, he ran elections in Harris County, Texas for 29 years.

Incidents of Election Fraud

Sirvello stated that one problem with election crimes is that they are not high on the priority list of either district attorneys or grand juries. Therefore, complaints of election crime very rarely are prosecuted or are indicted by the grand jury. In 1996 in Harris County, 14 people voted twice but the grand jury refused to indict. One woman voted twice, once during early voting and once on Election Day. She said she thought there were two elections. The jury believed her. Sirvello believes none of the people intentionally voted more than once. He said that he believes double voting is not as big of an issue as people make it out to be.

In 1986, it was found that there were 300 more ballots than voter signatures. It was clear that the elections officials stuffed the ballot boxes. The case was brought before a grand jury, but there was no indictment because all of the defendants were friends and relatives of each other and none would admit what had been done.

Sirvello stated that there have been isolated circumstances where a voter would show up at the poll and his name had already been signed and he had voted.

Finally, Sirvello indicated that some people who worked in Houston but did not live in Harris County were permitted to vote.

Specific Absentee Ballot/Vote By Mail Issues

Sirvello said that mail voting presents the largest problem. With mail voting there is too much opportunity to influence voters or to fraudulently request a ballot.

If one applied for an absentee ballot, their name and address was made available to candidates and political consultants who would often send people to collect the ballot. Many did not want to give up the ballot but wanted to mail it personally. The result was to discourage voting.

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In Texas, a person could only apply for an absentee ballot if over 65 years of age. Parties, candidates and consultants would get the list of voters over 65 and send them a professional mail piece telling them they could vote by mail and a ballot with everything filled out except the signature. Problems ensued -- for example, voters would print their names rather than sign them, and the ballot was rejected. In other cases, the elderly would give their absentee ballot to someone else.

If a person applied for an absentee ballot but then decided not to cast it but to vote in person, that person had to bring the non-voted absentee ballot to the poll and surrender it. If they did not they would not be permitted to vote at the polling place.

Incidents of Voter Intimidation

Sirvello only reported isolated cases of intimidation or suppression in Harris County. These mostly occurred in Presidential elections. Some people perceived intimidation when being told they were not eligible to vote under the law. Sirvello stated that the big issue in elections now is whether there should be a paper trail for touch screen voting.

Recommendations

District attorneys need to put more emphasis on election crime so people will not believe that it goes unpunished.

There should be either a national holiday for Election Day or a day should be given off of work without counting as a vacation day so that better poll workers are available and there can be more public education on election administration procedures.

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity Section, U.S. Department of Justice
January 13, 2006

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

Questions

How are Prosecution Decisions Made?

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

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case.

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

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

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

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

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

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What Kinds of Complaints Would Routinely Override Principles of Federalism?

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

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

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

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

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

Other Information

The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public.

Deleted: (Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).

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

Cases

Donsanto provided us with three case lists: cases still being investigated as of January

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13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

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

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

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies to corrupt the process rather than individual offenders acting alone. For deterrence purposes, the Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once. The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

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1. Felon voters in Milwaukee.

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

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3. Double voters in a variety of jurisdictions.

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

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

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February 24, 2006

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

Authority and Process

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

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

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

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

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When the section receives a complaint, attorneys first determine whether it is a matter that involves individual offenders or a systemic problem. When deciding what to do with the complaint, the section errs on the side of referring it criminally to avoid having any civil litigation complicate a possible criminal case.

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

Often, lawsuits bring voluntary compliance.

Voter Intimidation

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

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

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

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

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

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

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

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Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

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

of the states will be helpful because at this higher level of government you find a higher level of professionalism.

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

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

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

Recommendations

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

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

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**Rough Summary of Department of Justice, Public Integrity Section
Activities, October 2002-January 2006***

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

*Based upon information available as of January 2006

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Rogelio Mejorada-Lopez	Alaska	05-CR-074	December 5, 2005	Mejorada-Lopez, a Mexican citizen, completed several voter registration applications to register to vote in Alaska and voted in the 2000, 2002, and 2004 general elections. He was charged with three counts of voting by a non-citizen in violation of 18 U.S.C. section 611 and pled guilty. Mejorada-Lopez was sentenced to probation for one year.	No	N/A	No
United States v. Shah	Colorado	1:04-CR-00458	March 1, 2005	Shah was indicted on two counts of providing false information concerning United States citizenship in order to register to vote in violation of 18 U.S.C. section 911 and 1015(f). Shah was convicted on both counts.	No	N/A	No
United States v. Mohsin Ali	Northern Florida	4:05-CR-47	January 17, 2006	A misdemeanor was filed against Ali charging him with voting by a non-citizen of 18 U.S.C. section	No	N/A	Yes-need information on the outcome of the trial.

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				611. Trial was set for January 17, 2006			
United States v. Chaudhary	Northern Florida	4:04-CR-00059	May 18, 2005	Chaudhary was indicted for misuse of a social security number in violation of 42 U.S.C. section 408 and for making a false claim of United States citizenship on a 2002 driver's license application in violation of 18 U.S.C. section 911. A superceding indictment was returned, charging Chaudhary with falsely claiming United States citizenship on a driver's license application and on the accompanying voter registration application. He was convicted of the false citizenship claim on his voter registration application.	No	N/A	No
United States v. Velasquez	Southern Florida	1:03-CR-20233	September 9, 2003	Velasquez, a former 1996 and 1998 candidate for the Florida legislature, was indicted on charges of	No	N/A	No

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				misrepresenting United States citizenship in connection with voting and for making false statements to the Immigration and Naturalization Service, in violation of 18 U.S.C. section 911, 1015(f) and 1001. Velasquez was convicted on two counts of making false statements on his naturalization application to the INS concerning his voting history.			
United States v. McKenzie; United States v. Francois; United States v. Exavier; United States v. Lloyd Palmer; United States v. Velrine Palmer; United states v. Shivdayal;	Southern Florida	0:04-CR-60160; 1:04-CR-20488; 0:04-CR-60161; 0:04-CR-60159; 0:04-CR-60162; 0:04-CR-60164; 1:04-CR-20491; 1:04-CR-20490;	July 15, 2004	Fifteen non-citizens were charged with voting in various elections beginning in 1998 in violation of 18 U.S.C. section 611. Four of the defendants were also charged with making false citizenship claims in violation of 18 U.S.C. sections 911 or 1015(f). Ten defendants were convicted, one defendant	No	N/A	No

016200

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Rickman; United States v. Knight; United States v. Sweeting; United States v. Lubin; United States v. Bennett; United States v. O'Neil; United States v. Torres-Perez; United States v. Phillip; United States v. Bain Knight		1:04-CR-20489; 0:04-CR-60163; 1:04-CR-14048; 0:04-CR-60165; 2:04-CR-14046; 9:04-CR-80103; 2:04-CR-14047		was acquitted, and charges against four defendants were dismissed upon motion of the government.			
United States v. Brooks	Southern Illinois	3:03-CR-30201	February 12, 2004	East St. Louis election official Leander Brooks was indicted for submitting fraudulent ballots in the 2002 general election in violation of 42 U.S.C. section 1973i(c), 1973i(e), 1973gg-10(2)(B), and 18 U.S.C. sections 241 and 371. Brooks pled guilty to	No	N/A	No

016201

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Scott; United States v. Nichols; United States v. Terrance Stith; United States v. Sandra Stith; United States v. Powell, et al.	Southern Illinois	3:05-CR-30040; 3:05-CR-30041; 3:05-CR-30042; 3:05-CR-30043; 3:05-CR-30044	June 29, 2005	all charges. Four Democrat precinct committeemen in East St. Louis were charged with vote buying on the 2004 general election in violation of 42 U.S.C. section 1973i(c). All four pled guilty. Also indicted were four additional Democrat committeemen, Charles Powell, Jr., Jesse Lewis, Sheila Thomas, Kelvin Ellis, and one precinct worker, Yvette Johnson, on conspiracy and vote buying charges in violation of 18 U.S.C. section 371 and 42 U.S.C. section 1973i(c). All five defendants were convicted. Kelvin Ellis also pled guilty to one count of 18 U.S.C. section 1512(c)(2) relative to a scheme to kill one of the trial witnesses and two counts of 18	No	N/A	No

016202

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				U.S.C. section 1503 relative to directing two other witnesses to refuse to testify before the grand jury.			
United States v. McIntosh	Kansas	2:04-CR-20142	December 20, 2004	A felony information was filed against lawyer Leslie McIntosh for voting in both Wyandotte County, Kansas and Jackson County, Missouri, in the general elections of 2000 and 2002 in violation of 42 U.S.C. section 1973i(e). A superseding misdemeanor information was filed, charging McIntosh with causing the deprivation of constitutional rights in violation of 18 U.S.C. section 242, to which the defendant pled guilty.	No	N/A	No
United States v. Conley; United States v. Slone; United States v. Madden; United	Eastern Kentucky	7:03-CR-00013; 7:03-CR-00014; 7:03-CR-00015; 7:03-	March 28, 2003 and April 24, 2003	Ten people were indicted on vote buying charges in connection with the 1998 primary election in Knott County, Kentucky, in	No	N/A	No

016203

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
States v. Slone et al.; United States v. Calhoun; United States v. Johnson; United States v. Newsome, et al.		CR-00016; 7:03-CR-00017; 7:03-CR-00018; 7:03-CR-00019		violation of 42 U.S.C. section 1973i(c). Five of the defendants pled guilty, two were convicted, and three were acquitted.			
United States v. Hays, et al.	Eastern Kentucky	7:03-CR-00011	March 7, 2003	Ten defendants were indicted for conspiracy and vote buying for a local judge in Pike County, Kentucky, in the 2002 general election, in violation of 42 U.S.C. section 1973i(c) and 18 U.S.C. section 371. Five defendants were convicted, one defendant was acquitted, and charges against four defendants were dismissed upon motion of the government.	No	N/A	No
United States v. Turner, et al.	Eastern Kentucky	3:05-CR-00002	May 5, 2005	Three defendants were indicted for vote buying and mail fraud in connection with the 2000	No	N/A	Yes-need update on case status.

016204

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				elections in Knott, Letcher, Floyd, and Breathitt Counties, Kentucky, in violation of 42 U.S.C. section 1973i(c) and 18 U.S.C. section 341.			
United States v. Braud	Middle Louisiana	3:03-CR-00019	May 2, 2003	Tyrell Mathews Braud was indicted on three counts of making false declarations to a grand jury in connection with his 2002 fabrication of eleven voter registration applications, in violation of 18 U.S.C. section 1623. Braud pled guilty on all counts.	No	N/A	No
United States v. Thibodeaux	Western Louisiana	6:03-CR-60055	April 12, 2005	St. Martinsville City Councilwoman Pamela C. Thibodeaux was indicted on two counts of conspiring to submit false voter registration information, in violation of 18 U.S.C. section 371 and 42 U.S.C. section 1973i(c). She pled guilty to both charges.	No	N/A	No

016205

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Scherzer; United States v. Goodrich; United States v. Jones; United States v. Martin	Western Missouri	4:04-CR-00401; 4:04-CR-00402; 4:05-CR-00257; 4:05-CR-00258	January 7, 2005; March 28, 2005; September 8, 2005; October 13, 2005	Two misdemeanor informations were filed charging Lorraine Goodrich and James Scherzer, Kansas residents who voted in the 2000 and 2002 general elections on both Johnson County, Kansas and in Kansas City, Missouri. The informations charged deprivation of a constitutional right by causing spurious ballots, in violation of 18 U.S.C. sections 242 and 2. Both pled guilty. Additionally, similar misdemeanor informations were filed against Tammy J. Martin, who voted in both Independence and Kansas City, Missouri in the 2004 general election and Brandon E. Jones, who voted both in Raytown and Kansas City, Missouri in the 2004 general election.	No	N/A	No

016206

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				Both pled guilty.			
United States v. Raymond; United States v. McGee; United States v. Tobin; United States v. Hansen	New Hampshire	04-CR-00141; 04-CR-00146; 04-CR-00216; 04-CR-00054	December 15, 2005	Two informations were filed charging Allen Raymond, former president of a Virginia-based political consulting firm called GOP Marketplace, and Charles McGee, former executive director of the New Hampshire State Republican Committee, with conspiracy to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. section 371 and 47 U.S.C. section 223. The charges stem from a scheme to block the phone lines used by two Manchester organizations to arrange drives to the polls during the 2002 general election. Both pled guilty. James Tobin, former New England Regional Director	No	N/A	No

016207

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>of the Republican National Committee, was indicted on charges of conspiring to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. section 371 and 47 U.S.C. section 223. An information was filed charging Shaun Hansen, the principal of an Idaho telemarketing firm called MILO Enterprises which placed the harassing calls, with conspiracy and aiding and abetting telephone harassment, in violation of 18 U.S.C. section 371 and 2 and 47 U.S.C. section 223. The information against Hansen was dismissed upon motion of the government. A superseding indictment was returned against Tobin charging conspiracy to</p>			

016208

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				impede the constitutional right to vote for federal candidates, in violation of 18 U.S.C. section 241 and conspiracy to make harassing telephone calls in violation of 47 U.S.C. section 223. Tobin was convicted of one count of conspiracy to commit telephone harassment and one count of aiding and abetting of telephone harassment.			
United States v. Workman	Western North Carolina	1:03-CR-00038	June 30, 2003	A ten-count indictment was returned charging Joshua Workman, a Canadian citizen, with voting and related offenses in the 200 and 2002 primary and general elections in Avery County, North Carolina, in violation of 18 U.S.C. sections 611, 911, 1001, and 1015(f). Workman pled guilty to providing false information to	No	N/A	No

016209

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				election officials and to a federal agency.			
United States v. Shatley, et al.	Western North Carolina	5:03-CR-00035	May 14, 2004	A nine-count indictment was returned charging Wayne Shatley, Anita Moore, Valerie Moore, Carlos "Sunshine" Hood and Ross "Toogie" Banner with conspiracy and vote buying in the Caldwell County 2002 general election, in violation of 42 U.S.C. section 1973i(c) and 18 U.S.C. section 371. Anita and Valerie Moore pled guilty. Shatley, Hood, and Banner were all convicted.	No	N/A	No
United States v. Vargas	South Dakota	05-CR-50085	December 22, 2005	An indictment was filed against Rudolph Vargas, for voting more than once at Pine Ridge in the 2002 general election in violation of 42 U.S.C. section 1973i(e). Vargas pled guilty.	No	N/A	No
United States v.	Southern	02-CR-	July 22,	Danny Ray Wells, Logan	No	N/A	No

016210

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Wells; United States v. Mendez; United States v. Porter; United States v. Hrutkay; United States v. Porter; United States v. Stapleton; United States v. Thomas E. Esposito; United States v. Nagy; United States v. Adkins; United States v. Harvey	West Virginia	00234; 2:04-CR-00101; 2:04-CR-00145; 2:04-CR-00149; 2:04-CR-00173; 2:05-CR-00002; 05-CR-00019; 05-CR-00148; 05-CR-00161	2003; July 19, 2004; December 7, 2004; January 7, 2005; March 21, 2005; October 11, 2005; December 13, 2005	County, West Virginia, magistrate, was indicted and charged with violating 18 U.S.C. section 1962. Wells was found guilty. A felony indictment was filed against Logan County sheriff Johnny Mendez for conspiracy to defraud the United States in violation 18 U.S.C section 371. Mendez pled guilty. An information was filed charging former Logan County police chief Alvin Ray Porter, Jr., with making expenditures to influence voting in violation of 18 U.S.C. section 597. Porter pled guilty. Logan County attorney Mark Oliver Hrutkay was charged by information with mail fraud in violation of 18 U.S.C. section 1341. Hrutkay pled guilty.			

016211

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Earnest Stapleton, commander of the local VFW, was charged by information with mail fraud. He pled guilty. An information was filed charging Thomas E. Esposito, a former mayor of the City of Logan, with concealing the commission of a felony, in violation of 18 U.S.C. section 4. Esposito pled guilty. John Wesley Nagy, Logan County Court marshal, pled guilty to making false statements to a federal agent, a violation of 18 U.S.C. section 1001. An information charging Glen Dale Adkins, county clerk of Logan County, with accepting payment for voting, in violation of 18 U.S.C. section 1973i(c). Adkins pled guilty. Perry French Harvey, Jr., a</p>			

016212

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				retired UMW official, pled guilty to involvement in a conspiracy to buy votes.			
United States v. Adkins, et al.	Southern West Virginia	2:04-CR-00162	December 28 & 30, 2005	Jackie Adkins was indicted for vote buying in Lincoln County, West Virginia, in violation of 42 U.S.C. section 1973i(c). A superceding indictment added Wandell "Rocky" Adkins to the indictment and charged both defendants with conspiracy to buy votes in violation of 18 U.S.C. section 371 and vote buying. A second superseding indictment was returned which added three additional defendants, Gegory Brent Stowers, Clifford Odell "Groundhog" Vance, and Toney "Zeke" Dingess, to the conspiracy and vote buying indictment. Charges were later dismissed against Jackie Adkins. A	No	N/A	No

016213

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>third superseding indictment was returned adding two additional defendants, Jerry Allen Weaver and Ralph Dale Adkins. A superseding information was filed charging Vance with expenditures to influence voting, in violation of 18 U.S.C. section 597. Vance pled guilty. Superseding informations were filed against Stowers and Dingess for expenditures to influence voting, in violation of 18 U.S.C. section 597. Both defendants pled guilty. Weaver also pled guilty. Superseding informations were filed against Ralph and Wandell Adkins for expenditures to influence voting, in violation of 18 U.S.C. section 597. Both defendants pled guilty.</p>			

016214

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Davis; United States v. Byas; United States v. Ocasio; United States v. Prude; United States v. Sanders; United States v. Alicea; United States v. Brooks; United States v. Hamilton; United States v. Little; United States v. Swift; United States v. Anderson; United States v. Cox; United States v. Edwards; United States v. Gooden	Eastern Wisconsin	2:05-MJ-00454; 2:05-MJ-00455; 2:05-CR-00161; 2:05-CR-00162; 2:05-CR-00163; 2:05-CR-00168; 2:05-CR-00170; 2:05-CR-00171; 2:05-CR-00172; 2:05-CR-00177; 2:05-CR-00207; 2:05-CR-00209; 2:05-CR-00211; 2:05-CR-00212	September 16, 2005; September 21, 2005; October 5, 2005; October 26, 2005; October 31, 2005, November 10, 2005	Criminal complaints were issued against Brian L. Davis and Theresa J. Byas charging them with double voting, in violation of 42 U.S.C. section 1973i(e). Indictments were filed against convicted felons Milo R. Ocasio and Kimberly Prude, charging them with falsely certifying that they were eligible to vote, in violation of 42 U.S.C. section 1973gg-10(2)(B), and against Enrique C. Sanders, charging him with multiple voting, in violation of 42 U.S.C. section 1973i(e). Five more indictments were later returned charging Cynthia C. Alicea with multiple voting in violation of 42 U.S.C. section 1973i(e) and convicted felons Deshawn B. Brooks, Alexander T.	No	N/A	Need updated status on Gooden and the Anderson, Cox, Edwards, and Little cases.

016215

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>Hamilton, Derek G. Little, and Eric L. Swift with falsely certifying that they were eligible to vote in violation of 42 U.S.C. section 1973gg-10(2)(B). Indictments were filed against Davis and Byas charging them with double voting. Four more indictments were returned charging convicted felons Ethel M. Anderson, Jiyto L. Cox, Correan F. Edwards, and Joseph J. Gooden with falsely certifying that they were eligible to vote. Ocasio and Hamilton pled guilty. Prude was found guilty. A mistrial was declared in the Sanders case. Brooks was acquitted. Byas signed a plea agreement agreeing to plead to a misdemeanor 18 U.S.C. section 242 charge. Swift moved to change his</p>			

016216

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

Name of Case	District	Case Number	Date	Facts	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				<p>plea. Davis was found incompetent to stand trial so the government dismissed the case. Gooden is a fugitive. Alicea was acquitted. Four cases are pending ---Anderson, Cox, Edwards, and Little.</p>			

016217

Voting Fraud and Voter Intimidation

Report to the
U.S. Election Assistance Commission
on
Preliminary Research & Recommendations

By
Job Serebrov and Tova Wang

016218

**Deliberative Process
Privilege**

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Introduction

Charge Under HAVA

Under the Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666 (2002) (“HAVA”), the United States Election Assistance Commission is charged with developing national statistics on voter fraud and developing methods of deterring and investigating voter fraud. Also, the Commission is charged with developing methods of identifying, deterring, and investigating methods of voter intimidation.

Scope of Project

The Commission employed a bipartisan team of legal consultants, Tova Wang and Job Serebrov to develop a preliminary overview work product to determine the quantity and quality of vote fraud and voter intimidation that is present on a national scale. The consultants’ work is neither comprehensive nor conclusive. This first phase of an envisioned two-phase project was constrained by both time and funding. The consultants’ conclusions and recommendations for phase II will be contained in this report.

The consultants, working without the aid of a support staff, divided most of the work. However, the final work product was mutually checked and approved. They agreed upon the steps that were taken needed and the method employed. For all of the documentary sources, the consultants limited the time period under review from January 1, 2001 to January 1, 2006. The research performed by the consultants included interviews, an extensive Nexis search, a review of existing literature, and case research.

Interviews: The consultants chose the interviewees by first coming up with a list of the categories of types of people they wanted to interview. Then the consultants separately, equally filled those categories with a certain number of people. Due to time and resource constraints, the consultants had to pare down this list substantially – for instance, they had to rule out interviewing prosecutors altogether – but still got a good range of people to talk to. The ultimate categories were academics, advocates, elections officials, lawyers and judges. Although the consultants were able to talk to most of the people they wanted to, some were unavailable and a few were not comfortable speaking to them, particularly judges. The consultants together conducted all of the interviews, either by phone or in person. Then the consultants split up drafting the summaries. All summaries were reviewed and mutually approved. Most of the interviews were extremely informative and the consultants found the interviewees to be extremely knowledgeable and insightful for the most part.

Nexis: Initially, the consultants developed an enormous list of possible Nexis search terms. It soon became obvious that it would be impossible to conduct the research that way. As a result, consultant Wang performed the Nexis search by finding search term combinations that would yield virtually every article on a particular subject from the last

five years. Consultant Serebrov approved the search terms. Then Wang created an excel spreadsheet in order to break down the articles in way in which they could be effectively analyzed for patterns. Each type of fraud is broken down in a separate chart according to where it took place, the date, the type of election it occurred in, what the allegation was, the publication it came from. Where there was a follow up article, any information that that suggested there had been some further action taken or some resolution to the allegation was also included. For four very complicated and long drawn out situations – Washington State, Wisconsin, South Dakota in 2004, and the vote buying cases in a couple of particular jurisdictions over the last several years –written summaries with news citations are provided.

Existing Literature: Part of the selections made by the consultants resulted from consultant Wang’s long-term familiarity with the material while part was the result of a joint web search for articles and books on vote fraud and voter intimidation and suggestions from those interviewed by the consultants. The consultants reviewed a wide range of materials from government reports and investigations, to academic literature, to reports published by advocacy groups. The consultants believe that they covered the landscape of available sources.

Cases: In order to properly identify all applicable cases, the consultants first developed an extensive word search term list. A WestLaw search was performed and the first one hundred cases under each word search term were then gathered in individual files. This resulted in a total of approximately 44,000 cases. Most of these cases were federal as opposed to state and appellate as opposed to trial. Consultant Serebrov analyzed the cases in each file to determine if they were on point. If he found that the first twenty cases were inapplicable, Serebrov would sample forty to fifty other file cases at random to determine applicability. If the entire file did not yield any cases, the file would be discarded. All discarded word search terms were recorded in a separate file. Likewise, if the file only yielded a few applicable cases, it would also be discarded. However, if a small but significant number of cases were on point, the file was later charted. The results of the case search were stark because relatively few applicable cases were found.

Working Definition of Fraud and Intimidation

Note: The definition provided below is for the purposes of this EAC project. Most of the acts described come within the federal criminal definition of fraud, but some may not.

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc).;
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);
- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;
- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

DRAFT

Summaries of Research Conducted

Interviews

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, “dead” voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full

implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one’s definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud. Of particular note, Sarah Ball Johnson, Executive Director of Elections for Kentucky, emphasized that having had an effective statewide voter registration database for more than thirty years has helped that state avoid most of the fraud problems that have been alleged elsewhere, such as double voting and felon voting.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment

- Several people advocate passage of Senator Barak Obama’s “deceptive practices” bill
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states’ office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

Nexis Research

Absentee Ballot Fraud

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people
- Fake names and other information on voter registration forms
- Illegitimate addresses used on voter registration forms
- Voters being tricked into registering for a particular party under false pretenses
- Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has been the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Existing Research

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books

written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the “second phase” of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund’s frequently cited book. Again, this is something that it is hoped will be addressed in the “second phase” of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Cases

After reviewing over 40,000 cases, the majority of which came from appeals courts, I have found comparatively very few which are applicable to this study. Of those that are applicable, no apparent thematic pattern emerges. However, it seems that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility. But because so few cases provided a picture of these current problems, I suggest that case research for the second phase of this project concentrate on state trial-level decisions.

Methodology

The following is a summary of interviews conducted with a number of political scientists and experts in the field as to how one might undertake a comprehensive examination of voter fraud and intimidation. A list of the individuals interviewed and their ideas are available, and all of the individuals welcome any further questions or explanations of their recommended procedures.

- In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that ask whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. (Stephen Ansolobhere, MIT)
- Several political scientists with expertise in these types of studies recommended a methodology that includes interviews, focus groups, and a limited survey. In determining who to interview and where the focus groups should be drawn from, they recommend the following procedure:
 - Pick a number of places that have historically had many reports of fraud and/or intimidation; from that pool pick 10 that are geographically and demographically diverse, and have had a diversity of problems
 - Pick a number of places that have not had many reports of fraud and/or intimidation; from that pool pick 10 places that match the geographic and demographic make-up of the previous ten above (and, if possible, have comparable elections practices)

- Assess the resulting overall reports and impressions resulting from these interviews and focus groups, and examine comparisons and differences among the states and what may give rise to them.

In conducting a survey of elections officials, district attorneys, district election officers, they recommend that:

- The survey sample be large in order to be able to get the necessary subsets
- The survey must include a random set of counties where there have and have not been a large number of allegations

(Allan Lichtman, American University; Thad Hall, University of Utah; Bernard Grofman, UC – Irvine)

- Another political scientist recommended employing a methodology that relies on qualitative data drawn from in-depth interviews with key critics and experts on all sides of the debate on fraud; quantitative data collected through a survey of state and local elections and law enforcement officials; and case studies. Case studies should focus on the five or ten states, regions or cities where there has been a history of election fraud to examine past and present problems. The survey should be mailed to each state's attorney general and secretary of state, each county district attorney's office and each county board of elections in the 50 states. (Lorraine Minnite, Barnard College)
- The research should be a two-step process. Using LexisNexis and other research tools, a search should be conducted of news media accounts over the past decade. Second, interviews with a systematic sample of election officials nationwide and in selected states should be conducted. (Chandler Davidson, Rice University)
- One expert in the field posits that we can never come up with a number that accurately represents either the incidence of fraud or the incidence of voter intimidation. Therefore, the better approach is to do an assessment of what is most likely to happen, what election violations are most likely to be committed – in other words, a risk analysis. This would include an analysis of what it would actually take to commit various acts, e.g. the cost/benefit of each kind of violation. From there we could rank the likely prevalence of each type of activity and examine what measures are or could be effective in combating them. (Wendy Weiser, Brennan Center of New York University)
- Replicate a study in the United States done abroad by Susan Hyde of the University of California- San Diego examining the impact of impartial poll site observers on the incidence of election fraud. Doing this retrospectively would require the following steps:
 - Find out where there were federal observers
 - Get precinct level voting information for those places

- Analyze whether there was any difference in election outcomes in those places with and without observers, and whether any of these results seem anomalous.

Despite the tremendous differences in the political landscapes of the countries examined by Hyde in previous studies and the U.S., Hyde believes this study could be effectively replicated in this country by sending observers to a random sample of precincts. Rather than compare the incumbent's vote share, such factors such as voter complaints, voter turnout, number of provisional ballots used, composition of the electorate, as well as any anomalous voting results could be compared between sites with and without monitors.

For example, if intimidation is occurring, and if reputable monitors make intimidation less likely or voters more confident, then turnout should be higher on average in monitored precincts than in unmonitored precincts. If polling station officials are intentionally refusing to issue provisional ballots, and the polling station officials are more likely to adhere to regulations while being monitored, the average number of provisional ballots should be higher in monitored precincts than in unmonitored precincts. If monitors cause polling station officials to adhere more closely to regulations, then there should be fewer complaints (in general) about monitored than unmonitored precincts (this could also be reversed if monitors made voters more likely to complain).

Again, random assignment controls for all of the other factors that otherwise influence these variables.

One of the downsides of this approach is it does not get at some forms of fraud, e.g. absentee ballot fraud; those would have to be analyzed separately.

- Another political scientist recommends conducting an analysis of vote fraud claims and purging of registration rolls by list matching. Allegations of illegal voting often are based on matching of names and birth dates. Alleged instances of double voting are based on matching the names and birth dates of persons found on voting records. Allegations of ineligible felon (depending on state law), deceased, and of non-citizen voting are based on matching lists of names, birth dates, and sometimes addresses of such people against a voting records. Anyone with basic relational database skills can perform such matching in a matter of minutes.

However, there are a number of pitfalls for the unwary that can lead to grossly over-estimating the number of fraudulent votes, such as missing or ignored middle names and suffixes or matching on missing birth dates. Furthermore, there is a surprising statistical fact that a group of about three hundred people with the same first and last name are almost assured to share the exact same birth date, including year. In a large state, it is not uncommon for hundreds of Robert Smiths (and other common names) to have voted. Thus, allegations of vote fraud

or purging of voter registration rolls by list matching almost assuredly will find a large proportion of false positives: people who voted legally or are registered to vote legally.

Statistics can be rigorously applied to determine how many names would be expected to be matched by chance. A simulation approach is best applied here: randomly assign a birth date to an arbitrary number of people and observe how many match within the list or across lists. The simulation is repeated many times to average out the variation due to chance. The results can then be matched back to actual voting records and purge lists, for example, in the hotly contested states of Ohio or Florida, or in states with Election Day registration where there are concerns that easy access to voting permits double voting. This analysis will rigorously identify the magnitude alleged voter fraud, and may very well find instances of alleged fraud that exceed what might have otherwise happened by chance.

This same political scientist also recommends another way to examine the problem: look at statistics on provisional voting: the number cast might provide indications of intimidation (people being challenged at the polls) and the number of those not counted would be indications of "vote fraud." One could look at those jurisdictions in the Election Day Survey with a disproportionate number of provisional ballots cast and cross reference it with demographics and number of provisional ballots discarded. (Michael McDonald, George Mason University)

- Spencer Overton, in a forthcoming law review article entitled *Voter Identification*, suggests a methodology that employs three approaches—investigations of voter fraud, random surveys of voters who purported to vote, and an examination of death rolls provide a better understanding of the frequency of fraud. He says all three approaches have strengths and weaknesses, and thus the best studies would employ all three to assess the extent of voter fraud. An excerpt follows:

1. *Investigations and Prosecutions of Voter Fraud*

Policymakers should develop databases that record all investigations, allegations, charges, trials, convictions, acquittals, and plea bargains regarding voter fraud. Existing studies are incomplete but provide some insight. For example, a statewide survey of each of Ohio's 88 county boards of elections found only four instances of ineligible persons attempting to vote out of a total of 9,078,728 votes cast in the state's 2002 and 2004 general elections. This is a fraud rate of 0.00000045 percent. The Carter-Baker Commission's Report noted that since October 2002, federal officials had charged 89 individuals with casting multiple votes, providing false information about their felon status, buying votes, submitting false voter registration information, and voting improperly as a non-citizen. Examined in the context of the 196,139,871 ballots cast between October 2002 and

August 2005, this represents a fraud rate of 0.0000005 percent (note also that not all of the activities charged would have been prevented by a photo identification requirement).

A more comprehensive study should distinguish voter fraud that could be prevented by a photo identification requirement from other types of fraud — such as absentee voting and stuffing ballot boxes — and obtain statistics on the factors that led law enforcement to prosecute fraud. The study would demand significant resources because it would require that researchers interview and pour over the records of local district attorneys and election boards.

Hard data on investigations, allegations, charges, pleas, and prosecutions is important because it quantifies the amount of fraud officials detect. Even if prosecutors vigorously pursue voter fraud, however, the number of fraud cases charged probably does not capture the total amount of voter fraud. Information on official investigations, charges, and prosecutions should be supplemented by surveys of voters and a comparison of voting rolls to death rolls.

2. Random Surveys of Voters

Random surveys could give insight about the percentage of votes cast fraudulently. For example, political scientists could contact a statistically representative sampling of 1,000 people who purportedly voted at the polls in the last election, ask them if they actually voted, and confirm the percentage who are valid voters. Researchers should conduct the survey soon after an election to locate as many legitimate voters as possible with fresh memories.

Because many respondents would perceive voting as a social good, some who did not vote might claim that they did, which may underestimate the extent of fraud. A surveyor might mitigate this skew through the framing of the question (“I’ve got a record that you voted. Is that true?”).

Further, some voters will not be located by researchers and others will refuse to talk to researchers. Photo identification proponents might construe these non-respondents as improper registrations that were used to commit voter fraud.

Instead of surveying all voters to determine the amount of fraud, researchers might reduce the margin of error by focusing on a random sampling of voters who signed affidavits in the three states that request photo identification but also allow voters to establish their identity through affidavit—Florida, Louisiana, and South Dakota. In

South Dakota, for example, only two percent of voters signed affidavits to establish their identity. If the survey indicates that 95 percent of those who signed affidavits are legitimate voters (and the other 5 percent were shown to be either fraudulent or were non-responsive), this suggests that voter fraud accounts for, at the maximum, 0.1 percent of ballots cast.

The affidavit study, however, is limited to three states, and it is unclear whether this sample is representative of other states (the difficulty may be magnified in Louisiana in the aftermath of Hurricane Katrina's displacement of hundreds of thousands of voters). Further, the affidavit study reveals information about the amount of fraud in a photo identification state with an affidavit exception—more voter fraud may exist in a state that does not request photo identification.

3. *Examining Death Rolls*

A comparison of death rolls to voting rolls might also provide an estimate of fraud.

Imagine that one million people live in state A, which has no documentary identification requirement. Death records show that 20,000 people passed away in state A in 2003. A cross-referencing of this list to the voter rolls shows that 10,000 of those who died were registered voters, and these names remained on the voter rolls during the November 2004 election. Researchers would look at what percentage of the 10,000 dead-but-registered people who “voted” in the November 2004 election. A researcher should distinguish the votes cast in the name of the dead at the polls from those cast absentee (which a photo identification requirement would not prevent). This number would be extrapolated to the electorate as a whole.

This methodology also has its strengths and weaknesses. If fraudulent voters target the dead, the study might overestimate the fraud that exists among living voters (although a low incidence of fraud among deceased voters might suggest that fraud among all voters is low). The appearance of fraud also might be inflated by false positives produced by a computer match of different people with the same name. Photo identification advocates would likely assert that the rate of voter fraud could be higher among fictitious names registered, and that the death record survey would not capture that type of fraud because fictitious names registered would not show up in the death records. Nevertheless, this study, combined with the other two, would provide important insight into the magnitude of fraud likely to exist in the absence of a photo identification requirement.

**Recommendations for Further EAC Activity
on Voting Fraud and Voter Intimidation**

Consultants' Recommendations

Recommendation 1: Conduct More Interviews

Time and resource constraints prevented the consultants from interviewing the full range of participants in the process. As a result, we recommend that any future activity in this area include conducting further interviews.

In particular, we recommend that more election officials from all levels of government, parts of the country, and parties be interviewed. These individuals have the most direct inside information on how the system works -- and at times does not work. They are often the first people voters go to when something goes wrong and are often responsible for fixing it. They are the ones who must carry out the measures that are designed to both prevent fraud and voter intimidation and suppression. They will most likely know what, therefore, is and is not working.

It would also be especially beneficial to talk to people in law enforcement, specifically federal District Election Officers ("DEOs") and local district attorneys, as well as civil and criminal defense attorneys.

The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to

- screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation;
- oversee the investigation and prosecution of election fraud and other election crimes in their districts;
- coordinate their district's (investigative and prosecutorial) efforts with DOJ headquarters prosecutors;
- coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters;
- issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and
- supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day.¹

Given the great responsibilities of the DEOs, and the breadth of issues they must deal with, they undoubtedly are great resources for information and insight as to what types of fraud and intimidation/suppression are occurring in their districts.

In many situations, however, it is the local district attorneys who will investigate election fraud and suppression tactics, especially in local elections. They will be able to provide information on what has gone on in their jurisdictions, as well as which matters get pursued and why.

Finally, those who defend people accused of election related crimes would also be useful to speak to. They may have a different perspective on how well the system is working to detect, prevent, and prosecute election fraud.

Recommendation 2: Follow Up on Nexis Research

The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the agreed search terms, it could not be determined whether there was any later determination regarding the allegations, investigation or charges brought. This leaves a gaping hole: it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system.

As a result, we recommend that follow up Nexis research be conducted to determine what, if any, resolutions or further activity there was in each case. This would provide a much more accurate picture of what types of activities are actually taking place.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation.

Therefore, we recommend follow up to the literature review: for those reports and books that make or cite specific instances of fraud or intimidation, a research effort should be made to follow up on those references to see if and how they were resolved.

Recommendation 4: Review Complaints File With MyVote1 Project Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a 1-800 voter hotline where voters could call for poll location, be transferred to a local hotline, or leave a recorded message with a complaint.

In 2004, this resulted in over 200,000 calls received and over 56,000 recorded complaints.ⁱⁱ The researchers in charge of this project have done a great deal of work to parse and analyze the data collected through this process, including going through the audio messages and categorizing them by the nature of the complaint. These categories include registration, absentee ballot, poll access, ballot/screen, coercion/intimidation, identification, mechanical, provisional (ballot).

We recommend that further research include making full use of this data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 200,000 complaints should provide a good deal of insight into the problems voters experienced, especially those in the nature of intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation,ⁱⁱⁱ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.

Recommendation 6: Review Reports Filed By District Election Officers

Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department,^{iv}

Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses... These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity

Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

By attending the symposium researchers could learn more about the following:

- How District Election Officers are trained, e.g. what they are taught to focus their resources on, how they are instructed to respond to various types of complaints
- How information about previous election and voting issues is presented
- How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants

Recommendation 8: Employ Academic or Individual to Conduct Statistical Research

Included in this report is a summary of various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.

Recommendation 9: Explore Improvements to Federal Law

Finally, consultant Tova Wang recommends that future researchers review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

According to Craig Donsanto, long-time Director of the Election Crimes Branch, Public Integrity Section, Criminal Division of the U.S. Department of Justice:

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.^y

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

As a result, researchers should examine if there is some way in which current law might be revised or new laws passed that would reach voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as a tangible value in itself. Such an amendment or law would reach all forms of voter intimidation, no matter if it is motivated by race, party, ethnicity or any other criteria. The law would then *potentially* cover, for example, letters and postcards with language meant to deter voters from voting and both pre-election and Election Day challengers that are clearly mounting challenges solely on illegitimate bases.

In the alternative to finding a way to criminalize such behavior, researchers might examine ways to invigorate measures to deter and punish voter intimidation under the civil law. For example, there might be a private right of action created for voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is a pattern of repeated abuse in the jurisdiction that such officials did not take sufficient action against; and organizations that intentionally engage in intimidating practices. As a penalty upon finding liability, civil damages could be available plus perhaps attorney's fees.

Another, more modest measure would be, as has been suggested by Ana Henderson and Christopher Edley,^{vi} to bring parity to fines for violations under the Voting Rights Act. Currently the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

Working Group Recommendations

Recommendation 1: Employ Observers To Collect Data in the 2006 and/or 2008 Elections

At the working group meeting, there was much discussion about using observers to collect data regarding fraud and intimidation at the polls in the upcoming elections. Mr. Ginsberg recommended using representatives of both parties for the task. Mr. Bauer and others objected to this, believing that using partisans as observers would be unworkable and would not be credible to the public.

There was even greater concern about the difficulties in getting access to poll sites for the purposes of observation. Most states strictly limit who can be in the polling place. In addition, there are already so many groups doing observation and monitoring at the polls, administrators might object. There was further concern that observers would introduce a variable into the process that would impact the outcome. The very fact that observers were present would influence behavior and skew the results.

Moreover, it was pointed out, many of the problems we see now with respect to fraud and intimidation does not take place at the polling place, e.g. absentee ballot fraud and deceptive practices. Poll site monitoring would not capture this activity. Moreover, with

increased use of early voting, poll site monitoring might have to go on for weeks to be effective, which would require tremendous resources.

Mr. Weinberg suggested using observers in the way they are utilized in international elections. Such observers come into a jurisdiction prior to the election, and use standardized forms at the polling sites to collect data.

Recommendation 2: Do a Study on Absentee Ballot Fraud

The working group agreed that since absentee ballot fraud is the main form of fraud occurring, and is a practice that is great expanding throughout the country, it would make sense to do a stand-alone study of absentee ballot fraud. Such a study would be facilitated by the fact that there already is a great deal of information on how, when, where and why such practices are carried out based on cases successfully prosecuted. Researchers could look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing them.

Recommendation 3: Use Risk Analysis Methodology to Study Fraud¹

Working group members were supportive of one of the methodologies recommended for studying this issue, risk analysis. As Mr. Bauer put it, based on the assumption that people act rationally, do an examination of what types of fraud people are most likely to commit, given the relative costs and benefits. In that way, researchers can rank the types of fraud that are the easiest to commit at the least cost with the greatest effect, from most to least likely to occur. This might prove a more practical way of measuring the problems than trying to actually get a number of acts of fraud and/or intimidation occurring. Mr. Greenbaum added that one would want to examine what conditions surrounding an election would be most likely to lead to an increase in fraud. Mr. Rokita objected based on his belief that the passions of partisanship lead people to not act rationally in an election.

Recommendation 4: Conduct Research Using Database Comparisons

Picking up on a suggestion made by Spencer Overton and explained in the suggested methodology section, Mr. Hearne recommended studying the issue using statistical database matching. Researchers should compare the voter roll and the list of people who actually voted to see if there are “dead” and felon voters. Because of the inconsistent quality of the databases, however, a political scientist would need to work in an appropriate margin of error when using such a methodology.

Recommendation 5: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers with false and/or intimidating information, to suppress voter participation. A number of

¹ See Appendix C, and section on methodology

groups, including the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices, which may be available for review and analysis. This is also an area in which there is often tangible evidence, such as copies of the flyers and postcards themselves. All of this information should be reviewed and analyzed to see how such practices are being conducted and what can be done about them.

Recommendation 6: Study Use of HAVA Administrative Complaint Procedure As Vehicle for Measuring Fraud and Intimidation

The EAC should study the extent to which states are actually utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 7: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts that are running before, during and after election day would be an effective means of disposing with complaints and violations in an expeditious manner. Pennsylvania employs such a system, and the EAC should consider investigating how well it is working to deal with fraud and intimidation problems.

Key Working Group Observations and Concerns

Working Group Observations

1. ***The main problems today are structural barriers to voting and administrative error.*** Mr. Perez observed that, in accordance with the research, the biggest issues today are structural barriers to voting, not stealing votes. Election administrators share this view. Election fraud is negligible, and to the extent it occurs, it needs to be prosecuted with stronger criminal laws. The biggest problem is properly preparing people, which is the responsibility of election administrators.
2. ***Most fraud and intimidation is happening outside of the polling place.*** Mr. Greenbaum observed that with respect to both voter fraud and voter suppression, such as deceptive practices and tearing up voter registration forms, most of that is taking place outside of the polling place.
3. ***This issue cannot be addressed through one study or one methodology alone.*** Mr. Weinberg observed that since there is such a variety in types of fraud and intimidation, one solution will not fit all. It will be impossible to obtain data or resolve any of these problems through a single method.
4. ***The preliminary research conducted for this project is extremely valuable.*** Several of the working group members complimented the quality of the research done and although it is only preliminary, thought it would be useful and informative in the immediate future.
5. ***The Department of Justice is exploring expanding its reach over voter suppression activities.*** In the context of the conversation about defining voter intimidation, Mr. Donsanto pointed out that while voter intimidation was strictly defined by the criminal law, his section is beginning to explore the slightly different concept of vote suppression, and how to pursue it. He mentioned the phone-jamming case in New Hampshire as an initial success in this effort. He noted that he believes that vote suppression in the form of deceptive practices ought to be a crime and the section is exploring ways to go after it within the existing statutory construct. Mr. Bauer raised the example of a party sending people dressed in paramilitary outfits to yell at people as they go to the polls, telling them they have to show identification. Mr. Donsanto said that under the laws he has to work with today, such activity is not considered corrupt. He said that his lawyers are trying to “bend” the current laws to address aggravated cases of vote suppression, and the phone-jamming case is an example of that. Mr. Donsanto said that within the Department, the term vote “suppression” and translating it into a crime is a “work in progress.”

6. **Registration fraud does not translate into vote fraud.** Ms. Rogers, Mr. Donsanto and others stated that although phony voter registration applications turned in by people being paid by the form was a problem, it has not been found in their experience to lead to fraudulent voters at the polls. Ms. Rogers said such people were motivated by money, not defrauding the election.
7. **Handling of voter fraud and intimidation complaints varies widely across states and localities.** Ms. Rogers and others observed that every state has its own process for intake and review of complaints of fraud and intimidation, and that procedures often vary within states. The amount of authority secretaries of state have to address such problems also is different in every state. Mr. Weinberg stated he believed that most secretaries of state did not have authority to do anything about these matters. Participants discussed whether secretaries ought to be given greater authority so as to centralize the process, as HAVA has mandated in other areas.

Working Group Concerns

1. Mr. Rokita questioned whether the purpose of the present project ought to be on assessing the level of fraud and where it is, rather than on developing methods for making such measurements. He believed that methodology should be the focus, “rather than opinions of interviewees.” He was concerned that the EAC would be in a position of “adding to the universe of opinions.”
2. Mr. Rokita questioned whether the “opinions” accumulated in the research “is a fair sampling of what’s out there.” Ms. Wang responded that one of the purposes of the research was to explore whether there is a method available to actually quantify in some way how much fraud there is and where it is occurring in the electoral process. Mr. Rokita replied that “Maybe at the end of the day we stop spending taxpayer money or it’s going to be too much to spend to find that kind of data. Otherwise, we will stop it here and recognize there is a huge difference of opinion on that issue of fraud, when it occurs is obtainable, and that would possibly be a conclusion of the EAC.” Ms. Sims responded that she thought it would be possible to get better statistics on fraud and there might be a way of “identifying at this point certain parts in the election process that are more vulnerable, that we should be addressing.”
3. Mr. Rokita stated that, “We’re not sure that fraud at the polling place doesn’t exist. We can’t conclude that.”
4. Mr. Rokita expressed concern about working with a political scientist. He believes that the “EAC needs to be very careful in who they select, because all the time and effort and money that’s been spent up to date and would be spent in the future could be invalidated by a wrong selection in the eyes of some group.”

NEXIS Charts

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Case Charts

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Appendix 1
List of Individuals Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Robin DeJarnette, Executive Director, American Center for Voting Rights

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin
Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice

Sharon Priest, former Secretary of State, Arkansas

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Appendix 2
List of Literature Reviewed

Reports

People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.

Laughlin McDonald, “The New Poll Tax,” *The American Prospect* vol. 13 no. 23, December 30, 2002.

Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.

Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.

National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.

The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.

Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.

Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.

American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.

The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001

The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.

Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."

Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html

People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>

Craig Donsanto, "Prosecution of Electoral Fraud Under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.

Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.

People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.

Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.

Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.

David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.

Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

Legal

Indiana Democratic Party vs. Rokita, U.S. District Court Southern District of Indiana (Indianapolis) 1:05-cv-00634, U.S. Court of Appeals, 7th Circuit 06-2218

Common Cause of Georgia vs. Billups, U.S. District Court, Northern District of Georgia (Rome) 4:05-cv-00201-HLM U.S. Court of Appeals, 11th Circuit 05-15784

U.S. Department of Justice Section 5 Recommendation Memorandum (regarding HB 244), August 25, 2005 at <http://www.votingrights.org/news/downloads/Section%205%20Recommendation%20Memorandum.pdf>

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Appendix 3

Excerpt from “Machinery of Democracy,” a Brennan Center Report

APPENDIX C

BRENNAN CENTER TASK FORCE ON VOTING SYSTEM SECURITY, LAWRENCE NORDEN, CHAIR

Excerpted from pp. 8-19

METHODOLOGY

The Task Force concluded, and the peer review team at NIST agreed, that the best approach for comprehensively evaluating voting system threats was to: (1) identify and categorize the potential threats against voting systems, (2) prioritize these threats based upon an agreed upon metric (which would tell us how difficult each threat is to accomplish from the attacker’s point of view), and (3) determine, utilizing the same metric employed to prioritize threats, how much more difficult each of the catalogued attacks would become after various sets of countermeasures are implemented.

This model allows us to identify the attacks we should be most concerned about (*i.e.*, the most practical and least difficult attacks). Furthermore, it allows us to quantify the potential effectiveness of various sets of countermeasures (*i.e.*, how difficult the least difficult attack is after the countermeasure has been implemented). Other potential models considered, but ultimately rejected by the Task Force, are detailed in Appendix B.

IDENTIFICATION OF THREATS

The first step in creating a threat model for voting systems was to identify as many potential attacks as possible. To that end, the Task Force, together with the participating election officials, spent several months identifying voting system vulnerabilities. Following this work, NIST held a Voting Systems Threat Analysis Workshop on October 7, 2005. Members of the public were invited to write up and post additional potential attacks. Taken together, this work produced over 120 potential attacks on the three voting systems. They are detailed in the catalogs annexed.²⁰ Many of the attacks are described in more detail at <http://vote.nist.gov/threats/papers.htm>.

The types of threats detailed in the catalogs can be broken down into nine categories: (1) the insertion of corrupt software into machines prior to Election Day; (2) wireless and other remote control attacks on voting machines on Election Day; (3) attacks on tally servers; (4) miscalibration of voting machines; (5) shut off of voting machine features intended to assist voters; (6) denial of service attacks; (7) actions by corrupt poll workers or others at the polling place to affect votes cast; (8) vote buying schemes; (9) attacks on ballots or VVPT. Often, the actual attacks

involve some combination of these categories. We provide a discussion of each type of attack in “Categories of Attacks,” *infra* at pp. 24–27.

PRIORITIZING THREATS: NUMBER OF INFORMED PARTICIPANTS AS METRIC

Without some form of prioritization, a compilation of the threats is of limited value. Only by prioritizing these various threats could we help election officials identify which attacks they should be most concerned about, and what steps could be taken to make such attacks as difficult as possible. As discussed below, we have determined the level of difficulty for each attack where the attacker is attempting to affect the outcome of a close statewide election.²¹

There is no perfect way to determine which attacks are the least difficult, because each attack requires a different mix of resources – well-placed insiders, money, programming skills, security expertise, *etc.* Different attackers would find certain resources easier to acquire than others. For example, election fraud committed by local election officials would always involve well-placed insiders and a thorough understanding of election procedures; at the same time, there is no reason to expect such officials to have highly skilled hackers or first-rate programmers working with them. By contrast, election fraud carried out by a foreign government would likely start with plenty of money and technically skilled attackers, but probably without many conveniently placed insiders or detailed knowledge of election procedures.

Ultimately, we decided to use the “number of informed participants” as the metric for determining attack difficulty. An attack which uses fewer participants is deemed the easier attack.

We have defined “informed participant” as someone whose participation is needed to make the attack work, and who knows enough about the attack to foil or expose it. This is to be distinguished from a participant who unknowingly assists the attack by performing a task that is integral to the attack’s successful execution without understanding that the task is part of an attack on voting systems.

The reason for using the security metric “number of informed participants” is relatively straightforward: the larger a conspiracy is, the more difficult it would be to keep it secret. Where an attacker can carry out an attack by herself, she need only trust herself. On the other hand, a conspiracy that requires thousands of people to take part (like a vote-buying scheme) also requires thousands of people to keep quiet. The larger the number of people involved, the greater the likelihood that one of them (or one who was approached, but declined to take part) would either inform the public or authorities about the attack, or commit some kind of error that causes the attack to fail or become known.

Moreover, recruiting a large number of people who are willing to undermine the integrity of a statewide election is also presumably difficult. It is not hard to imagine two or three people agreeing to work to change the outcome of an election. It seems far less likely that an attacker could identify and employ hundreds or thousands of similarly corrupt people without being discovered.

We can get an idea of how this metric works by looking at one of the threats listed in our catalogs: the vote-buying threat, where an attacker or attackers pay individuals to vote for a particular candidate. This is Attack Number 26 in the PCOS Attack Catalog²² (though this attack would not be substantially different against DREs or DREs w/ VVPT).²³ In order to work under our current types of voting systems, this attack requires (1) at least one person to purchase votes, (2) many people to agree to sell their votes, and (3) some way for the purchaser to confirm that the voters she pays actually voted for the candidate she supported. Ultimately, we determined that, while practical in smaller contests, a vote-buying attack would be an exceptionally difficult way to affect the outcome of a statewide election. This is because, even in a typically close statewide election, an attacker would need to involve thousands of voters to ensure that she could affect the outcome of a statewide race.²⁴

For a discussion of other metrics we considered, but ultimately rejected, see Appendix C.

DETERMINING NUMBER OF INFORMED PARTICIPANTS

DETERMINING THE STEPS AND VALUES FOR EACH ATTACK

The Task Force members broke down each of the catalogued attacks into its necessary steps. For instance, Attack 12 in the PCOS Attack Catalog is “Stuffing Ballot Box with Additional Marked Ballots.”²⁵ We determined that, at a minimum, there were three component parts to this attack: (1) stealing or creating the ballots and then marking them, (2) scanning marked ballots through the PCOS scanners, probably before the polls opened, and (3) modifying the poll books in each location to ensure that the total number of votes in the ballot boxes was not greater than the number of voters who signed in at the polling place.

Task Force members then assigned a value representing the minimum number of persons they believed would be necessary to accomplish each goal. For PCOS Attack 12, the following values were assigned:²⁶

Minimum number required to steal or create ballots: 5 persons total.²⁷

Minimum number required to scan marked ballots: 1 per polling place attacked.

Minimum number required to modify poll books: 1 per polling place attacked.²⁸

After these values were assigned, the Brennan Center interviewed several election officials to see whether they agreed with the steps and values assigned to each attack.²⁹ When necessary, the values and steps were modified. The new catalogs, including attack steps and values, were then reviewed by Task Force members. The purpose of this review was to ensure, among other things, that the steps and values were sound.

These steps and values tell us how difficult it would be to accomplish a *single attack in a single polling place*. They do not tell us how many people it would take to change the outcome of an election successfully – that depends, of course, on specific facts about the jurisdiction: how many votes are generally recorded in each polling

place, how many polling places are there in the jurisdiction, and how close is the race? For this reason, we determined that it was necessary to construct a hypothetical jurisdiction, to which we now turn.

NUMBER OF INFORMED PARTICIPANTS NEEDED TO CHANGE STATEWIDE ELECTION

We have decided to examine the difficulty of each attack in the context of changing the outcome of a reasonably close statewide election. While we are concerned by potential attacks on voting systems in any type of election, we are most troubled by attacks that have the potential to affect large numbers of votes. These are the attacks that could actually change the outcome of a statewide election with just a handful of attack participants.

We are less troubled by attacks on voting systems that can only affect a small number of votes (and might therefore be more useful in local elections). This is because there are many non-system attacks that can also affect a small number of votes (*i.e.*, sending out misleading information about polling places, physically intimidating voters, submitting multiple absentee ballots, *etc.*). Given the fact that these non-system attacks are likely to be less difficult in terms of number of participants, financial cost, risk of detection, and time commitment, we are uncertain that an attacker would target *voting machines* to alter a small number of votes.

In order to evaluate how difficult it would be for an attacker to change the outcome of a statewide election, we created a composite jurisdiction. The composite jurisdiction was created to be representative of a relatively close statewide election. We did not want to examine a statewide election where results were so skewed toward one candidate (for instance, the re-election of Senator Edward M. Kennedy in 2000, where he won 73% of the vote³⁰), that reversing the election results would be impossible without causing extreme public suspicion. Nor did we want to look at races where changing only a relative handful of votes (for instance, the Governor's race in Washington State in 2004, which was decided by a mere 129 votes³¹) could affect the outcome of an election; under this scenario, many of the potential attacks would involve few people, and therefore look equally difficult.

We have named our composite jurisdiction "the State of Pennasota." The State of Pennasota is a composite of ten states: Colorado, Florida, Iowa, Ohio, New Mexico, Pennsylvania, Michigan, Nevada, Wisconsin and Minnesota. These states were chosen because they were the ten "battleground" states that Zogby International consistently polled in the spring, summer, and fall 2004.³² These are statewide elections that an attacker would have expected, ahead of time, to be fairly close.

We have also created a composite election, which we label the "Governor's Race" in Pennasota. The results of this election are a composite of the actual results in the same ten states in the 2004 Presidential Election.

We have used these composites as the framework by which to evaluate the difficulty of the various catalogued attacks.³³ For instance, we know a ballot-box stuffing attack would require roughly five people to create and mark fake ballots, as

well as one person per polling place to stuff the boxes, and one person per polling place to modify the poll books. But, in order to determine how many informed participants would be needed to affect a statewide race, we need to know how many polling places would need to be attacked.

The composite jurisdiction and composite election provide us with information needed to answer these questions: *i.e.*, how many extra votes our attackers would need to add to their favored candidate's total for him to win, how many ballots our attackers can stuff into a particular polling place's ballot box without arousing suspicion (and related to this, how many votes are generally cast in the average polling place), how many polling places are there in the state, *etc.* We provide details about both the composite jurisdiction and election in the section entitled "Governor's Race, State of Pennasota, 2007," *infra* at pp 20–27.

LIMITS OF INFORMED PARTICIPANTS AS METRIC

Of the possible metrics we considered, we believe that measuring the number of people who know they are involved in an attack (and thus could provide evidence of the attack to the authorities and/or the media), is the best single measure of attack difficulty; as already discussed, we have concluded that the more people an attacker is forced to involve in his attack, the more likely it is that one of the participants would reveal the attack's existence and foil the attack, perhaps sending attackers to jail. However, we are aware of a number of places where the methodology could provide us with questionable results.

By deciding to concentrate on size of attack team, we mostly ignore the need for other resources when planning an attack. Thus, a software attack on DREs which makes use of steganography³⁴ to hide attack instruction files (*see* "DRE w/ VVPT Attack No. 1a", discussed in greater detail, *infra* at pp. 62–65) is considered easier than an attack program delivered over a wireless network at the polling place (*see* discussion of wireless networks, *infra* at pp. 85–91). However, the former attack probably requires a much more technologically sophisticated attacker.

Another imperfection with this metric is that we do not have an easy way to represent how much choice the attacker has in finding members of his attack team.

Thus, with PCOS voting, we conclude that the cost of subverting a routine audit of ballots is roughly equal to the cost of intercepting ballot boxes in transit and substituting altered ballots (*see* discussion of PCOS attacks, *infra* at pp. 77–83). However, subverting the audit team requires getting a specific set of trusted people to cooperate with the attacker. By contrast, the attacker may be able to decide which precincts to tamper with based on which people he has already recruited for his attack.

In an attempt to address this concern, we considered looking at the number of "insiders" necessary to take part in each attack. Under this theory, getting five people to take part in a conspiracy to attack a voting system might not be particularly difficult. But getting five well-placed county election officials to take part in the attack would be (and should be labeled) the more difficult of the two attacks. Because, for the most part, the low-cost attacks we have identified do not necessarily involve well placed insiders (but could, for instance, involve one of many people with access to commercial off the shelf software ("COTS") during development

or at the vendor), we do not believe that using this metric would have substantially changed our analysis.³⁵

Finally, these attack team sizes do not always capture the logistical complexity of an attack. For example, an attack on VVPT machines involving tampering with the voting machine software and also replacing the paper records in transit requires the attacker to determine what votes were falsely produced by the voting machine and print replacement records in time to substitute them. While this is clearly possible, it raises a lot of operational difficulties – a single failed substitution leaves the possibility that the attack would be detected during the audit of ballots.

We have tried to keep these imperfections in mind when analyzing and discussing our least difficult attacks.

We suspect that much of the disagreement between voting officials and computer security experts in the last several years stems from a difference of opinion in prioritizing the difficulty of attacks. Election officials, with extensive experience in the logistics of handling tons of paper ballots, have little faith in paper and understand the kind of breakdowns in procedures that lead to traditional attacks like ballot box stuffing; in contrast, sophisticated attacks on computer voting systems appear very difficult to many of them. Computer security experts understand sophisticated attacks on computer systems, and recognize the availability of tools and expertise that makes these attacks practical to launch, but have no clear idea how they would manage the logistics of attacking a paper-based system. Looking at attack team size is one way to bridge this difference in perspective.

EFFECTS OF IMPLEMENTING COUNTERMEASURE SETS

The final step of our threat analysis is to measure the effect of certain countermeasures against the catalogued attacks. How much more difficult would the attacks become once the countermeasures are put into effect? How many more informed participants (if any) would be needed to counter or defeat these countermeasures?

Our process for examining the effectiveness of a countermeasure mirrors the process for determining the difficulty of an attack: we first asked whether the countermeasure would allow us to detect an attack with near certainty. If we agreed that the countermeasure would expose the attack, we identified the steps that would be necessary to circumvent or defeat the countermeasure. For each step to defeat the countermeasure, we determined the number of additional informed participants (if any) that an attacker would need to add to his team. As with the process for determining attack difficulty, the Brennan Center interviewed numerous election officials to see whether they agreed with the steps and values assigned. When necessary, the values and steps for defeating the countermeasures were altered to reflect the input of election officials.

COUNTERMEASURES EXAMINED

BASIC SET OF COUNTERMEASURES

The first set of countermeasures we looked at is the “Basic Set” of countermeasures. This Basic Set was derived from security survey responses³⁶ we received

from county election officials around the country, as well as additional interviews with more than a dozen current and former election officials. Within the Basic Set of countermeasures are the following procedures:

Inspection

The jurisdiction is not knowingly using any uncertified software that is subject to inspection by the Independent Testing Authority (often referred to as the “ITA”).³⁷

Physical Security for Machines

- Ballot boxes (to the extent they exist) are examined (to ensure they are empty) and locked by poll workers immediately before the polls are opened.
- Before and after being brought to the polls for Election Day, voting systems for each county are locked in a single room, in a county warehouse.
- The warehouse has perimeter alarms, secure locks, video surveillance and regular visits by security guards.
- Access to the warehouse is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.
- Some form of “tamper evident” seals are placed on machines before and after each election.
- The machines are transported to polling locations five to fifteen days before Election Day.

Chain of Custody/Physical Security of Election Day Records

- At close of the polls, vote tallies for each machine are totaled and compared with number of persons that have signed the poll books.
- A copy of totals for each machine is posted at each polling place on Election Night and taken home by poll workers to check against what is posted publicly at election headquarters, on the web, in the papers, or elsewhere.³⁸
- All audit information (*i.e.*, Event Logs, VVPT records, paper ballots, machine printouts of totals) that is not electronically transmitted as part of the unofficial upload to the central election office, is delivered in official, sealed and hand-delivered information packets or boxes. All seals are numbered and tamper-evident.
- Transportation of information packets is completed by two election officials representing opposing parties who have been instructed to remain in joint custody of the information packets or boxes from the moment it leaves the precinct to the moment it arrives at the county election center.

- Each polling place sends its information packets or boxes to the county election center separately, rather than having one truck or person pick up this data from multiple polling locations.
- Once the sealed information packets or boxes have reached the county election center, they are logged. Numbers on the seals are checked to ensure that they have not been replaced. Any broken or replaced seals are logged. Intact seals are left intact.
- After the packets and/or boxes have been logged, they are provided with physical security precautions at least as great as those listed for voting machines, above. Specifically, for Pennasota, we have assumed the room in which the packets are stored have perimeter alarms, secure locks, video surveillance and regular visits by security guards and county police officers; and access to the room is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Testing³⁹

- An Independent Testing Authority has certified the model of voting machine used in the polling place.
- Acceptance Testing⁴⁰ is performed on machines at time, or soon after they are received by County.
- Pre-election Logic and Accuracy⁴¹ testing is performed by the relevant election official.
- Prior to opening the polls, every voting machine and vote tabulation system is checked to see that it is still configured for the correct election, including the correct precinct, ballot style, and other applicable details.

REGIMEN FOR AUTOMATIC ROUTINE AUDIT PLUS BASIC SET OF COUNTERMEASURES.

The second set of countermeasures is the Regimen for an Automatic Routine Audit Plus Basic Set of Countermeasures.

Some form of routine auditing of voter-verified paper records occurs in 12 states, to test the accuracy of electronic voting machines. They generally require between 1 and 10% of all precinct voting machines to be audited after each election. ⁴²

Jurisdictions can implement this set of countermeasures only if their voting systems produce some sort of voter-verified paper record of each vote. This could be in the form of a paper ballot, in the case of PCOS, or a voter-verified paper trail (“VVPT”), in the case of DREs.

We have assumed that jurisdictions take the following steps when conducting an Automatic Routine Audit (when referring to this set of assumptions “Regimen for an Automatic Routine Audit”):

The Audit

- Leaders of the major parties in each county are responsible for selecting a sufficient number of audit-team members to be used in that county.⁴³
- Using a highly transparent random selection mechanism (*see point ii, below*), the voter-verified paper records for between a small percentage of all voting machines in the State are selected for auditing.
- Using a transparent random selection method, auditors are assigned to the selected machines (two or three people, with representatives of each major political party, would comprise each audit team).
- The selection of voting machines, and the assignment of auditors to machines, occurs immediately before the audits take place. The audits take place as soon after polls close as possible – for example, at 9 a.m. the morning after polls close.
- Using a transparent random selection method, county police officers, security personnel and the video monitor assigned to guard the voter-verified records are chosen from a large pool of on-duty officers and employees on election night.
- The auditors are provided the machine tallies and are able to see that the county tally reflects the sums of the machine tallies before the start of the inspection of the paper.
- The audit would include a tally of spoiled ballots (in the case of VVPT, the number of cancellations recorded), overvotes, and undervotes.

Transparent Random Selection Process

In this report, we have assumed that random auditing procedures are in place for both the Regimen for an Automatic Routine Audit and Regimen for Parallel Testing. We have further assumed procedures to prevent a single, corrupt person from being able to fix the results. This implies a kind of transparent and public random procedure.

For the Regimen for an Automatic Routine Audit there are at least two places where transparent, random selection processes are important: in the selection of precincts to audit, and in the assignment of auditors to the precincts they will be auditing.

Good election security can employ Transparent Random Selection in other places with good effect:

- the selection of parallel testers from a pool of qualified individuals.
- the assignment of police and other security professionals from on-duty lists, to monitor key materials, for example, the VVPT records between the time that they arrive at election central and the time of the completion of the ARA.

If a selection process for auditing is to be trustworthy and trusted, ideally:

- The whole process will be publicly observable or videotaped;⁴⁴
- The random selection will be publicly verifiable, *i.e.*, anyone observing will be able to verify that the sample was chosen randomly (or at least that the number selected is not under the control of any small number of people); and
- The process will be simple and practical within the context of current election practice so as to avoid imposing unnecessary burdens on election officials.

There are a number of ways that election officials can ensure some kind of transparent randomness. One way would be to use a state lottery machine to select precincts or polling places for auditing. We have included two potential examples of transparent random selection processes in Appendix F. These apply to the Regimen for Parallel Testing as well.

REGIMEN FOR PARALLEL TESTING PLUS BASIC SET OF COUNTERMEASURES

The final set of countermeasures we have examined is “Parallel Testing” plus the Basic Set of countermeasures. Parallel Testing, also known as election-day testing, involves selecting voting machines at random and testing them as realistically as possible during the period that votes are being cast.

Parallel Testing

In developing our set of assumptions for Parallel Testing, we relied heavily upon interviews with Jocelyn Whitney, Project Manager for Parallel Testing in the State of California, and conclusions drawn from this Report.⁴⁵ In our analysis, we assume that the following procedures would be included in the Parallel Testing regimen (when referring to this regimen “Regimen for Parallel Testing”) that we evaluate:

- At least two of each DRE model (meaning both vendor and model) would be selected for Parallel Testing;
- At least two DREs from each of the three largest counties would be parallel tested;
- Counties to be parallel tested would be chosen by the Secretary of State in a transparent and random manner.
- Counties would be notified as late as possible that machines from one of their precincts would be selected for Parallel Testing;⁴⁶
- Precincts would be selected through a transparent random mechanism;
- A video camera would record testing;
- For each test, there would be one tester and one observer;

- Parallel Testing would occur at the polling place;
- The script for Parallel Testing would be generated in a way that mimics voter behavior and voting patterns for the polling place;
- At the end of the Parallel Testing, the tester and observer would reconcile vote totals in the script with vote totals reported on the machine.

Transparent Random Selection Process

We further assume that the same type of transparent random selection process that would be used for the Regimen for Automatic Routine Audit would also be employed for the Regimen for Parallel Testing to determine which machines would be subjected to testing on Election Day.

APPENDIX C

ALTERNATIVE SECURITY METRICS CONSIDERED

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The decision to use the number of informed participants as the metric for attack level difficulty came after considering several other potential metrics. One of the first metrics we considered was the dollar cost of attacks. This metric makes sense when looking at attacks that seek financial gain – for instance, misappropriating corporate funds. It is not rational to spend \$100,000 on the misappropriation of corporate funds if the total value of those funds is \$90,000. Ultimately, we rejected this metric as the basis for our analysis because the dollar cost of the attacks we considered were dwarfed by both (1) current federal and state budgets, and (2) the amounts currently spent legally in state and federal political campaigns.

Time of Attack

The relative security of safes and other safety measures are often rated in terms of “time to defeat.” This was rejected as metric of difficulty because it did not seem relevant to voting systems. Attackers breaking into a house are concerned with the amount of time it might take to complete their robbery because the homeowners or police might show up. With regard to election fraud, many attackers may be willing to start months or years before an election if they believe they can control the outcome. As discussed *supra* at pp. 35–48, attackers may be confident that they can circumvent the independent testing authorities and other measures meant to identify attacks, so that the amount of time an attack takes becomes less relevant.

Appendix 4
Voting Fraud-Voter Intimidation Working Group

The Honorable Todd Rokita

Indiana Secretary of State
Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State
Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, Texas

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law
Leader of Election Protection Coalition

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, District of Columbia
National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP
Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, Missouri
National Counsel to the American Center for Voting Rights

Barry Weinberg

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

EAC Invited Technical Advisor:

Craig Donsanto

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

ⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R

ⁱⁱ The MyVote1 Project Final Report, Fels Institute of Government, University of Pennsylvania, November 1, 2005, Pg. 12

ⁱⁱⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

^{iv} "Department Of Justice To Hold Ballot Access and Voting Integrity Symposium," U.S. Department of Justice press release, August 2, 2005

^v Craig C. Donsanto, Prosecution of Electoral Fraud Under United States Federal Law," IFES Political Finance White Paper Series, 2006, p. 29

^{vi} Ana Henderson and Christopher Edley, Jr., Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

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EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY

INTRODUCTION

Voting fraud and voter intimidation are phrases familiar to many voting-aged Americans. However, they mean different things to different people. Voting fraud and voter intimidation are phrases used to refer to crimes, civil rights violations, and, at times, even the lawful application of state or federal laws to the voting process. Past study of these topics has been as varied as its perceived meaning. In an effort to help understand the realities of voting fraud and voter intimidation in our elections, the U.S. Election Assistance Commission (EAC) has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a working definition of election crimes and adopted research methodology on how to assess the existence and enforcement of election crimes in the United States.

PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the EAC to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voting fraud and voter intimidation are topics that the EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

EAC began this study with the intention of identifying a common understanding of voting fraud and voter intimidation and devising a plan for a comprehensive study of these issues. The initial study was not intended to be a comprehensive review of existing voting fraud and voter intimidation actions, laws, or prosecutions. To conduct that type of extensive research, a basic understanding had to first be established regarding what is commonly referred to as voting fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voting fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang,¹ who worked with EAC staff and interns to conduct the research that forms the basis of this report. The consultants were chosen based upon their experience with the topic and the need to assure a bipartisan representation in this study. The consultants and EAC staff were charged with (1) researching the current state of information on the topic of voting fraud and voter intimidation; (2) developing a uniform definition of voting

¹ Biographies for Job Serebrov and Tova Wang, the two consultants hired by EAC, are attached as Appendix "1".

fraud and voter intimidation; and (3) proposing recommended strategies for researching this subject.

EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field. EAC consultants and staff then presented their initial findings to a working group that provided feedback. The working group participants were:

The Honorable Todd Rokita

Indiana Secretary of State
Member, EAC Standards Board and the
Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of
the Secretary of State
Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections
Administrator, Texas

Barbara Arnwine

Executive Director, Lawyers Committee
for Civil Rights under Law
Leader of Election Protection Coalition

Benjamin L. Ginsberg

Partner, Patton Boggs LLP
Counsel to National Republican
Campaign Committees and Republican
candidates

Robert Bauer

Chair of the Political Law Practice at the
law firm of Perkins Coie, District of
Columbia
National Counsel for Voter Protection,
Democratic National Committee

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St
Louis, Missouri
National Counsel to the American
Center for Voting Rights

Barry Weinberg

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

Technical Advisor:

Craig Donsanto

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

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voting fraud and voter intimidation, EAC consultants reviewed the current body of information on voting fraud and voter intimidation. The information available about these issues comes largely from a very limited body of reports, articles, and books. There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation. Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voting fraud and voter intimidation.

Reports and Studies of Voting fraud and Intimidation

Over the years, there have been a number of studies conducted and reports published about voting fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voting fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “2”:

Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.

- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.
- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.
- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voting fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."
- Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, "Prosecution of Electoral Fraud under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

- General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.
- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.
- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voting fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voting fraud and voter intimidation. None of the studies or reports was based on a comprehensive, nationwide study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voting fraud or voter intimidation in the United States. Most reports focused on a limited number of case studies or instances of alleged voting fraud or voter intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection program during the 2004 Presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voting fraud and voter intimidation. Some reports, such as

“Building Confidence in U.S. Elections,” suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” produced by the Milwaukee Police Department, Milwaukee County District Attorney’s Office, FBI and U.S. Attorney’s Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation, including legal practices that allegedly cause vote suppression.

One point of agreement is that absentee voting and voter registration by nongovernmental groups create opportunities for fraud. For example, a number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of persons affiliated with a certain political party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voting fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voting fraud and voter intimidation. Persons interviewed included:

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Lori Minnite
Barnard College, Columbia University

Neil Bradley
ACLU Voting Rights Project

Pat Rogers
Attorney, New Mexico

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Rebecca Vigil-Giron
Secretary of State, New Mexico

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Stephen Ansolobhere
Massachusetts Institute of Technology

Chandler Davidson
Rice University

Tracey Campbell

Author, *Deliver the Vote*

Douglas Webber

Assistant Attorney General, Indiana

Heather Dawn Thompson

Director of Government Relations,
National Congress of American Indians

Jason Torchinsky

Assistant General Counsel,
American Center for Voting Rights

Robin DeJarnette

Executive Director,
American Center for Voting Rights

Harry Van Sickle

Commissioner of Elections,
Pennsylvania

Tony Sirvello

Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Joseph Sandler

Counsel
Democratic National Committee

John Ravitz

Executive Director
New York City Board of Elections

Sharon Priest

Former Secretary of State, Arkansas

Kevin Kennedy

Executive Director
State Board of Elections, Wisconsin

Evelyn Stratton

Justice
Supreme Court of Ohio

Joseph Rich

Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Craig Donsanto

Director, Public Integrity Section
U.S. Department of Justice

John Tanner

Director
Voting Section, Civil Rights Division
U.S. Department of Justice

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by nongovernmental groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most likely type of fraud to be discovered, there are stiff penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation, which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws,

voter identification laws, polling place locations, and distribution of voting machines as activities that can constitute voter intimidation.

Those interviewed also expressed opinions on the enforcement of voting fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states, enforcement is left to the county or district attorney, and in others enforcement is managed by the state's attorney general. Regardless, voting fraud and voter intimidation are difficult to prove and require resources and time that many local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies have more time and resources but have limited jurisdiction and can only prosecute election crimes perpetrated in elections with a federal candidate on the ballot or perpetrated by a public official under the color of law. Those interviewed differed on the effectiveness of the current system of enforcement. Some allege that prosecutions are not sufficiently aggressive. Others feel that the current laws are sufficient for prosecuting fraud and intimidation.

A summary of the each of the interviews conducted is attached as Appendix "3".

Case Law and Statutes

Consultants reviewed more than 40,000 cases that were identified using a series of search terms related to voting fraud and voter intimidation. The majority of these cases came from courts of appeal. This is not surprising, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix "4".

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voting fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters on voter registration list and/or voting,
- multiple voting,
- felons voting,

- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voting fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voting fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charges and prosecutions of voting fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voting fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding or agreement of what constitutes “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal activities. To arrive at a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future. As a result, EAC has adopted the use of the term “election crimes” for its future study.

Current Terminology

The phrase “voting fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu[ally] a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

“Voting” is the act of casting votes to decide an issue or contest. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voting fraud,” it means fraudulent or deceptive acts committed to influence the act of voting.

Thus, a voter who intentionally impersonates another registered voter and attempts to vote for that person would be committing "voting fraud." Similarly, a person who knowingly provides false information to a voter about the location of the voter's polling place commits fraud on the voter.

The phrase "voting fraud" does not capture a myriad of other criminal acts that are related to elections which are not related to the act of voting and/or do not involve an act of deception. For example, "voting fraud" does not capture actions or willful inaction in the voter registration process. When an election official willfully and knowingly refuses to register to vote a legally eligible person it is a crime. This is a crime that involves neither the act of voting nor an act of deception.

To further complicate matters, the phrases "voting fraud" and "voter intimidation" are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the Civil Rights Division of the Department of Justice may become involved.

New Terminology

The goal of this study was to develop a common definition of what is generically referred to as "voting fraud" and "voter intimidation" that would serve as the basis for a future comprehensive study of the existence of these problems. Because the current terminology has such a variety of applications and meanings, "voting fraud" and "voter intimidation" can be read to encompass almost any bad act associated with an election. Such broad terminology is not useful in setting the boundaries of a future study. A definition must set parameters for future study by applying limitations on what is included in the concepts to be studied. The current terminology applies no such limitations.

Thus, EAC has adopted the use of the phrase "election crimes" to limit the scope of its future study. This term captures all crimes related to the voter registration and voting processes and excludes civil wrongs and non-election related crimes. EAC adopted this definition because it better represents the spectrum of activities that we are able to and desire to study. In addition, we recognize that the resources, both financial and human capital, needed to study all "voting fraud" and "voter intimidation," including criminal acts, civil actions, as well as allegations of voter suppression through the use of legal election processes are well beyond the resources available to EAC. Finally, by limiting this definition to criminal acts, EAC can focus its study on a set of more readily measurable data. Criminal behavior is readily defined through state and federal statutes and is prosecuted by government agencies. This is not the case with civil matters. Civil actions can be prosecuted by individuals and/or government entities. Furthermore, what constitutes civil action is far less defined, subject to change, and can vary from case to

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case. A more complete discussion of the concept of “election crimes” follows along with a list of excluded actions.

The Definition of an Election Crime for Purposes of this Study

Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

Election crimes can be committed by voters, candidates, election officials, or any other members of the public who desire to criminally impact the result of an election. However, crimes that are based upon intentional or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

The victim of an election crime can be a voter, a group of voters, an election official, a candidate, or the public in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or on election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter’s precinct or polling place, the date and time of the election or a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance to possess a ballot outside of the polling location;
- Making or knowingly possessing a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate in one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once during the same election;

- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a materially false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other thing of value to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;
- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person's right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or to delay the process of voting;
- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his/her vote in any election, or who requires or demands an examination or inspection by himself/herself or another of an employee's ballot;
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other thing of value in exchange for registering to vote.

Acts of Damage or Destruction

- Destroying completed voter registration applications;
- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments;
- Removing, tearing down, or defacing election materials, instructions or ballots;

- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as the person intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;
- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;
- Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction;
- Knowingly removing the eligibility status of a voter who is eligible to vote; and
- Knowingly refusing to allow an eligible voter to cast his/her ballot.

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All criminal or civil violations related to campaign finance contribution limitations, prohibitions, and reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Last, violations of ethical provisions and the Hatch Act are not “election crimes.” Similarly, civil or other wrongs that do not rise to the level of criminal activity (i.e., a misdemeanor, relative felony or felony) are not “election crimes.”

RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can research the existence of election crimes. EAC consultants, the working groups and some of the persons interviewed as a part of this study provided the following recommendations.

Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and political parties should be interviewed. It would also be especially beneficial to talk to law enforcement officials, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contained allegations of fraud or intimidation. Similarly, some of the articles contained information about investigations into such activities or even charges brought. Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a toll-free voter hotline that voters could call for poll locations, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in more than 200,000 calls received and more than 56,000 recorded complaints.

Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 56,000 complaints may provide insight into the problems voters may have experienced, especially issues regarding intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

According to a recent GAO report, the Voting Section of the Civil Rights Division of the Department of Justice has a variety of ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and “monitor field reports” from Election Day.

Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voting fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys’ Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices. By attending the symposium researchers could learn more about the following: how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

Recommendation 8: Conduct Statistical Research

EAC should measure voting fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- Ten locations that are geographically and demographically diverse where there have been many reports of fraud and/or intimidation;
- Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

EAC should also conduct a survey of elections officials, district attorneys, and district election officers. The survey sample should be large in order to be able to get the necessary subsets, and it must include a random set of counties where there have and have not been a large number of allegations.

Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation, and concerns regarding how the observers themselves may inadvertently or deliberately influence the occurrence of election crimes.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing fraud when absentee ballots are used.

Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers will use that risk analysis to rank the types of fraud based on the “ease of commission” and the impact of the fraud.

Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether a vote was recorded by someone who is deceased or if felons are noted as having voted.

Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers and phone calls with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such

practices. These logs should be reviewed and analyzed to see how and where such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during, and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive, national study that gathered data regarding all claims, charges, and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and the working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine the volume and type of election crimes being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

In order to further its goal of developing a comprehensive data set regarding election crimes and the laws and procedures used to identify and prosecute them, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning election crimes are the administrative complaint processes that states were required to establish to comply with Section 402 of HAVA. These complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints alleging violations of HAVA Title III provisions under these procedures with the state's chief election official. Those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims. Some states have expanded this process to include complaints of other violations, such as election crimes.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating, and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. These data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator

being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and voters. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC, through its clearinghouse role, will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but also inform us of what factors impact the existence, prevention, and prosecution of election crimes.

EAC REPORT ON VOTER FRAUD AND VOTER INTIMIDATION STUDY

INTRODUCTION

Voter fraud and intimidation is a phrase familiar to many voting-aged Americans. However, it means different things to different people. Voter fraud and intimidation is a phrase used to refer to crimes, civil rights violations, and at times even the correct application of state or federal laws to the voting process. Past study of this topic has been as varied as its perceived meaning. In an effort to help understand the realities of voter fraud and voter intimidation in our elections, EAC has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a definition of election crimes and adopted some research methodology on how to assess the true existence and enforcement of election crimes in this country.

PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the U.S. Election Assistance Commission (EAC) to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voter fraud and voter intimidation was a topic that EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

EAC began this study with the intention of identifying a common understanding of voter fraud and intimidation and devising a plan for a comprehensive study of these issues. This study was not intended to be a comprehensive review of existing voter fraud and voter intimidation actions, laws, or prosecutions. That type of research is well beyond the basic understanding that had to be established regarding what is commonly referred to as voter fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voter fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

To accomplish these tasks, EAC employed two consultants, who along with EAC staff and interns conducted the research that forms the basis of this report. Consultants were chosen based upon their experience with the topic. In addition, consultants were chosen to assure a bipartisan representation in this study. The consultants and EAC staff were charged (1) to research the current state of information on the topics of voter fraud and voter intimidation, (2) to develop a uniform definition of voter fraud and voter intimidation, and (3) to propose recommended strategies for researching this subject.

EAC consultants reviewed existing studies, articles, reports and case law on voter fraud and intimidation. In addition, EAC consultants conducted interviews with selected

experts in the field. Last, EAC consultants and staff presented their study to a working group that provided feed back. The working group participants were:

The Honorable Todd Rokita
Indiana Secretary of State
Member, EAC Standards Board and the
Executive Board of the Standards Board

Kathy Rogers
Georgia Director of Elections, Office of
the Secretary of State
Member, EAC Standards Board

J.R. Perez
Guadalupe County Elections
Administrator, Texas

Barbara Arnwine
Executive Director, Lawyers Committee
for Civil Rights under Law
Leader of Election Protection Coalition

Benjamin L. Ginsberg
Partner, Patton Boggs LLP
Counsel to national Republican
campaign committees and Republican
candidates

Robert Bauer
Chair of the Political Law Practice at the
law firm of Perkins Coie, District of
Columbia
National Counsel for Voter Protection,
Democratic National Committee

Mark (Thor) Hearne II
Partner-Member, Lathrop & Gage, St
Louis, Missouri
National Counsel to the American
Center for Voting Rights

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

Technical Advisor:

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

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of existing laws, cases, studies and reports on voter fraud and intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voter fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voter fraud and voter intimidation, EAC consultants reviewed the current body of information on voter fraud and intimidation. What the world knows about these issues comes largely from a very limited body of reports, articles and books. There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation.

Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voter fraud and voter intimidation.

Reports and Studies of Voter Fraud and Intimidation

Over the years, there have been a number of studies conducted about the concepts of voter fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voter fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “__”:

Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, “The New Poll Tax,” *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.
- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.
- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.

- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."
- Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, "Prosecution of Electoral Fraud under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.
- General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.
- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.

- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voter fraud and voter intimidation. None of the studies or reports was based on a comprehensive study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voter fraud or voter intimidation. Most reports focused on a limited number of case studies or instances of alleged voter fraud or intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection program during the 2004 presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voter fraud and voter intimidation. Some reports, such as "Building Confidence in U.S. Elections," suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the "Preliminary findings of Joint Task Force Investigating Possible Election Fraud," produced by the Milwaukee Police Department, Milwaukee County District Attorney's Office, FBI and U.S. Attorney's Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate. Generally, speaking there is little agreement on what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation even legal practices that they allege suppress the vote.

One point of agreement is that absentee voting and voter registration by third-party groups create opportunities for fraud. A number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of voters of a certain party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voter fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voter fraud and voter intimidation. Persons interviewed included

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Lori Minnite
Barnard College, Columbia University

Neil Bradley
ACLU Voting Rights Project

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Pat Rogers
Attorney, New Mexico

Rebecca Vigil-Giron
Secretary of State, New Mexico

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Stephen Ansolobhere
Massachusetts Institute of Technology

Chandler Davidson
Rice University

Tracey Campbell
Author, *Deliver the Vote*

Douglas Webber
Assistant Attorney General, Indiana

Heather Dawn Thompson
Director of Government Relations,
National Congress of American Indians

Jason Torchinsky
Assistant General Counsel,
American Center for Voting Rights

Robin DeJarnette
Executive Director,
American Center for Voting Rights

Evelyn Stratton
Justice
Supreme Court of Ohio

Harry Van Sickle
Commissioner of Elections,
Pennsylvania

Tony Sirvello
Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Joseph Sandler
Counsel
Democratic National Committee

Joseph Rich
Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

John Ravitz
Executive Director
New York City Board of Elections

Craig Donsanto
Director, Public Integrity Section
U.S. Department of Justice

Sharon Priest
Former Secretary of State, Arkansas

Kevin Kennedy
Executive Director
State Board of Elections, Wisconsin

John Tanner
Director
Voting Section, Civil Rights Division
U.S. Department of Justice

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by third-party groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud, citing as reasons that it was the most likely type of fraud to be discovered and that there are stiff penalties associated with this type of fraud.

Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws, voter identification laws, the location of polling places, and distribution of voting machines as activities that can constitute voter intimidation.

Those interviewed also expressed opinions on the enforcement of voter fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states, enforcement is left to the county or district attorney, and in others enforcement is managed by the state's attorney general. Regardless, voter fraud and voter intimidation are difficult to prove and require resources and time that local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies

have more time and resources but have limited jurisdiction. They can only prosecute crimes related to elections involving federal candidates. Those interviewed differed on the effectiveness of the current system of enforcement, including those that allege that prosecutions are not sufficiently aggressive and those that feel that the current laws are sufficient for prosecuting fraud and intimidation.

A summary of the each of the interviews conducted is attached as Appendix “ ___”.

Case Law and Statutes

Consultants reviewed over 40,000 cases that were identified using a series of search terms related to voter fraud and voter intimidation. The majority of these cases came from appeal courts. This is not a surprising situation, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix “ ___”.

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voter fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters,
- multiple voting,
- felons voting,
- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voter fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation

throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voter fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charge and prosecutions of voter fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voter fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding of what is and what is not “voter fraud” and “voter intimidation.” Some think of voter fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal and appropriate activities. In order to come up with a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future.

New Terminology

The phrase “voter fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu. a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

A “voter” is a person who is eligible to and engages in the act of voting. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voter fraud,” it means fraudulent or deceptive acts committed by the voter or in which the voter is the victim. Thus, a voter who intentionally provides false information on a voter registration application or intentionally impersonates another registered voter and attempts to vote for that person would be committing “voter fraud.” Similarly, a person who knowingly provides false information to a voter about the location of the voter’s polling place commits fraud on the voter.

The phrase “voter fraud” does not capture a myriad of other criminal acts that are related to elections which are not perpetrated by the voter and/or do not involve an act of deception. For example, “voter fraud” does not capture actions or willful inaction by candidates and election workers. When an election official willfully and knowingly

refuses to register to vote an otherwise legally eligible person it is a crime. This is a crime that involves neither the voter nor an act of deception.

To further complicate matters, the phrases “voter fraud” and “voter intimidation” are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the civil division of the Department of Justice may become involved.

The goal of this study was to develop a common definition of what is generically referred to as “voter fraud” and “voter intimidation” that would serve as the basis of a future, comprehensive study of the existence of these problems. In order to meet that goal, we recognize that the current terminology does not accurately represent the spectrum of activities that we desire to study. Furthermore, we recognize that the resources, both financial and human capital, needed to study allegations and prosecutions of criminal acts, suits involving civil torts, and allegations of potential voter suppression through the use legal election processes are well beyond the resources available to EAC. As such, EAC has defined “election crimes,” a phrase that captures all crimes related to the voter registration and voting processes.

What is an Election Crime for Purposes of this Study

Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process, eligible persons to be excluded from the election process, ineligible votes to be cast in an election, eligible votes not to be cast or counted, or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

Generally speaking, election crimes can be committed by voters, candidates, election officials, or any other members of the public that desire to criminally impact the result of an election. However, crimes that are based upon knowing or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

The victim of an election crime can be a voter, a group of voters, or the public, in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter's precinct or polling place, regarding the date and time of the election or regarding a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance possess a ballot outside of the polling location;
- Making, or knowingly possessing, a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate at one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once at the same election;
- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a material false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other valuable thing to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;
- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person's right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or delay the process of voting;
- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his vote in any election, or who requires or demands an examination or inspection by himself or another of an employee's ballot;

- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for registering to vote.

Acts of Damage or Destruction

- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to vote his or her ballot;
- Removing, tearing down, or defacing election materials, instructions or ballots;
- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as he intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;
- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;
- Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction; and
- Knowingly refusing to allow an eligible voter to cast his/her ballot.

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All crimes or civil violations related to campaign finance reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Similarly, violations of ethical provisions such as the Hatch Act are not “election crimes.” Last, actions that do not rise to the level of criminal activity, that is a misdemeanor, relative felony or felony, are not “election crimes.”

RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can study the existence of election crimes. EAC consultants developed recommendations. In addition, the working group and some of the persons interviewed as a part of this study provided recommendations.

Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and parties should be interviewed. It would also be especially beneficial to talk to people in law enforcement, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a 1-800 voter hotline where voters could call for poll location, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in over 200,000 calls received and over 56,000 recorded complaints.

Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 200,000 complaints may provide a good deal of insight into the problems voters experienced, especially those in the nature of intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and monitor field reports from Election Day.

Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys’ Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices. By attending the symposium researchers could learn more about the following how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the

National Voter Registration Act, and the Help America Vote Act are described and explained to participants

Recommendation 8: Conduct Statistical Research

EAC should measure voter fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- Ten locations that are geographically and demographically diverse where there have historically been many reports of fraud and/or intimidation;
- Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

EAC should also conduct a survey of elections officials, district attorneys, and district election officers. The survey sample should be large in order to be able to get the necessary subsets. The sample must include a random set of counties where there have and have not been a large number of allegations

Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls in on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing them.

Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers can use that risk analysis to rank the types of fraud based on the ease of commission and the impact of the fraud.

Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether deceased voters or felons actually voted.

Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices. These logs should be reviewed and analyzed to see how such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are actually utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive study that gathered data regarding all claims, charges and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine what volume and type of election crimes are being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

In order to further its goal of developing a comprehensive data set regarding election crimes, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning voting crimes are the administrative complaint processes that states were required to establish as a part of complying with HAVA. Those complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints under those procedures with the state's chief election official and those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated and resolved since January 1, 2004. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses can be collected.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. This data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and political pundits. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC through its clearinghouse role will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but also inform us of what factors impact the existence, prevention and prosecution of election crimes.

**EXCERPT FROM DOJ VOTING SECTION FAQs POSTED AT
<http://www.usdoj.gov/crt/voting/misc/faq.htm#faq18> (as of 8-2-06)**

What responsibilities does the Justice Department have with regard to voter fraud or intimidation?

The administration of elections is chiefly a function of state government. However, federal authorities sometimes become involved in election fraud matters when a state prosecutor asks for federal assistance. In addition, the Justice Department can become involved when allegations arise that criminal vote fraud has occurred in a federal election. And, in some exceptional cases, where voting fraud or intimidation involving racial bias occurs in local or state elections, federal criminal charges may also be brought and are handled by the Criminal Section of the Civil Rights Division.

If you have information about vote fraud, you should contact the nearest office of the FBI or your local U.S. Attorney's office. If you know of vote fraud that was driven by racial animus, you can either contact the Voting Section, or contact the Criminal Section of the Civil Rights Division:

Chief, Criminal Section
Civil Rights Division
Department of Justice
950 Pennsylvania Ave., N.W. - PHB
Washington, D.C. 20530

(202) 514-3204

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Existing Literature Reviewed

Reports

The Long Shadow of Jim Crow, People for the American Way and the NAACP

The New Poll Tax, Laughlin McDonald

Wisconsin Audit Report, Voter Registration Elections Board

Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud

Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)

Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson

A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald

Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights

America's Modern Poll Tax, The Advancement Project

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald

Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee

Department of Justice Public Integrity Reports 2002, 2003, 2004

Prosecution of Election Fraud under United States Federal Law, Craig Donsanto

Election Protection 2004, Election Protection Coalition

The Federal Crime of Election Fraud, Craig Donsanto

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Foiled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)

APPENDIX C

BRENNAN CENTER TASK FORCE ON VOTING SYSTEM SECURITY, LAWRENCE NORDEN, CHAIR

Excerpted from p.p. 8-19

METHODOLOGY

The Task Force concluded, and the peer review team at NIST agreed, that the best approach for comprehensively evaluating voting system threats was to: (1) identify and categorize the potential threats against voting systems, (2) prioritize these threats based upon an agreed upon metric (which would tell us how difficult each threat is to accomplish from the attacker's point of view), and (3) determine, utilizing the same metric employed to prioritize threats, how much more difficult each of the catalogued attacks would become after various sets of countermeasures are implemented.

This model allows us to identify the attacks we should be most concerned about (*i.e.*, the most practical and least difficult attacks). Furthermore, it allows us to quantify the potential effectiveness of various sets of countermeasures (*i.e.*, how difficult the least difficult attack is after the countermeasure has been implemented). Other potential models considered, but ultimately rejected by the Task Force, are detailed in Appendix B.

IDENTIFICATION OF THREATS

The first step in creating a threat model for voting systems was to identify as many potential attacks as possible. To that end, the Task Force, together with the participating election officials, spent several months identifying voting system vulnerabilities. Following this work, NIST held a Voting Systems Threat Analysis Workshop on October 7, 2005. Members of the public were invited to write up and post additional potential attacks. Taken together, this work produced over 120 potential attacks on the three voting systems. They are detailed in the catalogs annexed.²⁰ Many of the attacks are described in more detail at <http://vote.nist.gov/threats/papers.htm>.

The types of threats detailed in the catalogs can be broken down into nine categories: (1) the insertion of corrupt software into machines prior to Election Day; (2) wireless and other remote control attacks on voting machines on Election Day; (3) attacks on tally servers; (4) miscalibration of voting machines; (5) shut off of voting machine features intended to assist voters; (6) denial of service attacks; (7) actions by corrupt poll workers or others at the polling place to affect votes cast; (8) vote buying schemes; (9) attacks on ballots or VVPT. Often, the actual attacks involve some combination of these categories. We provide a discussion of each type of attack in "Categories of Attacks," *infra* at pp. 24–27.

PRIORITIZING THREATS: NUMBER OF INFORMED PARTICIPANTS AS METRIC

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Without some form of prioritization, a compilation of the threats is of limited value. Only by prioritizing these various threats could we help election officials identify which attacks they should be most concerned about, and what steps could be taken to make such attacks as difficult as possible. As discussed below, we have determined the level of difficulty for each attack where the attacker is attempting to affect the outcome of a close statewide election.²¹

There is no perfect way to determine which attacks are the least difficult, because each attack requires a different mix of resources – well-placed insiders, money, programming skills, security expertise, *etc.* Different attackers would find certain resources easier to acquire than others. For example, election fraud committed by local election officials would always involve well-placed insiders and a thorough understanding of election procedures; at the same time, there is no reason to expect such officials to have highly skilled hackers or first-rate programmers working with them. By contrast, election fraud carried out by a foreign government would likely start with plenty of money and technically skilled attackers, but probably without many conveniently placed insiders or detailed knowledge of election procedures.

Ultimately, we decided to use the “number of informed participants” as the metric for determining attack difficulty. An attack which uses fewer participants is deemed the easier attack.

We have defined “informed participant” as someone whose participation is needed to make the attack work, and who knows enough about the attack to foil or expose it. This is to be distinguished from a participant who unknowingly assists the attack by performing a task that is integral to the attack’s successful execution without understanding that the task is part of an attack on voting systems.

The reason for using the security metric “number of informed participants” is relatively straightforward: the larger a conspiracy is, the more difficult it would be to keep it secret. Where an attacker can carry out an attack by herself, she need only trust herself. On the other hand, a conspiracy that requires thousands of people to take part (like a vote-buying scheme) also requires thousands of people to keep quiet. The larger the number of people involved, the greater the likelihood that one of them (or one who was approached, but declined to take part) would either inform the public or authorities about the attack, or commit some kind of error that causes the attack to fail or become known.

Moreover, recruiting a large number of people who are willing to undermine the integrity of a statewide election is also presumably difficult. It is not hard to imagine two or three people agreeing to work to change the outcome of an election. It seems far less likely that an attacker could identify and employ hundreds or thousands of similarly corrupt people without being discovered.

We can get an idea of how this metric works by looking at one of the threats listed in our catalogs: the vote-buying threat, where an attacker or attackers pay individuals to vote for a particular candidate. This is Attack Number 26 in the PCOS Attack Catalog²² (though this attack would not be substantially different against DREs or DREs w/ VVPT).²³ In order to work under our current types of voting

systems, this attack requires (1) at least one person to purchase votes, (2) many people to agree to sell their votes, and (3) some way for the purchaser to confirm that the voters she pays actually voted for the candidate she supported. Ultimately, we determined that, while practical in smaller contests, a vote-buying attack would be an exceptionally difficult way to affect the outcome of a statewide election. This is because, even in a typically close statewide election, an attacker would need to involve thousands of voters to ensure that she could affect the outcome of a statewide race.²⁴

For a discussion of other metrics we considered, but ultimately rejected, *see* Appendix C.

DETERMINING NUMBER OF INFORMED PARTICIPANTS

DETERMINING THE STEPS AND VALUES FOR EACH ATTACK

The Task Force members broke down each of the catalogued attacks into its necessary steps. For instance, Attack 12 in the PCOS Attack Catalog is “Stuffing Ballot Box with Additional Marked Ballots.”²⁵ We determined that, at a minimum, there were three component parts to this attack: (1) stealing or creating the ballots and then marking them, (2) scanning marked ballots through the PCOS scanners, probably before the polls opened, and (3) modifying the poll books in each location to ensure that the total number of votes in the ballot boxes was not greater than the number of voters who signed in at the polling place.

Task Force members then assigned a value representing the minimum number of persons they believed would be necessary to accomplish each goal. For PCOS Attack 12, the following values were assigned:²⁶

Minimum number required to steal or create ballots: 5 persons total.²⁷

Minimum number required to scan marked ballots: 1 per polling place attacked.

Minimum number required to modify poll books: 1 per polling place attacked.²⁸

After these values were assigned, the Brennan Center interviewed several election officials to see whether they agreed with the steps and values assigned to each attack.²⁹ When necessary, the values and steps were modified. The new catalogs, including attack steps and values, were then reviewed by Task Force members. The purpose of this review was to ensure, among other things, that the steps and values were sound.

These steps and values tell us how difficult it would be to accomplish a *single attack in a single polling place*. They do not tell us how many people it would take to change the outcome of an election successfully – that depends, of course, on specific facts about the jurisdiction: how many votes are generally recorded in each polling place, how many polling places are there in the jurisdiction, and how close is the race? For this reason, we determined that it was necessary to construct a hypothetical jurisdiction, to which we now turn.

NUMBER OF INFORMED PARTICIPANTS NEEDED TO CHANGE STATEWIDE ELECTION

We have decided to examine the difficulty of each attack in the context of changing the outcome of a reasonably close statewide election. While we are concerned by potential attacks on voting systems in any type of election, we are most troubled by attacks that have the potential to affect large numbers of votes. These are the attacks that could actually change the outcome of a statewide election with just a handful of attack participants.

We are less troubled by attacks on voting systems that can only affect a small number of votes (and might therefore be more useful in local elections). This is because there are many non-system attacks that can also affect a small number of votes (*i.e.*, sending out misleading information about polling places, physically intimidating voters, submitting multiple absentee ballots, *etc.*). Given the fact that these non-system attacks are likely to be less difficult in terms of number of participants, financial cost, risk of detection, and time commitment, we are uncertain that an attacker would target *voting machines* to alter a small number of votes.

In order to evaluate how difficult it would be for an attacker to change the outcome of a statewide election, we created a composite jurisdiction. The composite jurisdiction was created to be representative of a relatively close statewide election. We did not want to examine a statewide election where results were so skewed toward one candidate (for instance, the re-election of Senator Edward M. Kennedy in 2000, where he won 73% of the vote³⁰), that reversing the election results would be impossible without causing extreme public suspicion. Nor did we want to look at races where changing only a relative handful of votes (for instance, the Governor's race in Washington State in 2004, which was decided by a mere 129 votes³¹) could affect the outcome of an election; under this scenario, many of the potential attacks would involve few people, and therefore look equally difficult.

We have named our composite jurisdiction "the State of Pennasota." The State of Pennasota is a composite of ten states: Colorado, Florida, Iowa, Ohio, New Mexico, Pennsylvania, Michigan, Nevada, Wisconsin and Minnesota. These states were chosen because they were the ten "battleground" states that Zogby International consistently polled in the spring, summer, and fall 2004.³² These are statewide elections that an attacker would have expected, ahead of time, to be fairly close.

We have also created a composite election, which we label the "Governor's Race" in Pennasota. The results of this election are a composite of the actual results in the same ten states in the 2004 Presidential Election.

We have used these composites as the framework by which to evaluate the difficulty of the various catalogued attacks.³³ For instance, we know a ballot-box stuffing attack would require roughly five people to create and mark fake ballots, as well as one person per polling place to stuff the boxes, and one person per polling place to modify the poll books. But, in order to determine how many informed participants would be needed to affect a statewide race, we need to know how many polling places would need to be attacked.

The composite jurisdiction and composite election provide us with information needed to answer these questions: *i.e.*, how many extra votes our attackers would

need to add to their favored candidate's total for him to win, how many ballots our attackers can stuff into a particular polling place's ballot box without arousing suspicion (and related to this, how many votes are generally cast in the average polling place), how many polling places are there in the state, *etc.* We provide details about both the composite jurisdiction and election in the section entitled "Governor's Race, State of Pennasota, 2007," *infra* at pp 20–27.

LIMITS OF INFORMED PARTICIPANTS AS METRIC

Of the possible metrics we considered, we believe that measuring the number of people who know they are involved in an attack (and thus could provide evidence of the attack to the authorities and/or the media), is the best single measure of attack difficulty; as already discussed, we have concluded that the more people an attacker is forced to involve in his attack, the more likely it is that one of the participants would reveal the attack's existence and foil the attack, perhaps sending attackers to jail. However, we are aware of a number of places where the methodology could provide us with questionable results.

By deciding to concentrate on size of attack team, we mostly ignore the need for other resources when planning an attack. Thus, a software attack on DREs which makes use of steganography³⁴ to hide attack instruction files (*see* "DRE w/ VVPT Attack No. 1a", discussed in greater detail, *infra* at pp. 62–65) is considered easier than an attack program delivered over a wireless network at the polling place (*see* discussion of wireless networks, *infra* at pp. 85–91). However, the former attack probably requires a much more technologically sophisticated attacker.

Another imperfection with this metric is that we do not have an easy way to represent how much choice the attacker has in finding members of his attack team. Thus, with PCOS voting, we conclude that the cost of subverting a routine audit of ballots is roughly equal to the cost of intercepting ballot boxes in transit and substituting altered ballots (*see* discussion of PCOS attacks, *infra* at pp. 77–83). However, subverting the audit team requires getting a specific set of trusted people to cooperate with the attacker. By contrast, the attacker may be able to decide which precincts to tamper with based on which people he has already recruited for his attack.

In an attempt to address this concern, we considered looking at the number of "insiders" necessary to take part in each attack. Under this theory, getting five people to take part in a conspiracy to attack a voting system might not be particularly difficult. But getting five well-placed county election officials to take part in the attack would be (and should be labeled) the more difficult of the two attacks. Because, for the most part, the low-cost attacks we have identified do not necessarily involve well placed insiders (but could, for instance, involve one of many people with access to commercial off the shelf software ("COTS") during development or at the vendor), we do not believe that using this metric would have substantially changed our analysis.³⁵

Finally, these attack team sizes do not always capture the logistical complexity of an attack. For example, an attack on VVPT machines involving tampering with the voting machine software and also replacing the paper records in transit requires the attacker to determine what votes were falsely produced by the voting

machine and print replacement records in time to substitute them. While this is clearly possible, it raises a lot of operational difficulties – a single failed substitution leaves the possibility that the attack would be detected during the audit of ballots.

We have tried to keep these imperfections in mind when analyzing and discussing our least difficult attacks.

We suspect that much of the disagreement between voting officials and computer security experts in the last several years stems from a difference of opinion in prioritizing the difficulty of attacks. Election officials, with extensive experience in the logistics of handling tons of paper ballots, have little faith in paper and understand the kind of breakdowns in procedures that lead to traditional attacks like ballot box stuffing; in contrast, sophisticated attacks on computer voting systems appear very difficult to many of them. Computer security experts understand sophisticated attacks on computer systems, and recognize the availability of tools and expertise that makes these attacks practical to launch, but have no clear idea how they would manage the logistics of attacking a paper-based system. Looking at attack team size is one way to bridge this difference in perspective.

EFFECTS OF IMPLEMENTING COUNTERMEASURE SETS

The final step of our threat analysis is to measure the effect of certain countermeasures against the catalogued attacks. How much more difficult would the attacks become once the countermeasures are put into effect? How many more informed participants (if any) would be needed to counter or defeat these countermeasures? Our process for examining the effectiveness of a countermeasure mirrors the process for determining the difficulty of an attack: we first asked whether the countermeasure would allow us to detect an attack with near certainty. If we agreed that the countermeasure would expose the attack, we identified the steps that would be necessary to circumvent or defeat the countermeasure. For each step to defeat the countermeasure, we determined the number of additional informed participants (if any) that an attacker would need to add to his team. As with the process for determining attack difficulty, the Brennan Center interviewed numerous election officials to see whether they agreed with the steps and values assigned. When necessary, the values and steps for defeating the countermeasures were altered to reflect the input of election officials.

COUNTERMEASURES EXAMINED

BASIC SET OF COUNTERMEASURES

The first set of countermeasures we looked at is the “Basic Set” of countermeasures. This Basic Set was derived from security survey responses³⁶ we received from county election officials around the country, as well as additional interviews with more than a dozen current and former election officials. Within the Basic Set of countermeasures are the following procedures:

Inspection

The jurisdiction is not knowingly using any uncertified software that is subject

to inspection by the Independent Testing Authority (often referred to as the "ITA").³⁷

Physical Security for Machines

Ballot boxes (to the extent they exist) are examined (to ensure they are empty) and locked by poll workers immediately before the polls are opened.

Before and after being brought to the polls for Election Day, voting systems for each county are locked in a single room, in a county warehouse.

The warehouse has perimeter alarms, secure locks, video surveillance and regular visits by security guards.

Access to the warehouse is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Some form of "tamper evident" seals are placed on machines before and after each election.

The machines are transported to polling locations five to fifteen days before Election Day.

Chain of Custody/Physical Security of Election Day Records

At close of the polls, vote tallies for each machine are totaled and compared with number of persons that have signed the poll books.

A copy of totals for each machine is posted at each polling place on Election Night and taken home by poll workers to check against what is posted publicly at election headquarters, on the web, in the papers, or elsewhere.³⁸

All audit information (*i.e.*, Event Logs, VVPT records, paper ballots, machine printouts of totals) that is not electronically transmitted as part of the unofficial upload to the central election office, is delivered in official, sealed and hand-delivered information packets or boxes. All seals are numbered and tamper-evident.

Transportation of information packets is completed by two election officials representing opposing parties who have been instructed to remain in joint custody of the information packets or boxes from the moment it leaves the precinct to the moment it arrives at the county election center.

Each polling place sends its information packets or boxes to the county election center separately, rather than having one truck or person pick up this data from multiple polling locations.

Once the sealed information packets or boxes have reached the county election center, they are logged. Numbers on the seals are checked to ensure that they have not been replaced. Any broken or replaced seals are logged. Intact seals are left intact.

After the packets and/or boxes have been logged, they are provided with physical security precautions at least as great as those listed for voting machines, above. Specifically, for Pennasota, we have assumed the room in which the packets are stored have perimeter alarms, secure locks, video surveillance and regular visits by security guards and county police officers; and access to the room is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Testing³⁹

An Independent Testing Authority has certified the model of voting machine used in the polling place.

Acceptance Testing⁴⁰ is performed on machines at time, or soon after they are received by County.

Pre-election Logic and Accuracy⁴¹ testing is performed by the relevant election official.

Prior to opening the polls, every voting machine and vote tabulation system is checked to see that it is still configured for the correct election, including the correct precinct, ballot style, and other applicable details.

REGIMEN FOR AUTOMATIC ROUTINE AUDIT PLUS BASIC SET OF COUNTERMEASURES.

The second set of countermeasures is the Regimen for an Automatic Routine Audit Plus Basic Set of Countermeasures.

Some form of routine auditing of voter-verified paper records occurs in 12 states, to test the accuracy of electronic voting machines. They generally require between 1 and 10% of all precinct voting machines to be audited after each election. ⁴²

Jurisdictions can implement this set of countermeasures only if their voting systems produce some sort of voter-verified paper record of each vote. This could be in the form of a paper ballot, in the case of PCOS, or a voter-verified paper trail ("VVPT"), in the case of DREs.

We have assumed that jurisdictions take the following steps when conducting an Automatic Routine Audit (when referring to this set of assumptions "Regimen for an Automatic Routine Audit"):

The Audit

Leaders of the major parties in each county are responsible for selecting a sufficient number of audit-team members to be used in that county.⁴³

Using a highly transparent random selection mechanism (*see* point ii, below), the voter-verified paper records for between a small percentage of all voting machines in the State are selected for auditing.

Using a transparent random selection method, auditors are assigned to the selected machines (two or three people, with representatives of each major

political party, would comprise each audit team).

The selection of voting machines, and the assignment of auditors to machines, occurs immediately before the audits take place. The audits take place as soon after polls close as possible – for example, at 9 a.m. the morning after polls close.

Using a transparent random selection method, county police officers, security personnel and the video monitor assigned to guard the voter-verified records are chosen from a large pool of on-duty officers and employees on election night.

The auditors are provided the machine tallies and are able to see that the county tally reflects the sums of the machine tallies before the start of the inspection of the paper.

The audit would include a tally of spoiled ballots (in the case of VVPT, the number of cancellations recorded), overvotes, and undervotes.

Transparent Random Selection Process

In this report, we have assumed that random auditing procedures are in place for both the Regimen for an Automatic Routine Audit and Regimen for Parallel Testing. We have further assumed procedures to prevent a single, corrupt person from being able to fix the results. This implies a kind of transparent and public random procedure.

For the Regimen for an Automatic Routine Audit there are at least two places where transparent, random selection processes are important: in the selection of precincts to audit, and in the assignment of auditors to the precincts they will be auditing.

Good election security can employ Transparent Random Selection in other places with good effect:

- the selection of parallel testers from a pool of qualified individuals.

- the assignment of police and other security professionals from on-duty lists, to monitor key materials, for example, the VVPT records between the time that they arrive at election central and the time of the completion of the ARA.

If a selection process for auditing is to be trustworthy and trusted, ideally:

- The whole process will be publicly observable or videotaped;⁴⁴

- The random selection will be publicly verifiable, *i.e.*, anyone observing will be able to verify that the sample was chosen randomly (or at least that the number selected is not under the control of any small number of people); and

- The process will be simple and practical within the context of current election

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practice so as to avoid imposing unnecessary burdens on election officials. There are a number of ways that election officials can ensure some kind of transparent randomness. One way would be to use a state lottery machine to select precincts or polling places for auditing. We have included two potential examples of transparent random selection processes in Appendix F. These apply to the Regimen for Parallel Testing as well.

REGIMEN FOR PARALLEL TESTING PLUS BASIC SET OF COUNTERMEASURES

The final set of countermeasures we have examined is “Parallel Testing” plus the Basic Set of countermeasures. Parallel Testing, also known as election-day testing, involves selecting voting machines at random and testing them as realistically as possible during the period that votes are being cast.

Parallel Testing

In developing our set of assumptions for Parallel Testing, we relied heavily upon interviews with Jocelyn Whitney, Project Manager for Parallel Testing in the State of California, and conclusions drawn from this Report.⁴⁵ In our analysis, we assume that the following procedures would be included in the Parallel Testing regimen (when referring to this regimen “Regimen for Parallel Testing”) that we evaluate:

At least two of each DRE model (meaning both vendor and model) would be selected for Parallel Testing;

At least two DREs from each of the three largest counties would be parallel tested;

Counties to be parallel tested would be chosen by the Secretary of State in a transparent and random manner.

Counties would be notified as late as possible that machines from one of their precincts would be selected for Parallel Testing;⁴⁶

Precincts would be selected through a transparent random mechanism;

A video camera would record testing;

For each test, there would be one tester and one observer;

Parallel Testing would occur at the polling place;

The script for Parallel Testing would be generated in a way that mimics voter behavior and voting patterns for the polling place;

At the end of the Parallel Testing, the tester and observer would reconcile vote totals in the script with vote totals reported on the machine.

Transparent Random Selection Process

We further assume that the same type of transparent random selection process that would be used for the Regimen for Automatic Routine Audit would also be employed for the Regimen for Parallel Testing to determine which machines would be subjected to testing on Election Day.

APPENDIX C

ALTERNATIVE SECURITY METRICS CONSIDERED

Dollars Spent

The decision to use the number of informed participants as the metric for attack level difficulty came after considering several other potential metrics. One of the first metrics we considered was the dollar cost of attacks. This metric makes sense when looking at attacks that seek financial gain – for instance, misappropriating corporate funds. It is not rational to spend \$100,000 on the misappropriation of corporate funds if the total value of those funds is \$90,000. Ultimately, we rejected this metric as the basis for our analysis because the dollar cost of the attacks we considered were dwarfed by both (1) current federal and state budgets, and (2) the amounts currently spent legally in state and federal political campaigns.

Time of Attack

The relative security of safes and other safety measures are often rated in terms of “time to defeat.” This was rejected as metric of difficulty because it did not seem relevant to voting systems. Attackers breaking into a house are concerned with the amount of time it might take to complete their robbery because the homeowners or police might show up. With regard to election fraud, many attackers may be willing to start months or years before an election if they believe they can control the outcome. As discussed *supra* at pp. 35–48, attackers may be confident that they can circumvent the independent testing authorities and other measures meant to identify attacks, so that the amount of time an attack takes becomes less relevant.

RECOMMENDATIONS FOR FURTHER EAC ACTIVITY ON VOTER FRAUD AND INTIMIDATION

- Time and resource constraints prevented the consultants from interviewing the full range of participants in the process. As a result, we recommend that any future activity in this area include conducting further interviews.

In particular, we recommend that more election officials from all levels of government, parts of the country, and parties be interviewed. These individuals have the most direct inside information on how the system works -- and at times does not work. They are often the first people voters go to when something goes wrong and are often responsible for fixing it. They are the ones who must carry out the measures that are designed to both prevent fraud and voter intimidation and suppression. They will most likely know what, therefore, is and is not working.

It would also be especially beneficial to talk to people in law enforcement, specifically federal District Election Officers ("DEOs") and local district attorneys, as well as civil and criminal defense attorneys.

The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to

- screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation;
- oversee the investigation and prosecution of election fraud and other election crimes in their districts;
- coordinate their district's (investigative and prosecutorial) efforts with DOJ headquarters prosecutors;
- coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters;
- issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and
- supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day.¹

Given the great responsibilities of the DEOs, and the breadth of issues they must deal with, they undoubtedly are great resources for information and insight as to what types of fraud and intimidation/suppression are occurring in their districts.

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In many situations, however, it is the local district attorneys who will investigate election fraud and suppression tactics, especially in local elections. They will be able to provide information on what has gone on in their jurisdictions, as well as which matters get pursued and why.

Finally, those who defend people accused of election related crimes would also be useful to speak to. They may have a different perspective on how well the system is working to detect, prevent, and prosecute election fraud.

- The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the agreed search terms, it could not be determined whether there was any later determination regarding the allegations, investigation or charges brought. This leaves a gaping hole: it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system.

As a result, we recommend that follow up Nexis research be conducted to determine what, if any, resolutions or further activity there was in each case. This would provide a much more accurate picture of what types of activities are actually taking place.

- Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation.

Therefore, we recommend follow up to the literature review: for those reports and books that make or cite specific instances of fraud or intimidation, a research effort should be made to follow up on those references to see if and how they were resolved.

- During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a 1-800 voter hotline where voters could call for poll location, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in over 200,000 calls received and over 56,000 recorded complaints.ⁱⁱ The researchers in charge of this project have done a great deal of work to parse and analyze the data collected through this process, including going through the audio messages and categorizing them by the nature of the complaint. These categories include registration, absentee

ballot, poll access, ballot/screen, coercion/intimidation, identification, mechanical, provisional (ballot).

We recommend that further research include making full use of this data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 200,000 complaints should provide a good deal of insight into the problems voters experienced, especially those in the nature of intimidation or suppression.

- Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation,ⁱⁱⁱ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.
- Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.
- The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department,^{iv}

Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses... These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

By attending the symposium researchers could learn more about the following:

- How District Election Officers are trained, e.g. what they are taught to focus their resources on, how they are instructed to respond to various types of complaints
 - How information about previous election and voting issues is presented
 - How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants
- Included in this report is a summary of various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.
 - Finally, consultant Tova Wang recommends that future researchers review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat .

According to Craig Donsanto, long-time director of the Public Integrity Section of the Criminal Division of the Department of Justice,

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.^v

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

As a result, researchers should examine if there is some way in which current law might be revised or new laws passed that would reach voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as a tangible value in itself. Such an amendment or law would reach all forms of voter intimidation, no matter if it is motivated by race, party, ethnicity or any other criteria. The law would then *potentially* cover, for example, letters and postcards with language meant to deter voters from voting and both pre-election and Election Day challengers that are clearly mounting challenges solely on illegitimate bases.

In the alternative to finding a way to criminalize such behavior, researchers might examine ways to invigorate measures to deter and punish voter intimidation under the civil law. For example, there might be a private right of action created for

voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is a pattern of repeated abuse in the jurisdiction that such officials did not take sufficient action against; and organizations that intentionally engage in intimidating practices. As a penalty upon finding liability, civil damages could be available plus perhaps attorney's fees.

Another, more modest measure would be, as has been suggested by Ana Henderson and Christopher Edley,^{vi} to bring parity to fines for violations under the Voting Rights Act. Currently the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

ⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R

ⁱⁱ The MyVote1 Project Final Report, Fels Institute of Government, University of Pennsylvania, November 1, 2005, Pg. 12

ⁱⁱⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

^{iv} "Department Of Justice To Hold Ballot Access and Voting Integrity Symposium," U.S. Department of Justice press release, August 2, 2005

^v Craig C. Donsanto, Prosecution of Electoral Fraud Under United States Federal Law," IFES Political Finance White Paper Series, 2006, p. 29

^{vi} Ana Henderson and Christopher Edley, Jr., Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

Interviews

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, “dead” voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

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Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one’s definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud. Of particular note, Sarah Ball Johnson, Executive Director of Elections for Kentucky, emphasized that having had an effective statewide voter registration database for more than thirty years has helped that state avoid most of the fraud problems that have been alleged elsewhere, such as double voting and felon voting.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment
- Several people advocate passage of Senator Barak Obama’s “deceptive practices” bill

- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

Defining Election Fraud

Note: The definition provided below is for the purposes of this EAC project. Most of the acts described come within the federal criminal definition of fraud, but some may not.

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc).;
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);

- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;
- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

List of Experts Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Robin DeJarnette, Executive Director, American Center for Voting Rights

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin

Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice

Sharon Priest, former Secretary of State, Arkansas

Key Working Group Comments and Observations

1. **The main problems today are structural barriers to voting and administrative error.** Mr. Perez observed that, in accordance with the research, the biggest issues today are structural barriers to voting, not stealing votes. Election administrators share this view. Election fraud is negligible, and to the extent it occurs, it needs to be prosecuted with stronger criminal laws. The biggest problem is properly preparing people, which is the responsibility of election administrators.
2. **Most fraud and intimidation is happening outside of the polling place.** Mr. Greenbaum observed that with respect to both voter fraud and voter suppression, such as deceptive practices and tearing up voter registration forms, most of that is taking place outside of the polling place.
3. **This issue cannot be addressed through one study or one methodology alone.** Mr. Weinberg observed that since there is such a variety in types of fraud and intimidation, one solution will not fit all. It will be impossible to obtain data or resolve any of these problems through a single method.
4. **The preliminary research conducted for this project is extremely valuable.** Several of the working group members complimented the quality of the research done and although it is only preliminary, thought it would be useful and informative in the immediate future.
5. **The Department of Justice is exploring expanding its reach over voter suppression activities.** In the context of the conversation about defining voter intimidation, Mr. Donsanto pointed out that while voter intimidation was strictly defined by the criminal law, his section is beginning to explore the slightly different concept of vote suppression, and how to pursue it. He mentioned the phone-jamming case in New Hampshire as an initial success in this effort. He noted that he believes that vote suppression in the form of deceptive practices ought to be a crime and the section is exploring ways to go after it within the existing statutory construct. Mr. Bauer raised the example of a party sending people dressed in paramilitary outfits to yell at people as they go to the polls, telling them they have to show identification. Mr. Donsanto said that under the laws he has to work with today, such activity is not considered corrupt. He said that his lawyers are trying to "bend" the current laws to address aggravated cases of vote suppression, and the phone-jamming case is an example of that. Mr. Donsanto said that within the Department, the term vote "suppression" and translating it into a crime is a "work in progress."
6. **Registration fraud does not translate into vote fraud.** Ms. Rogers, Mr. Donsanto and others stated that although phony voter registration applications turned in by people being paid by the form was a problem, it has not been found

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in their experience to lead to fraudulent voters at the polls. Ms. Rogers said such people were motivated by money, not defrauding the election.

7. **Handling of voter fraud and intimidation complaints varies widely across states and localities.** Ms. Rogers and others observed that every state has its own process for intake and review of complaints of fraud and intimidation, and that procedures often vary within states. The amount of authority secretaries of state have to address such problems also is different in every state. Mr. Weinberg stated he believed that most secretaries of state did not have authority to do anything about these matters. Participants discussed whether secretaries ought to be given greater authority so as to centralize the process, as HAVA has mandated in other areas.

Working Group Concerns

1. Mr. Rokita questioned whether the purpose of the present project ought to be on assessing the level of fraud and where it is, rather than on developing methods for making such measurements. He believed that methodology should be the focus, “rather than opinions of interviewees.” He was concerned that the EAC would be in a position of “adding to the universe of opinions.”
2. Mr. Rokita questioned whether the “opinions” accumulated in the research “is a fair sampling of what’s out there.” Ms. Wang responded that one of the purposes of the research was to explore whether there is a method available to actually quantify in some way how much fraud there is and where it is occurring in the electoral process. Mr. Rokita replied that “Maybe at the end of the day we stop spending taxpayer money or it’s going to be too much to spend to find that kind of data. Otherwise, we will stop it here and recognize there is a huge difference of opinion on that issue of fraud, when it occurs is obtainable, and that would possibly be a conclusion of the EAC.” Ms. Sims responded that she thought it would be possible to get better statistics on fraud and there might be a way of “identifying at this point certain parts in the election process that are more vulnerable, that we should be addressing.”
3. Mr. Rokita stated that, “We’re not sure that fraud at the polling place doesn’t exist. We can’t conclude that.”
4. Mr. Rokita expressed concern about working with a political scientist. He believes that the “EAC needs to be very careful in who they select, because all the time and effort and money that’s been spent up to date and would be spent in the future could be invalidated by a wrong selection in the eyes of some group.”

Determining a Methodology for Measuring Voter Fraud and Intimidation: Recommendations of Political Scientists

The following is a summary of interviews conducted with a number of political scientists and experts in the field as to how one might undertake a comprehensive examination of voter fraud and intimidation. A list of the individuals interviewed and their ideas are available, and all of the individuals welcome any further questions or explanations of their recommended procedures.

- 1) In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that ask whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. (Stephen Ansolobehere, MIT)
- 2) Several political scientists with expertise in these types of studies recommended a methodology that includes interviews, focus groups, and a limited survey. In determining who to interview and where the focus groups should be drawn from, they recommend the following procedure:
 - Pick a number of places that have historically had many reports of fraud and/or intimidation; from that pool pick 10 that are geographically and demographically diverse, and have had a diversity of problems
 - Pick a number of places that have not had many reports of fraud and/or intimidation; from that pool pick 10 places that match the geographic and demographic make-up of the previous ten above (and, if possible, have comparable elections practices)
 - Assess the resulting overall reports and impressions resulting from these interviews and focus groups, and examine comparisons and differences among the states and what may give rise to them.

In conducting a survey of elections officials, district attorneys, district election officers, they recommend that:

- The survey sample be large in order to be able to get the necessary subsets
- The survey must include a random set of counties where there have and have not been a large number of allegations

(Allan Lichtman, American University; Thad Hall, University of Utah; Bernard Grofman, UC – Irvine)

- 3) Another political scientist recommended employing a methodology that relies on qualitative data drawn from in-depth interviews with key critics and experts on all sides of the debate on fraud; quantitative data collected through a survey of state and local elections and law enforcement officials; and case studies. Case studies should focus on the five or ten states, regions or cities where there has been a history of election fraud to examine past and present problems. The survey should be mailed to each state's attorney general and secretary of state, each county district attorney's office and each county board of elections in the 50 states. (Lorraine Minnite, Barnard College)
- 4) The research should be a two-step process. Using LexisNexis and other research tools, a search should be conducted of news media accounts over the past decade. Second, interviews with a systematic sample of election officials nationwide and in selected states should be conducted. (Chandler Davidson, Rice University)
- 5) One expert in the field posits that we can never come up with a number that accurately represents either the incidence of fraud or the incidence of voter intimidation. Therefore, the better approach is to do an assessment of what is most likely to happen, what election violations are most likely to be committed – in other words, a risk analysis. This would include an analysis of what it would actually take to commit various acts, e.g. the cost/benefit of each kind of violation. From there we could rank the likely prevalence of each type of activity and examine what measures are or could be effective in combating them. (Wendy Weiser, Brennan Center of New York University)
- 6) Replicate a study in the United States done abroad by Susan Hyde of the University of California- San Diego examining the impact of impartial poll site observers on the incidence of election fraud. Doing this retrospectively would require the following steps:
 - Find out where there were federal observers
 - Get precinct level voting information for those places
 - Analyze whether there was any difference in election outcomes in those places with and without observers, and whether any of these results seem anomalous.

Despite the tremendous differences in the political landscapes of the countries examined by Hyde in previous studies and the U.S., Hyde believes this study could be effectively replicated in this country by sending observers to a random sample of precincts. Rather than compare the incumbent's vote share, such factors such as voter complaints, voter turnout, number of provisional ballots used, composition of the electorate, as well as any anomalous voting results could be compared between sites with and without monitors.

For example, if intimidation is occurring, and if reputable monitors make intimidation less likely or voters more confident, then turnout should be higher on average in monitored precincts than in unmonitored precincts. If polling station officials are intentionally refusing to issue provisional ballots, and the polling station officials are

more likely to adhere to regulations while being monitored, the average number of provisional ballots should be higher in monitored precincts than in unmonitored precincts. If monitors cause polling station officials to adhere more closely to regulations, then there should be fewer complaints (in general) about monitored than unmonitored precincts (this could also be reversed if monitors made voters more likely to complain).

Again, random assignment controls for all of the other factors that otherwise influence these variables.

One of the downsides of this approach is it does not get at some forms of fraud, e.g. absentee ballot fraud; those would have to be analyzed separately

7) Another political scientist recommends conducting an analysis of vote fraud claims and purging of registration rolls by list matching. Allegations of illegal voting often are based on matching of names and birth dates. Alleged instances of double voting are based on matching the names and birth dates of persons found on voting records. Allegations of ineligible felon (depending on state law), deceased, and of non-citizen voting are based on matching lists of names, birth dates, and sometimes addresses of such people against a voting records. Anyone with basic relational database skills can perform such matching in a matter of minutes.

However, there are a number of pitfalls for the unwary that can lead to grossly over-estimating the number of fraudulent votes, such as missing or ignored middle names and suffixes or matching on missing birth dates. Furthermore, there is a surprising statistical fact that a group of about three hundred people with the same first and last name are almost assured to share the exact same birth date, including year. In a large state, it is not uncommon for hundreds of Robert Smiths (and other common names) to have voted. Thus, allegations of vote fraud or purging of voter registration rolls by list matching almost assuredly will find a large proportion of false positives: people who voted legally or are registered to vote legally.

Statistics can be rigorously applied to determine how many names would be expected to be matched by chance. A simulation approach is best applied here: randomly assign a birth date to an arbitrary number of people and observe how many match within the list or across lists. The simulation is repeated many times to average out the variation due to chance. The results can then be matched back to actual voting records and purge lists, for example, in the hotly contested states of Ohio or Florida, or in states with Election Day registration where there are concerns that easy access to voting permits double voting. This analysis will rigorously identify the magnitude alleged voter fraud, and may very well find instances of alleged fraud that exceed what might have otherwise happened by chance.

This same political scientist also recommends another way to examine the problem: look at statistics on provisional voting: the number cast might provide indications of intimidation (people being challenged at the polls) and the number of those not counted

would be indications of "vote fraud." One could look at those jurisdictions in the Election Day Survey with a disproportionate number of provisional ballots cast and cross reference it with demographics and number of provisional ballots discarded. (Michael McDonald, George Mason University)

- 8) Spencer Overton, in a forthcoming law review article entitled *Voter Identification*, suggests a methodology that employs three approaches— investigations of voter fraud, random surveys of voters who purported to vote, and an examination of death rolls provide a better understanding of the frequency of fraud. He says all three approaches have strengths and weaknesses, and thus the best studies would employ all three to assess the extent of voter fraud. An excerpt follows:

1. *Investigations and Prosecutions of Voter Fraud*

Policymakers should develop databases that record all investigations, allegations, charges, trials, convictions, acquittals, and plea bargains regarding voter fraud. Existing studies are incomplete but provide some insight. For example, a statewide survey of each of Ohio's 88 county boards of elections found only four instances of ineligible persons attempting to vote out of a total of 9,078,728 votes cast in the state's 2002 and 2004 general elections. This is a fraud rate of 0.00000045 percent. The Carter-Baker Commission's Report noted that since October 2002, federal officials had charged 89 individuals with casting multiple votes, providing false information about their felon status, buying votes, submitting false voter registration information, and voting improperly as a non-citizen. Examined in the context of the 196,139,871 ballots cast between October 2002 and August 2005, this represents a fraud rate of 0.0000005 percent (note also that not all of the activities charged would have been prevented by a photo identification requirement).

A more comprehensive study should distinguish voter fraud that could be prevented by a photo identification requirement from other types of fraud — such as absentee voting and stuffing ballot boxes — and obtain statistics on the factors that led law enforcement to prosecute fraud. The study would demand significant resources because it would require that researchers interview and pour over the records of local district attorneys and election boards.

Hard data on investigations, allegations, charges, pleas, and prosecutions is important because it quantifies the amount of fraud officials detect. Even if prosecutors vigorously pursue voter fraud, however, the number of fraud cases charged probably does not capture the total amount of voter fraud. Information on official investigations, charges, and prosecutions should be supplemented by surveys of voters and a comparison of voting rolls to death rolls.

2. *Random Surveys of Voters*

Random surveys could give insight about the percentage of votes cast fraudulently. For example, political scientists could contact a statistically representative sampling of 1,000 people who purportedly voted at the polls in the last election, ask them if they actually voted, and confirm the percentage who are valid voters. Researchers should conduct the survey soon after an election to locate as many legitimate voters as possible with fresh memories.

Because many respondents would perceive voting as a social good, some who did not vote might claim that they did, which may underestimate the extent of fraud. A surveyor might mitigate this skew through the framing of the question (“I’ve got a record that you voted. Is that true?”).

Further, some voters will not be located by researchers and others will refuse to talk to researchers. Photo identification proponents might construe these non-respondents as improper registrations that were used to commit voter fraud.

Instead of surveying all voters to determine the amount of fraud, researchers might reduce the margin of error by focusing on a random sampling of voters who signed affidavits in the three states that request photo identification but also allow voters to establish their identity through affidavit—Florida, Louisiana, and South Dakota. In South Dakota, for example, only two percent of voters signed affidavits to establish their identity. If the survey indicates that 95 percent of those who signed affidavits are legitimate voters (and the other 5 percent were shown to be either fraudulent or were non-responsive), this suggests that voter fraud accounts for, at the maximum, 0.1 percent of ballots cast.

The affidavit study, however, is limited to three states, and it is unclear whether this sample is representative of other states (the difficulty may be magnified in Louisiana in the aftermath of Hurricane Katrina’s displacement of hundreds of thousands of voters). Further, the affidavit study reveals information about the amount of fraud in a photo identification state with an affidavit exception—more voter fraud may exist in a state that does not request photo identification.

3. *Examining Death Rolls*

A comparison of death rolls to voting rolls might also provide an estimate of fraud.

Imagine that one million people live in state A, which has no documentary identification requirement. Death records show that 20,000 people passed away in state A in 2003. A cross-referencing of this list to the voter rolls shows that 10,000 of those who died were registered voters, and these names remained on the voter rolls during the November 2004 election. Researchers would look at what percentage of the 10,000 dead-but-registered people who “voted” in the November 2004 election. A researcher should distinguish the votes cast in the name of the dead at the polls from those cast

absentee (which a photo identification requirement would not prevent). This number would be extrapolated to the electorate as a whole.

This methodology also has its strengths and weaknesses. If fraudulent voters target the dead, the study might overestimate the fraud that exists among living voters (although a low incidence of fraud among deceased voters might suggest that fraud among all voters is low). The appearance of fraud also might be inflated by false positives produced by a computer match of different people with the same name. Photo identification advocates would likely assert that the rate of voter fraud could be higher among fictitious names registered, and that the death record survey would not capture that type of fraud because fictitious names registered would not show up in the death records. Nevertheless, this study, combined with the other two, would provide important insight into the magnitude of fraud likely to exist in the absence of a photo identification requirement.

Introduction

Charge

Under the Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666 (2002) (“HAVA”), the United States Election Assistance Commission is charged with developing national statistics on voter fraud and developing methods of deterring and investigating voter fraud. Also, the Commission is charged with developing methods of identifying, deterring, and investigating methods of voter intimidation. The Commission employed a bipartisan team of legal consultants, Tova Wang and Job Serebrov to develop a preliminary overview work product to determine the quantity and quality of vote fraud and voter intimidation that is present on a national scale. The consultants’ work is neither comprehensive nor conclusive. This first phase of an envisioned two-phase project was constrained by both time and funding. The consultants’ conclusions and recommendations for phase II will be contained in this Report.

Scope of Work

The consultants, working without the aid of a support staff, divided most of the work. However, the final work product was mutually checked and approved. They agreed upon the steps that were taken needed and the method employed. For all of the documentary sources, the consultants limited the time period under review from January 1, 2001 to January 1, 2006. The research performed by the consultants included an extensive Nexis search, interviews, a review of existing literature, and case research.

The Project

Nexis: Initially, the consultants developed an enormous list of possible Nexis search terms. It soon became obvious that it would be impossible to conduct the research that way. As a result, consultant Wang performed the Nexis search by finding search term combinations that would yield virtually every article on a particular subject from the last five years. Consultant Serebrov approved the search terms. Then Wang created an excel spreadsheet in order to break down the articles in way in which they could be effectively analyzed for patterns. Each type of fraud is broken down in a separate chart according to where it took place, the date, the type of election it occurred in, what the allegation was, the publication it came from. Where there was a follow up article, any information that that suggested there had been some further action taken or some resolution to the allegation was also included. For four very complicated and long drawn out situations – Washington State, Wisconsin, South Dakota in 2004, and the vote buying cases in a couple of particular jurisdictions over the last several years –written summaries with news citations are provided.

Interviews: The consultants chose the interviewees by first coming up with a list of the categories of types of people they wanted to interview. Then the consultants separately, equally filled those categories with a certain number of people. Due to time and resource

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constraints, the consultants had to pare down this list substantially – for instance, they had to rule out interviewing prosecutors altogether – but still got a good range of people to talk to. The ultimate categories were academics, advocates, elections officials, lawyers and judges. Although the consultants were able to talk to most of the people they wanted to, some were unavailable and a few were not comfortable speaking to them, particularly judges. The consultants together conducted all of the interviews, either by phone or in person. Then the consultants split up drafting the summaries. All summaries were reviewed and mutually approved. Most of the interviews were extremely informative and the consultants found the interviewees to be extremely knowledgeable and insightful for the most part.

Existing Literature: Part of the selections made by the consultants resulted from consultant Wang’s long-term familiarity with the material while part was the result of a joint web search for articles and books on vote fraud and voter intimidation and suggestions from those interviewed by the consultants. The consultants reviewed a wide range of materials from government reports and investigations, to academic literature, to reports published by advocacy groups. The consultants believe that they covered the landscape of available sources.

Cases: In order to properly identify all applicable cases the consultants first developed an extensive word search term list. A WestLaw search was performed and the first one hundred cases under each word search term were then gathered in individual files. This resulted in a total of approximately 44,000 cases. Most of these cases were federal as opposed to state and appellate as opposed to trial. Consultant Serebrov analyzed the cases in each file to determine if they were on point. If he found that the first twenty cases were inapplicable, Serebrov would sample forty to fifty other file cases at random to determine applicability. If the entire file did not yield any cases, the file would be discarded. All discarded word search terms were recorded in a separate file. Likewise, if the file only yielded a few applicable cases, it would also be discarded. However, if a small but significant number of cases were on point, the file was later charted. The results of the case search were stark because relatively few applicable cases were found.

Nexis Search Articles Analysis

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

1. Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
2. Workers for groups and individuals have attempted to vote absentee in the names of the deceased
3. Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

1. Registering in the name of dead people
2. Fake names and other information on voter registration forms
3. Illegitimate addresses used on voter registration forms
4. Voters being tricked into registering for a particular party under false pretenses
5. Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting

and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

People for the American Way and the NAACP, "The Long Shadow of Jim Crow," December 6, 2004.

Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.

Wisconsin Legislative Audit Bureau, "An Evaluation: Voter Registration Elections Board" Report 05-12, September, 2005.

Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, United States Attorney's Office "Preliminary Findings of Joint Task Force Investigating Possible Election Fraud," May 10, 2005.

National Commission on Federal Election Reform, "Building Confidence in U.S. Elections," Center for Democracy and Election Management, American University, September 2005.

The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law "Response to the Report of the 2005 Commission on Federal Election Reform," September 19, 2005.

Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, "Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?" A Report to the Center for Voting Rights & Protection, September, 2004.

Alec Ewald, "A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law," The Sentencing Project, November 2005.

American Center for Voting Rights "Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election," August 2, 2005.

The Advancement Project, "America's Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy" November 7, 2001

The Brennan Center and Professor Michael McDonald "Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General," The Brennan Center for Justice at NYU School of Law, December 2005.

Democratic National Committee, "Democracy at Risk: The November 2004 Election in Ohio," DNC Services Corporation, 2005

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."

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Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."

Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d.; at http://www.democracy.ru/english/library/international/eng_1999-11.html

People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>

Craig Donsanto, "Prosecution of Electoral Fraud Under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.

Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.

People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.

Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.

Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.

David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.

Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

Legal

Indiana Democratic Party vs. Rokita, U.S. District Court Southern District of Indiana (Indianapolis) 1:05-cv-00634, U.S. Court of Appeals, 7th Circuit 06-2218

Common Cause of Georgia vs. Billups, U.S. District Court, Northern District of Georgia (Rome) 4:05-cv-00201-HLM U.S. Court of Appeals, 11th Circuit 05-15784

U.S. Department of Justice Section 5 Recommendation Memorandum (regarding HB 244), August 25, 2005 at
<http://www.votingrights.org/news/downloads/Section%205%20Recommendation%20Memorandum.pdf>

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Appendix 3: Members of the Working Group

Working Group Recommendations

1. **Use the 2006 and/or 2008 elections as a laboratory by employing observers.**

At the working group meeting, there was much discussion about using observers to collect data regarding fraud and intimidation at the polls in the upcoming elections. Mr. Ginsberg recommended using representatives of both parties for the task. Mr. Bauer and others objected to this, believing that using partisans as observers would be unworkable and would not be credible to the public.

There was even greater concern about the difficulties in getting access to poll sites for the purposes of observation. Most states strictly limit who can be in the polling place. In addition, there are already so many groups doing observation and monitoring at the polls, administrators might object. There was further concern that observers would introduce a variable into the process that would impact the outcome. The very fact that observers were present would influence behavior and skew the results.

Moreover, it was pointed out, many of the problems we see now with respect to fraud and intimidation does not take place at the polling place, e.g. absentee ballot fraud and deceptive practices. Poll site monitoring would not capture this activity. Moreover, with increased use of early voting, poll site monitoring might have to go on for weeks to be effective, which would require tremendous resources.

Mr. Weinberg suggested using observers in the way they are utilized in international elections. Such observers come into a jurisdiction prior to the election, and use standardized forms at the polling sites to collect data.

2. **Do a study on absentee ballot fraud.** The working group agreed that since absentee ballot fraud is the main form of fraud occurring, and is a practice that is great expanding throughout the country, it would make sense to do a stand-alone study of absentee ballot fraud. Such a study would be facilitated by the fact that there already is a great deal of information on how, when, where and why such practices are carried out based on cases successfully prosecuted. Researchers could look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing them.
3. **Use risk analysis methodology to study fraud.**¹ Working group members were supportive of one of the methodologies recommended for studying this issue, risk analysis. As Mr. Bauer put it, based on the assumption that people act rationally, do an examination of what types of fraud people are most likely to commit, given the relative costs and benefits. In that way, researchers can rank the types of fraud that are the easiest to commit at the least cost with the greatest effect, from

¹ See Appendix C, and section on methodology

most to least likely to occur. This might prove a more practical way of measuring the problems than trying to actually get a number of acts of fraud and/or intimidation occurring. Mr. Greenbaum added that one would want to examine what conditions surrounding an election would be most likely to lead to an increase in fraud. Mr. Rokita objected based on his belief that the passions of partisanship lead people to not act rationally in an election.

4. **Conduct research using a methodology of database comparison.** Picking up on a suggestion made by Spencer Overton and explained in the suggested methodology section, Mr. Hearne recommended studying the issue using statistical database matching. Researchers should compare the voter roll and the list of people who actually voted to see if there are “dead” and felon voters. Because of the inconsistent quality of the databases, however, a political scientist would need to work in an appropriate margin of error when using such a methodology.
5. **Conduct a study of deceptive practices.** The working group discussed the increasing use of deceptive practices, such as flyers with false and/or intimidating information, to suppress voter participation. A number of groups, including the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices, which may be available for review and analysis. This is also an area in which there is often tangible evidence, such as copies of the flyers and postcards themselves. All of this information should be reviewed and analyzed to see how such practices are being conducted and what can be done about them.
6. **Study use of HAVA’s administrative complaint procedure to see if it can be used to measure some forms of fraud and intimidation.** The EAC should study the extent to which states are actually utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.
7. **Examine the use of special election courts.** Given that many state and local judges are elected, it may be worth exploring whether special election courts that are running before, during and after election day would be an effective means of disposing with complaints and violations in an expeditious manner. Pennsylvania employs such a system, and the EAC should consider investigating how well it is working to deal with fraud and intimidation problems.

RECOMMENDATIONS FOR FURTHER EAC ACTIVITY ON VOTER FRAUD AND INTIMIDATION

Consultant Recommendations

- **Greatly expand the scope of individuals interviewed.** Time and resource constraints prevented the consultants from interviewing the full range of participants in the electoral process. As a result, we recommend that in the next phase of this project, further interviews be conducted. In particular, a greater sampling of state and local election officials from different parts of the country should be interviewed. These individuals have first hand information and experience in the operation of elections.

We also recommend that in the next phase interviews be conducted with people in law enforcement, specifically Federal District Election Officers (“DEOs”)¹ and local district attorneys and attorneys defending those accused of election crimes or civil violations. In many instances it is the local district attorney who will investigate election fraud and suppression complaints. Attorneys who defend people accused of election crimes will have a different perspective on how the system is working to detect, prevent, and prosecute election fraud.

- **Conduct Follow-Up Nexis Research.** The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the search terms, we

¹ The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation; oversee the investigation and prosecution of election fraud and other election crimes in their districts; coordinate their district’s (investigative and prosecutorial) efforts with DOJ headquarters prosecutors; coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters; issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day. *Department of Justice’s Activities to Address Past Election-Related Voting Irregularities*: General Accounting Office, October 14, 2004, GAO-04-1041R

**Deliberative Process
Privilege**

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could not determine whether there was any action taken regarding the allegations, investigation or charges brought. Consequently, it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system. We recommend that follow up Nexis research be conducted to establish what, if any, resolutions or further activity there was in each case.

We also believe that in the second phase of this project, there should be a sampling of local newspapers from around the country to analyze for articles on voter fraud and voter intimidation. This will lead to a better idea of problems that occur on city and county levels that are often not reported statewide.

- **Conduct follow-up research to the literature reviews.** Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, various interested parties frequently cite such reports and books as evidence of fraud or intimidation. Therefore, we recommend as a follow up to the literature review, an analysis of the resolution, if any, of specific instances of fraud and intimidation cited in the books and reports reviewed in the first phase.
- **Review a sampling of state district court cases.** In the first phase, we read and analyzed over 44,000 cases. Unfortunately, few of these were found to be on point. We therefore recommend that in the second phase, research should be concentrated on a national sampling of state district court level electoral cases. Often the district courts settle important issues that are not subsequently appealed. We believe that there could be a storehouse of information regarding vote fraud and intimidation in these cases.
- **Survey state election fraud and intimidation laws.** We recommend that there be a sampling of state electoral laws (including criminal penalty provisions), in order to aid in the development of model legislation that would address voter fraud and intimidation.
- **Review which states collect data on fraud and intimidation.** Evidently a few states, such as Arkansas and Georgia, collect and maintain data on complaints of fraud and intimidation and the disposition of those allegations at the state level. Phase two should examine what other states have such information and seek to obtain it for review and analysis. Policies and protocols on gathering such information in these states should also be looked at as possible models for the states that do not employ this practice.
- **Analyze data collected by various organizations in the 2006 election.** Several organizations, such as Election Protection, 1-800-MYVOTE1, and the parties will be setting up hotlines and sending people into the field during the upcoming mid-term elections both to assist voters and compile complete records of complaints and incidents from the period of voter registration through Election Day. Some of

these organizations have already agreed to share their data with the phase two EAC project consultants. We recommend that such data be used to the greatest extent possible to assess the incidence and the nature of the fraud and intimidation that occurred.

- **Obtain and analyze data retained by the Department of Justice.** Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice tracks complaints of voter intimidation in a variety of ways,¹ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.
- **Obtain and analyze a sampling of DEO Reports.** Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every DEO to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or kept confidential.
- **Attend the Department of Justice’s Ballot Access and Voting Integrity Symposium.** The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium.² According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices.ⁱⁱ
- **Consult with an academic/academic institution with unimpeachable political science statistical research credentials.** Included in this report is a summary of

² By attending the symposium researchers could learn more about the following:

How *DEOs* are trained, e.g. what they are taught to focus their resources on; How they are instructed to respond to various types of complaints; How information about previous elections and voting issues is presented; and, How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.

- **Review and Assess Whether Current Federal Laws on Fraud and Intimidation are Adequate.** Finally, we recommend that phase two project researchers review federal laws to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threats.

According to Craig Donsanto, long-time director of the Public Integrity Section of the Criminal Division of the Department of Justice,

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.ⁱⁱⁱ

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

The second phase of this project should examine if current laws can be revised or new laws drafted that would address voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as *something of tangible value in itself*. Such legislation would penalize all forms of voter intimidation, regardless of the motivation. The law would, *for example*, potentially cover letters and postcards with contain language meant to deter voters from voting and pre-Election and Election Day challenges that are clearly illegitimate.

In the alternative to finding a way to penalize such behavior, researchers might examine ways to deter and punish voter intimidation under civil law. For example, there might be a private right of action created for voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is an unchecked pattern of repeated abuse; and organizations that intentionally engage in intimidating practices. Civil damage penalties and attorney fees should be included. Another, more modest measure, as has been suggested by Ana Henderson

and Christopher Edley,^{iv} would be to bring fines for violations under the Voting Rights Act up to parity. Currently, the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

ⁱ *Department of Justice's Activities to Address Past Election-Related Voting Irregularities*: General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

ⁱⁱ *Department Of Justice To Hold Ballot Access and Voting Integrity Symposium*: U.S. Department of Justice press release, August 2, 2005.

ⁱⁱⁱ Craig C. Donsanto, *Prosecution of Electoral Fraud Under United States Federal Law*, IFES Political Finance White Paper Series, 2006, p. 29.

^{iv} Ana Henderson and Christopher Edley, Jr., *Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access*, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

Vote Fraud, Intimidation & Suppression In The 2004 Presidential Election

American Center for Voting Rights Report

According to its website," the American Center For Voting Rights Legislative Fund was founded in February 2005 on the belief that public confidence in our electoral system is the cornerstone of our democracy... ACVR Legislative Fund supports election reform that protects the right of all citizens to participate in the election process free of intimidation, discrimination or harassment and which will make it easy to vote but tough to cheat.

Using court records, police reports and news articles, ACVR Legislative Fund presented this Report documenting hundreds of reported incidents and allegations from around the country. ACVR Legislative Fund found that thousands of Americans were disenfranchised by illegal votes cast on Election Day 2004. For every illegal vote cast and counted on Election Day, a legitimate voter is disenfranchised. This report alleges a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms. ACVR Legislative Fund further found that, despite their heated rhetoric, paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election.

In addition to recommended changes and a zero-tolerance commitment by the political parties, ACVR Legislative Fund has identified five cities as "hot spots" which require additional immediate attention. These cities were identified based on the findings of this report and the cities' documented history of fraud and intimidation. These cities are: Philadelphia, PA, Milwaukee, WI, Seattle, WA, St. Louis/East St. Louis, MO/IL, and Cleveland, OH.

Without going into great detail in this review, this Report: refutes charges of voter intimidation and suppression made against Republican supporters, discusses similar charges against Democrats, details incidents vote fraud and illegal voting and finally discusses problems with vote fraud, voter registration fraud and election irregularities around the country. The majority of this Report is an attempt to redeem Republicans and vilify Democrats.

In terms of sheer numbers, the report most often alleges voter intimidation and voter registration fraud, and to a lesser degree absentee ballot fraud and vote buying.

The Report presented the following recommendations for future action:

* Both national political parties should formally adopt a zero-tolerance fraud and intimidation policy that commits the party to pursuing and fully prosecuting individuals and allied organizations who commit vote fraud or who seek to deter any eligible voter from participating in the election through fraud or intimidation. No amount of legislative

reform can effectively deter those who commit acts of fraud if there is no punishment for the crime and these acts continue to be tolerated.

* States should adopt legislation requiring government-issued photo ID at the polls and for any voter seeking to vote by mail or by absentee ballot. Government-issued photo identification should be readily available to all citizens without cost and provisions made to assure availability of government-issued identification to disabled and low-income citizens.

* States should adopt legislation requiring that all polling places be fully accessible and accommodating to all voters regardless of race, disability or political persuasion and that polling locations are free of intimidation or harassment.

* States should create and maintain current and accurate statewide voter registration databases as mandated by the federal Help America Vote Act ("HAVA") and establish procedures to assure that the statewide voter roll is current and accurate and that the names of eligible voters on the roll are consistent with the voter roll used by local election authorities in conducting the election.

* States should adopt legislation establishing a 30-day voter registration cutoff to assure that all voter rolls are accurate and that all registrants can cast a regular ballot on Election Day and the election officials have opportunity to establish a current and accurate voter roll without duplicate or fictional names and assure that all eligible voters (including all recently registered voters) are included on the voter roll at their proper precinct.

* States should adopt legislation requiring voter registration applications to be delivered to the elections office within one week of being completed so that they are processed in a timely manner and to assure the individuals registered by third party organizations are properly included on the voter roll.

* States should adopt legislation and penalties for groups violating voter registration laws, and provide the list of violations and penalties to all registration solicitors. Legislation should require those organizations obtaining a voter's registration to deliver that registration to election officials in a timely manner and should impose appropriate penalties upon any individual or organization that obtains an eligible voter's registration and fails to deliver it to election authorities.

* States should adopt legislation prohibiting "bounty" payment to voter registration solicitors based on the number of registration cards they collect.

America's Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy

Advancement Project

The thesis of the Report, America's Modern Poll Tax, written after the 2000 election, is that structural disenfranchisement—the effect of breakdowns in the electoral system, is the new poll tax. Structural disenfranchisement includes “bureaucratic blunders, governmental indifference, and flagrant disregard for voting rights.” The blame for structural disenfranchisement is laid squarely at the feet of states and localities that “shirk their responsibilities or otherwise manipulate election systems,” resulting in voters “either turned away from the polls or their votes are thrown out.”

The interlocking practices and mechanics that comprise structural disenfranchisement are referred to a “ballot blockers” in the report. Most ballot blockers involve the structural elements of electoral administration: “ill-trained poll workers, failures to process registration cards on time or at all, inaccurate registration rolls, overbroad purges of voter rolls, unreasonably long lines, inaccurate ballot translations and a shortage of translators to assist voters who have limited English language skills.” The Report argues that a culture of indifference overlays these issues that both tolerates and excuses widespread disenfranchisement. This culture of indifference is exemplified by legislatures that do not properly fund election systems, officials that send antiquated equipment into poor and minority areas, poorly translated ballots and polling places that are not wheelchair accessible.

The data and conclusions in the Report are taken from eight sample case studies of states and cities across the country and a survey of state election directors that reinforces the findings of the case studies. Examples of state and city problems were: New York City—in six polling places Chinese translations inverted the Democrats with the Republicans; Georgia—the state computer crashed two weeks before the election, dropping thousands of voters from the rolls; Virginia—registration problems kept an untold number from voting; Chicago—in inner-city precincts with predominately minority populations, almost four out of every ten votes cast for President (in 2000) were discarded; St. Louis—thousands of qualified voters were placed on inactive lists due to an overbroad purge; Florida—a voting list purge of voters whose name and birth date closely resembled those of people convicted of felonies; and, Texas—significant Jim Crow like barriers to minority voting.

The survey of state election directors found: election directors lack the resources to effectively do their jobs and some lack the “ability or will to force local election officials to fix serious problems”; election officials are highly under funded and legislatures refuse to grant their requests for more money; due to a lack of funds, election officials must use old and inferior equipment and can't improve training or meet structural needs; election officials are generally unaware of racial disparities in voting; only three of the 50 state election administrators are non-white.

The Report “concludes that affected communities and democracy advocates should mobilize to force change.” A number of recommendations are made to protect the

electoral franchise including: Federal policies that set nationwide and uniform election policies; federal guarantee of access to provisional ballots; enforcement of voter disability laws; automatic restoration of voting rights to those convicted of a crime after they have completed their sentence; a centralized data base of voters administered by non-partisan individuals; federal standards limiting precinct discarded vote rates to .25 %; federal requirements that jurisdiction provide voter education, including how to protect their right to vote; and laws that strengthen the ability of individuals to bring actions to enforce voting rights and anti-discrimination laws.

A Funny Thing Happened on the Way to the White House by David E. Johnson & Jonny R. Johnson

A Funny Thing Happened adds almost nothing to the present study. It contains no footnotes and no references to primary source material, save what may be able to be gleaned from the bibliography. The Johnsons take a historical look at United States Presidential elections from Andrew Jackson to George Bush by providing interesting stories and other historical information. Unfortunately, there are only three pages out of the entire book that touches on vote fraud in the first Bush election.

The authors assert that the exit polls in Florida were probably correct. The problem was the pollsters had no way of knowing that thousands of votes would be invalidated. But the authors do not believe that fraud was the cause of the tabulation inaccuracy. The major cause was undervotes and overvotes which, if all counted, would have altered the result, compounded by the use of the butterfly ballot in some strategic counties. Additionally, Ralph Nader's votes were primarily a bleed off of needed Gore votes. The authors accused Katherine Harris, then Florida Secretary of State and co-chair of the Bush campaign in Florida for prematurely certifying the state vote. The authors also ridiculed United States Secretary of State James A. Baker III, for using the courts to block attempts to hand count votes. Finally, the authors indicated that a mob of Republican partisans descended on the vote counters in Dade County and effectively stopped the count.

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General

By The Brennan Center for Justice at NYU School of Law and Dr. Michael McDonald of George Mason University

General

A September 15, 2005 Report submitted to the New Jersey Attorney General included lists of purportedly illegitimate votes in New Jersey in the 2004 general election, including lists of 10,969 individuals who purportedly voted twice and lists of 4,756 voters who were purportedly dead or incarcerated in November 2004. For the present Analysis of the Report, the lists of voters submitted to the New Jersey Attorney General, as well as a copy of the New Jersey county voter registration files were obtained, and an initial investigation of the report's claims was conducted. The analysis shows that the lists submitted are substantially flawed.

The Analysis is based on methodology only: its authors did not gain access to original documents related to registration or original pollbook records; only recently were copies of the counties' original registration data files acquired and compiled, which contain some notable gaps; and the lists submitted to the Attorney General contain significant errors and little documentation, which complicated the analysis. Nonetheless, the analysts say that information collected is sufficient for generally assessing the quality of evidence presented to support the September 15 report. Analysis of the suspect lists reveals that the evidence submitted does not show what it purports to show: cause for concern that there is serious risk of widespread fraud given the state of the New Jersey voter registration rolls.

These suspect lists were compiled by attempting to match the first name, last name, and birth date of persons on county voter registration files. Entries that supposedly "matched" other entries were apparently deemed to represent the same individual, voting twice. This methodology was similar to the method used in compiling the notoriously inaccurate Florida "purge lists" of suspected ineligible felons in 2000 and 2004. As Florida's experience shows, matching names and birth dates in the voter registration context can easily lead to false conclusions – as was almost certainly the case here.

This Analysis reveals several serious problems with the methodology used to compile the suspect lists that compromise the lists' practical value. For example, the data used in the Report from one county appears to be particularly suspect and anomalous, and may have substantially skewed the overall results. In addition, middle initials were ignored throughout all counties, so that "J _____ A. Smith" was presumed to be the same person as "J _____ G. Smith." Suffixes were also ignored, so that fathers and sons – like "B _____ Johnson" and "B _____ Johnson, Jr." – were said to be the same person.

Underlying many of the entries on these lists, and similar lists compiled in Florida and elsewhere, is a presumption that two records with the same name and date of birth must

represent the same person. As *explained* in this analysis, this presumption is not consistent with basic statistical principles. Even when votes appear to have been cast in two different cities under the same name and birth date, statistics show that voter fraud is not necessarily to blame. With 3.6 million persons who voted in the 2004 election in New Jersey, the chance that some have the same name and birth date is not far-fetched.

Analysis of the Claim of Double Voting by 4,497 Individuals

Attempts to match data on one list to data on another list will often yield “false positives:” two records that at first appear to be a match but do not actually represent the same person. The natural incidence of “false positives” for a matching exercise of this scale – especially when, as here, conducted with relatively little attention to detail – readily explains the ostensible number of double votes.

1,803 of these 4,397 records of ostensibly illegal votes seem to be the product of a glitch in the compilation of the registration files. These records reflect two registration entries by the same person from the same address, with a notation next to each that the individual has voted. For example, 55-year-old W _____ A. Connors, living at 253 B _____ Ave. in a New York commuter suburb, is listed on the data files with an (erroneous) first registration date in 1901 and a second registration date in 1993; Mr. Connors is thus represented twice on the data files submitted. Each of these entries also indicates that W _____ A. Connors at 253 B _____ Ave voted in 2004. There is no credible indication, however, that Mr. Connors actually voted twice; indeed, given the clearly erroneous registration date on the files, it is far more likely that data error is to blame for the doubly logged vote as well.

More plausibly, the bulk of these 1,803 records may be traced to irregularities in the data processing and compilation process for one single county: the Middlesex County registration file accounts for only 10% of registered voters in the state but 78% of these alleged double votes. The suspect lists themselves contain an acknowledgment that the problem in Middlesex is probably not fraud: 99% of these Middlesex voters are labeled on the lists submitted to the Attorney General with a notation that the record is “less likely” to indicate an illegal double vote.

Another 1,257 entries of the 4,397 records probably represent similar data errors – also largely driven by a likely glitch in the Middlesex County file, which is also vastly over represented in this category. These records show ever-so-slight variations in records listed with the same date of birth at the same address: for example, the same first and last names, but different middle initials or suffixes (e.g., J _____ T. Kearns, Sr., and J _____ T. Kearns, Jr., both born the same day and living at the same address; or J _____ E. Allen and J _____ P. Allen, born the same day and living at the same address).

Approximately 800 of the entries on the list likely represent different people, with different addresses and different middle initials or suffixes. For example, W _____ S. Smith, living in a northern New Jersey town, and W _____ C. Smith, living in another town two hours away, share the same date of birth but are not the same person. Nor are

T ____ Brown, living in a New York commuter suburb, and T ____ H. Brown, Jr., living in a small town over an hour west, despite the fact that they also share the same birth date. About three-quarters of the entries in this category reveal data that affirmatively conflict – for example, a middle initial (“W ____ S.”) in one case, and a different middle initial (“W ____ C.”) in another, listed at different addresses. There is absolutely no good reason to conclude that these individuals are in fact the same, when the available evidence indicates the contrary.

For approximately 200 of the entries in this category, however, less information is available. These entries show a middle initial (“J ____ W. Davis”) in one case, and no middle initial (“J ____ Davis”) in another – again, at different addresses. The lack of the middle initial is ambiguous: it could mean that one of the J ____ Davis in question has no middle name, or it could mean that the middle initial was simply omitted in a particular registration entry. Although these entries involve less conclusive affirmative evidence of a false match than the entries noted above, there is still no good reason to believe that “J ____ W. Davis” and “J ____ Davis,” at different addresses, represent the same person.

Of the individuals remaining, there are serious concerns with the accuracy of the dates of birth. Seven voters were apparently born in January 1, 1880 – which is most likely a system default for registrations lacking date-of-birth information. For 227 voters, only the month and year of birth are listed: this means only that two voters with the same name were born in the same month and year, an unsurprising coincidence in a state of several million people.

That leaves approximately 289 votes cast under the same name and birth date – like votes cast by “P ____ S. Rosen,” born in the middle of the baby boom – but from two different addresses. It may appear strange, but there may be two P ____ S. Rosens, born on the same date in 1948 – and such coincidences are surprisingly common. For any one person, the odds of someone else having the same name and birth date is small. But because there are so many voters in New Jersey, a sizable number will have the same name and birth date simply by chance. In a group of just 23 people, it is more likely than not that two will share the same birthday. For 40 people, the probability is 90%. Many, if not most, of the 289 alleged double votes of persons registered at different addresses most likely reflect two separate individuals sharing a first name, last name, middle initial, and birth date.

The September 15 Report makes much of the raw potential for foul play based on the unsurprising fact that there are voters who appear on the New Jersey registration rolls more than once. As noted above, many of the names identified reflect two different individuals and not simply duplicate entries. But there is no doubt that there are duplicate entries on New Jersey’s registration rolls. It is well known that voter registration rolls contain “deadwood” – registration entries for individuals no longer living at a given address or deceased. There is no evidence, however, that these extra registrations are used for widespread illegal voting. Moreover, the problem of deadwood will soon be largely resolved: both the National Voter Registration Act of 1993 and the Help America

Vote Act of 2002 require states to implement several systems and procedures as of January 1, 2006, that will clean the voter rolls of duplicate or invalid entries while protecting eligible voters from unintended disfranchisement.

Response to the Report of the 2005 Commission on Federal Election Reform

**By The Brennan Center for Justice at NYU School of Law and Spencer Overton,
Commissioner and Law Professor at George Washington University School of Law**

Introduction

On September 19, 2005, the Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker III, issued a report with recommendations for reforming the administration of U.S. elections. This Response addresses the main substantive flaws in the Report, refuting in detail its recommendations that “Real ID” cards be used for voter identification, that Social Security numbers be spread through interstate databases and on ID cards, and that states restore voting rights to people convicted of felony convictions only in certain cases and only after they have completed all the terms of their sentence.

Voter Identification Recommendation

According to the Response, the Report’s most troubling recommendation is that states require voters to present a Real ID card or a similar “template” ID as a condition of voting. This recommendation is more onerous than the photo ID proposal rejected by the Commission’s predecessor in 2001 and is more restrictive than any ID requirement adopted in any state to date. It would impose substantial – and for some, insurmountable – burdens on the right to vote. This ID requirement is purportedly intended to prevent “voter fraud,” and yet the Report itself concedes that “[t]here is no evidence of extensive fraud in U.S. elections or of multiple voting” before asserting, without any meaningful support, that “both occur.” Not only does the Report fail to justify the creation of stringent identification requirements, but it also does not explain why the goals of improved election integrity will not be met through the existing provisions in the Help America Vote Act of 2002 (HAVA). Additionally, the Report fails to consider alternative measures to advance its goals that are less restrictive to voters.

The Commission’s recommendation that eligible citizens be barred from voting unless they are able to present a souped-up “Real ID” card is a proposal guaranteed to disenfranchise a substantial number of eligible voters. Millions of Americans currently do not have driver’s licenses or government-issued photo ID cards. As the 2001 National Commission on Federal Election Reform recognized, research shows that between six and ten percent of voting-age Americans do not have driver’s licenses or state-issued non-driver’s photo ID. That translates into as many as 20 million eligible voters. Millions more may never get the new Real ID card, which requires substantially more cost and effort. The percentage of Americans without the documentary proof of citizenship necessary to obtain Real IDs is likely to remain high because, as discussed below, the requisite documents are both expensive and burdensome to obtain. The Report’s proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card. While Americans of all backgrounds would be excluded by the Report’s ID proposal, the burden would fall disproportionately on the elderly, the disabled, students, the poor, and people of color.

According to the Georgia chapter of the AARP, 36 percent of Georgians over age 75 do not have a driver's license. In Wisconsin, approximately 23 percent of persons aged 65 and older do not have driver's licenses or photo ID, and fewer than 3 percent of students have driver's licenses listing their current address. Across the country, more than 3 million Americans with disabilities do not have a driver's license or other form of state-issued photo ID. Moreover, given the frequency with which Americans move residences, it is likely that a far greater percentage of citizens lack driver's licenses or photo IDs bearing their current addresses. Since voting generally depends on the voter's address, and since many states will not accept IDs that do not bear an individual's current voting address, an additional 41.5 million Americans each year will have ID that they may not be able to use to vote.

As the Report recognizes, government-issued photo identification costs money. Thus, if required as a precondition for voting, photo identification would operate as a de facto poll tax that could disenfranchise low-income voters. To alleviate this burden, the Report appropriately recommends that the "Real ID" card itself be issued free of charge. This safeguard, however, does not address some of the most significant predicate costs in obtaining photo identification – costs incurred whether or not the card itself is free. First, each of the documents an individual is required to show in order to obtain a "Real ID" card or other government-issued photo ID card costs money or presumes a minimal level of economic resources. A certified copy of a birth certificate costs from \$10.00 to \$45.00, depending on the state; a passport costs \$85.00; and certified naturalization papers cost \$19.95. Unless the federal and all state governments waive the cost of each of these other forms of identification, the indirect costs of photo IDs will be even greater than their direct costs. In addition, since government-issued IDs may only be obtained at specified government offices, which may be far from voters' residences and workplaces, individuals seeking such IDs will have to incur transportation costs and the costs of taking time off from work to visit those offices during often-abbreviated business hours. These are not insignificant burdens.

Strong empirical evidence also shows that photo ID requirements disproportionately burden people of color. The ID recommendations reduce the benefits of voter registration at disability and other social service agencies provided by the National Voter Registration Act of 1993. Individuals who seek to register at those offices—which generally do not issue IDs – will also have to make an additional visit to the motor vehicle department in order to obtain the documentation necessary to vote. Census data demonstrate that African Americans and Latinos are more than three times more likely than whites to register to vote at a public assistance agency, and that whites are more likely than African Americans and Latinos to register when seeking a driver's license. Accordingly, the voter registration procedure far more likely to be used by minorities than by whites will no longer provide Americans with full eligibility to vote. Not only are minority voters less likely to possess the requisite ID, but they are also more likely than white voters to be asked to furnish ID at the polls. As the Task Force Report of the prior Commission found, identification requirements create the opportunity for selective enforcement – either innocuous or invidious – when poll workers request photo ID only from voters

unknown to them. This discretion has often led to special scrutiny of minority voters at the polls.

Faced with overwhelming evidence that Real IDs are both costly and difficult to obtain, the Report suggests that Real ID cards be made “easily available and issued free of charge.” While this is a laudable goal, the evidence suggests that it will not be attained. First, no State currently issues photo IDs free of charge to all voters. And even if the card itself were free, the Real ID would not be “free of charge” unless all documents required to obtain the Real ID were also “free of charge.” In addition, no State makes photo IDs “easily available” to all its citizens.

The Report premises its burdensome identification proposals on the need to ensure ballot integrity and on the existence of or potential for widespread fraud. However, the Report admits that there is simply “no evidence” that the type of fraud that could be solved by stricter voter identification – individual voters who misrepresent their identity at the polls – is a widespread problem. Indeed, the evidence that does exist shows that this sort of fraud occurs only at an extremely low rate. The Report’s photo ID proposal guards against only one type of fraud: individuals arriving at the polls to vote using false information, such as the name of another registered voter, or a recent but not current address. Since the costs of this form of fraud are extremely high (federal law provides for up to five years’ imprisonment), and the benefits to any individual voter are extremely low, it is highly unlikely that this will ever occur with any frequency. The limited types of fraud that could be prevented by a Real ID requirement are extremely rare and difficult. As the Report concedes, there is “no evidence of extensive fraud in U.S. elections” of the sort that can be cured by photo identification requirements. This admission – and not the hypothetical specter of fraud represented in the remainder of the Report – is amply borne out by independent research.

In the most comprehensive survey of alleged election fraud to date, Professor Loraine Minnite and David Callahan have shown that the incidence of individual voter fraud at the polls is negligible. A few prominent examples support their findings. In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast – a rate of 0.00004%. Earlier this year, Georgia Secretary of State Cathy Cox stated that she could not recall one documented case of voter fraud relating to the impersonation of a registered voter at the polls during her ten-year tenure as Secretary of State or Assistant Secretary of State. The Report attempts to support its burdensome identification requirements on four specific examples of purported fraud or potential fraud. **None of the Report’s cited examples of fraud stand up under closer scrutiny.** This response report goes through each instance of fraud raised by the Commission report and demonstrates that in each case the allegation in fact turned out later not to be true or the fraud cited was not of the type that would be addressed by a photo identification requirement. _

The Report fails to provide a good reason to create greater hurdles for voters who vote at the polls than for those who vote absentee. Despite the fact that absentee ballots are more

susceptible to fraud than regular ballots, the Report exempts absentee voters from its proposed Real ID and proof of citizenship requirements.

To the extent that any limited fraud by individuals at the polls does trickle into the system, it can be addressed by far less restrictive alternatives. The first step is to recognize that only voters who appear on the registration list may vote a regular ballot. Proper cleaning of registration lists – and proper use of the lists at the poll–will therefore go a long way toward ensuring that every single ballot is cast by an eligible voter. Existing law has already accounted for this need – with proper safeguards for individual voters – and needs only adequate implementation. If inflated rolls create the specter of potential fraud, for example, the problem will be addressed by proper execution of the registration list related provisions of NVRA and HAVA, which are designed in part to remove ineligible voters from the rolls. In addition to the better registration lists that full implementation will provide, better record keeping and administration at the polls will reduce the limited potential for voting by ineligible persons. In the unlikely event that implementation of current law is not able to wipe out whatever potential for individual fraud remains, there are several effective and less burdensome alternatives to the Report’s Real ID recommendation that received wholly insufficient consideration.

Recommendation on Database Information Sharing Across States

It is unquestionably beneficial to account for voters who move across state lines. Nonetheless, the Report fails to consider the serious efficacy, privacy, and security concerns raised by a nationally distributed database of the magnitude it contemplates. These problems are exacerbated by the Report’s recommendation that an individual’s Social Security number be used as the broadly disseminated unique voting identifier. The Report’s recommendation creates substantial privacy and security hazards. The Report recommends –without any discussion–that the information used as an individual’s unique fingerprint to track a voter across state lines include not merely the date of birth, but also the person’s “place of birth.” As with the Social Security number, this information is often used as a key to private information wholly unrelated to voting, and as such, disclosure presents a substantial security hazard. Moreover, this information seems particularly susceptible to use in harassing legitimate voters, particularly naturalized citizens.

Recommendation on Voting Rights of Ex-Felons

The Report recommends that states restore voting rights only to certain people with criminal convictions, and only after they have “fully served their sentence.” This overly restrictive standard places the Commission out of step with the states, the American public, and the laws of other nations. This recommendation would set a standard more generous than the policies of the most regressive thirteen states in the nation but more restrictive than the remaining thirty-seven. The trend in the states is toward extension of the franchise. Since 1997, twelve states have reformed their laws or policies to allow more people with convictions to vote. These reforms are driven by some startling numbers. Approximately 4.7 million Americans have lost the right to vote because of a criminal conviction. This number includes 1.4 million African-American men, whose 13% rate of disenfranchisement is seven times the national average. More than 670,000

of the disenfranchised are women; more than 580,000 are veterans; and 1.7 million have completed their sentences.

The American people also support more generous re-enfranchisement than the Commission Report recommends. In a 2002 telephone survey of 1,000 Americans nationwide, researchers found that substantial majorities (64% and 62% respectively) supported allowing probationers and parolees to vote. Fully 80% favored restoring the franchise to people who had completed felony sentences. Even when questions were asked about certain unpopular offenses, majorities supported voting rights. Two-thirds of respondents supported allowing violent ex-felons to vote; 63% supported allowing ex-felons convicted of illegal stock-trading to vote; and 52% supported restoring the franchise to ex-felons who had been convicted of a sex crime. International norms are even more favorable to voting rights. Moreover, the Report's recommendation is unworkable. The general rule – that reenfranchisement should follow the completion of a criminal sentence – is itself difficult to administer.

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – Or Both?

By Chandler Davidson

As the author describes it, this Report focuses on vote suppression through “ballot security programs”:

These are programs that, in the name of protecting against vote fraud, almost exclusively target heavily black, Latino, or Indian voting precincts and have the intent or effect of discouraging or preventing voters in those precincts from casting a ballot. In some cases, these programs have been found by courts to be illegal. Still, they continue to exist in spite of strong criticism by leaders of minority communities, their allies, and voting rights lawyers.

There are several noteworthy characteristics of these programs. They focus on minority precincts almost exclusively. There is often only the flimsiest evidence that vote fraud is likely to be perpetrated in such precincts. In addition to encouraging the presence of sometimes intimidating Republican poll watchers or challengers who may slow down voting lines and embarrass potential voters by asking them humiliating questions, these programs have sometimes posted people in official-looking uniforms with badges and side arms who question voters about their citizenship or their registration. In addition, warning signs may be posted near the polls, or radio ads may be targeted to minority listeners containing dire threats of prison terms for people who are not properly registered—messages that seem designed to put minority voters on the defensive. Sometimes false information about voting qualifications is sent to minority voters through the mail.”

He further states that a most common theme of the programs over the last 50 years is that of sending white challengers to minority precincts. He says that the tactic of doing mailings, collecting returned materials, and using that as a basis for creating challenger lists and challenging voters at the polls, started in the 1950s and continues to today. The problem with this practice is that reasons for a mailing to be returned include a wrong address, out of date or inaccurate addresses, poor mail delivery in minority areas, and matching mistakes. Davidson also sets out to demonstrate through documentary evidence that the practices have been and are approved of or winked at by high ups in the party.

Davidson goes on to provide numerous examples from the last 50 years to demonstrate his thesis, going through the historical development of Republican ballot security programs from the 1950s through to the present. The author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media

reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument.

In addition to describing how the schemes really were brought to the fore in the 1964 election, he describes more recent incidents such as 1981 in New Jersey, 1982 Dallas, Louisiana 1986, Houston 1986, Hidalgo 1988 Orange County 1988, North Carolina 1990, South Carolina 1980-1990, and South Dakota 2002. (Summaries of these examples are available)

Davidson concludes with an outline of some of the features of vote suppression efforts put forth by Republicans under the guise of ballot security programs, as described in the Report, from the 1950s to the present day:

1. An organized, often widely publicized effort to field poll watchers in what Republicans call "heavily Democratic," but what are usually minority, precincts;
2. Stated concerns about vote fraud in these precincts, which are occasionally justified but often are not;
3. Misinformation and fear campaigns directed at these same precincts, spread by radio, posted signs in the neighborhoods, newspapers, fliers, and phone calls, which are often anonymously perpetrated;
4. Posting "official-looking" personnel at polling places, including but not limited to off-duty police—sometimes in uniform, sometimes armed;
5. Aggressive face-to-face challenging techniques at the polls that can confuse, humiliate, and intimidate—as well as slow the voting process—in these same minority precincts;
6. Challenging voters using inaccurate, unofficial lists of registrants derived from "do-not-forward" letters sent to low-income and minority neighborhoods;
7. Photographing, tape recording, or videotaping voters; and
8. Employing language and metaphors that trade on stereotypes of minority voters as venal and credulous.

The report ends with some observations on the state of research on the incidence of fraud, which the author finds lacking. He suggests that vote suppression of qualified minority voters by officials and partisan poll-watchers, challengers, and uniformed guards should also be considered as included in any definition of election fraud. Davidson also offers a few recommendations for reform, noting that Democrats should not protest all programs aimed at ballot integrity, but rather work with Republicans to find solutions to problems that confront both parties and the system as a whole.

A 'Crazy-Quilt' of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law

By Alec Ewald

"A Crazy-Quilt of Tiny Pieces" presents results from the first nationwide study to document the implementation of American felony disenfranchisement law. Data came from two main sources: a 33-state survey of state elections officials and telephone interviews with almost one hundred city, county, town, and parish officials drawn from 10 selected states. In the spring of 2004, a two-page survey consisting of questions regarding disqualification and restoration procedures was sent to the offices of the statewide elections director in each of the fifty states. Responses were collected through the summer and early fall of 2004. Thirty-three states responded. No state currently administers and enforces its criminal disqualification and restoration laws in an efficient, universally-understood and equitable way. Some do not appear to notify local elections officials of convictions, or do not do so in a clear and timely way; others risk "false positives" in disqualification, particularly with suspended sentences or offenses not subject to disenfranchisement; many ask local officials to handle disqualification and restoration with little or no guidance or supervision from the state; none have clear policies regarding new arrivals from other states with old convictions.

The report reaches seven major conclusions:

1. Broad variation and misunderstanding in interpretation and enforcement of voting laws:
 - More than one-third (37%) of local officials interviewed in ten states either described their state's fundamental eligibility law incorrectly, or stated that they did not know a central aspect of that law.
 - Local registrars differ in their knowledge of basic eligibility law, often within the same state. Differences also emerge in how they are notified of criminal convictions, what process they use to suspend, cancel, or "purge" voters from the rolls, whether particular documents are required to restore a voter to eligibility, and whether they have information about the criminal background of new arrivals to the state.
2. Misdemeanants disenfranchised in at least five states:
 - The commonly-used term "felon disenfranchisement" is not entirely accurate, since at least five states – Colorado, Illinois, Michigan, South Carolina, and Maryland -- also formally bar some or all people convicted of misdemeanors from voting.
 - It is likely that misdemeanants in other states who do retain the formal right to vote could have difficulty exercising that right, given ignorance of their eligibility and the lack of clear rules and procedures for absentee voting by people in jail who have not been convicted of a felony.
 - Maryland excludes persons convicted of many misdemeanors, such as "Unlawful operation of vending machines," "Misrepresentation of tobacco leaf weight," and "Racing horse under false name."
3. Significant ambiguities in voting laws:
 - Disenfranchisement in Tennessee is dependent on which of five different time periods a felony conviction occurred between 1973 and the present.
 - In Oregon, disenfranchisement is determined not by conviction or imprisonment for a felony, but for being placed under Department of Corrections supervision. Since 1997, some persons

convicted of a felony and sentenced to less than 12 months' custody have been sent to county jails and hence, are eligible to vote.

4. Disenfranchisement results in contradictory policies within states:

- The "crazy-quilt" pattern of disenfranchisement laws exists even within states. Alabama and Mississippi have both the most and least restrictive laws in the country, a result which is brought about by the fact that certain felonies result in the loss of voting rights for life, while others at least theoretically permit people in prison to vote.
- Most felonies in Alabama result in permanent disenfranchisement, but drug and DUI offenses have been determined to not involve the "moral turpitude" that triggers the loss of voting rights.
- In Mississippi, ten felonies result in disenfranchisement, but do not include such common offenses as burglary and drug crimes.

5. Confusing policies lead to the exclusion of legal voters and the inclusion of illegal voters:

- The complexity of state disenfranchisement policies results in frequent misidentification of voter eligibility, largely because officials differ in their knowledge and application of disqualification and restoration law and procedures.

6. Significant variation and uncertainty in how states respond to persons with a felony conviction from other states:

- No state has a systematic mechanism in place to address the immigration of persons with a felony conviction, and there is no consensus among indefinite-disenfranchisement states on whether the disqualification is properly confined to the state of conviction, or should be considered in the new state of residence.
- Interpretation and enforcement of this part of disenfranchisement law varies not only across state lines, but also from one county to another within states. Local officials have no way of knowing about convictions in other states, and many are unsure what they would do if a would-be voter acknowledged an old conviction. Because there is no prospect of a national voter roll, this situation will continue even after full HAVA implementation.

7. Disenfranchisement is a time-consuming, expensive practice:

- Enforcement requires elections officials to gather records from different agencies and bureaucracies, including state and federal courts, Departments of Corrections, Probation and Parole, the state Board of Elections, the state police, and other counties' elections offices.

Policy Implications

1. Policies disenfranchising people living in the community on probation or parole, or who have completed a sentence are particularly difficult to enforce:

- States which disenfranchise only persons who are currently incarcerated appear able to enforce their laws more consistently than those barring non-incarcerated citizens from voting.

2. Given large-scale misunderstanding of disenfranchisement law, many eligible persons incorrectly believe they cannot vote, or have been misinformed by election officials:

- More than one-third of election officials interviewed incorrectly described their state's law on voting eligibility.
- More than 85% of the officials who misidentified their state's law either did not know the eligibility standard or specified that the law was more restrictive than was actually the case.

3. Occasional violation of disenfranchisement law by non-incarcerated voters not surprising:

- Given the complexity of state laws and the number of state officials who lack an understanding of restoration and disqualification procedures, it should come as no surprise that many voters are ignorant of their voting status, a fact that is likely to have resulted in hundreds of persons with a felony conviction registering and voting illegally in recent years.
4. Taken together, these findings undermine the most prominent rationale for disenfranchisement: that the policy reflects a strong, clear consensus that persons with a felony conviction are unfit to vote and constitute a threat to the polity:
- First, when significant numbers of the people who administer elections do not know important aspects of disenfranchisement law, it is hard to conclude that the restriction is necessary to protect social order and the “purity” of the ballot box.
 - Second, because they are all but invisible in the sentencing process, “collateral” sanctions like disenfranchisement simply cannot accomplish the denunciatory, expressive purposes their supporters claim. We now know that disenfranchisement is not entirely “visible” even to the people running American elections.
 - Third, deep uncertainty regarding the voting rights of people with felony convictions who move from one state to another indicates that we do not even know what purpose disenfranchisement is supposed to serve – whether it is meant to be a punishment, or simply a non-penal regulation of the franchise.

Recommendations

1. Clarify Policies Regarding Out-of-State Convictions:
 - State officials should clarify their policies and incorporate into training programs the means by which a felony conviction in another state affects an applicant’s voting eligibility. For example, sentence-only disenfranchisement states should clarify that newcomers with old felony convictions from indefinite disenfranchisement states are eligible to vote. And those states which bar some people from voting even after their sentences are completed must clarify whether new arrivals with old felony convictions from sentence-only disenfranchisement states are automatically eligible, and must explain what procedures, if any, should be followed for restoration.
2. Train Election Officials:
 - Clarify disenfranchisement policies and procedures for all state and local election officials through development of materials and training programs in each state. At a minimum, this should include distribution of posters, brochures and FAQ sheets to local and state elections offices.
3. Train Criminal Justice Officials:
 - Provide training on disqualification and restoration policies for all correctional and criminal justice officials, particularly probation and parole staff. Correctional and criminal justice officials should also be actively engaged in describing these policies to persons under criminal justice supervision.
4. Review Voting Restrictions on Non-Incarcerated People:
 - Given the serious practical difficulty of enforcing laws disqualifying people who are not incarcerated from voting – problems which clearly include both excluding eligible people from voting and allowing those who should be ineligible to vote -- state policymakers should review such policies to determine if they serve a useful public purpose.

Deliver the Vote: A History of Election Fraud, An American Political Tradition---1742-2004

by Tracy Campbell.

In Deliver the Vote, Campbell traces the historical persistence of voter fraud from colonial times through the 2004 Bush-Kerry election. From the textual information, it quickly becomes obvious that voter fraud was not limited to certain types of people or to certain political parties. Major American political figures fail to emerge unscathed. For instance, before independence, George Washington plied potential voters with drink as payment for their vote. This type of early vote buying succeeded in electing Washington to the Virginia Assembly over a heavily favored candidate. Both the Democrat and Republican Parties also participated in vote fraud. Finally, there were several regions of the country know for fraudulent voting problems such as Chicago, St. Louis, Texas, and Kentucky, especially Louisville.

Germane to the voter fraud project, Campbell indicates that in the Bush-Gore election, both camps committed major errors. Campbell contends that the central problem in that election was the 175,000 invalidated votes. It is evident that Florida was procedurally unprepared to deal with the voluminous questions that arose in determining valid from invalid votes. Campbell glosses over the Bush-Kerry election but does note from one who opposed Kerry, that there was something amiss with the Ohio final vote tally. This book is well researched and provided numerous citations to source material.

Building Confidence in U.S. Election, National Commission on Federal Election Reform ("Carter/Baker Commission)

The impetus for the Carter-Baker Commission and its report was the sense of the members that not enough had been done to reform the system since the 2000 election and that Americans had lost confidence in elections. The report makes several observations about the current system and makes 87 recommendations. Several of those recommendations are meant to be implemented in conjunction with one another in order to be effective, so the report is really a push for a comprehensive overhaul of the system as it works today.

Among the observations made that are relevant to the EAC study of fraud and intimidation are the following:

- The November 2004 elections showed that irregularities and fraud still occur.
- Failure to provide voters with such basic information as their registration status and their polling site location raises a barrier to voting as significant as inconsistent procedures on provisional ballots or voter ID requirements.
- There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election.
- The Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting.
- Voter registration lists are often inflated by the inclusion of citizens who have moved out of state but remain on the lists. Moreover, under the National Voter Registration Act, names are often added to the list, but counties and municipalities often do not delete the names of those who moved. Inflated voter lists are also caused by phony registrations and efforts to register individuals who are ineligible. At the same time, inaccurate purges of voter lists have removed citizens who are eligible and are properly registered.
- Political party and nonpartisan voter registration drives generally contribute to the electoral process by generating interest in upcoming elections and expanding participation. However, they are occasionally abused. There were reports in 2004 that some party activists failed to deliver voter registration forms of citizens who expressed a preference for the opposing party.
- Vote by mail raises concerns about privacy, as citizens voting at home may come under pressure to vote for certain candidates, and it increases the risk of fraud.
- While election fraud is difficult to measure, it occurs. The U.S. Department of Justice has launched more than 180 investigations into election fraud since October 2002. These investigations have resulted in charges for multiple voting, providing false information on their felon status, and other offenses against 89 individuals and in convictions of 52 individuals. The convictions related to a variety of election fraud offenses, from vote buying to submitting false voter registration information and voting-related offenses by non-citizens. In addition to the federal investigations, state attorneys general and local prosecutors handle cases of election fraud. Other cases are never pursued because of the difficulty in

obtaining sufficient evidence for prosecution or because of the low priority given to election fraud cases.

- Absentee ballots remain the largest source of potential voter fraud
- Non-citizens have registered to vote in several recent elections
- The growth of "third-party" (unofficial) voter registration drives in recent elections has led to a rise in reports of voter registration fraud.
- Many states allow the representatives of candidates or political parties to challenge a person's eligibility to register or vote or to challenge an inaccurate name on a voter roll. This practice of challenges may contribute to ballot integrity, but it can have the effect of intimidating eligible voters, preventing them from casting their ballot, or otherwise disrupting the voting process.

Its pertinent recommendations for reform are as follows:

- Interoperable state voter databases are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud.
- Voters should be informed of their right to cast a provisional ballot if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but States should take additional and effective steps to inform voters as to the location of their precinct
- The Commission recommends that states use "REAL ID" cards for voting purposes.
- To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.
- Each state needs to audit its voter registration files to determine the extent to which they are accurate (with correct and current information on individuals), complete (including all eligible voters), valid (excluding ineligible voters), and secure (with protections against unauthorized use). This can be done by matching voter files with records in other state agency databases in a regular and timely manner, contacting individuals when the matches are inconclusive, and conducting survey research to estimate the number of voters who believe they are registered but who are not in fact listed in the voter files.
- Each state should oversee political party and nonpartisan voter registration drives to ensure that they operate effectively, that registration forms are delivered promptly to election officials, that all completed registration forms are delivered to the election officials, and that none are "culled" and omitted according to the registrant's partisan affiliation. Measures should also be adopted to track and hold accountable those who are engaged in submitting fraudulent voter registrations. Such oversight might consist of training activists who conduct voter registration drives and tracking voter registration forms to make sure they are all accounted for. In addition, states should apply a criminal penalty to any activist who deliberately fails to deliver a completed voter registration form.

- Investigation and prosecution of election fraud should include those acts committed by individuals, including election officials, poll workers, volunteers, challengers or other nonvoters associated with the administration of elections, and not just fraud by voters.
- In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud. This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. Each state's attorney general and each local prosecutor should issue a similar report.
- The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.
- In addition to the penalties set by the Voting Rights Act, it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.
- To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.
- States should define clear procedures for challenges, which should mainly be raised and resolved before the deadline for voter registration. After that, challengers will need to defend their late actions. On Election Day, they should direct their concerns to poll workers, not to voters directly, and should in no way interfere with the smooth operation of the polling station.
- State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- All states should consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.
- Nonpartisan structures of election administration are very important, and election administrators should be neutral, professional, and impartial.
- No matter what institutions are responsible for conducting elections, conflict-of-interest standards should be introduced for all federal, state, and local election officials. Election officials should be prohibited by federal and/or state laws from serving on any political campaign committee, making any public comments in support of a candidate, taking a public position on any ballot measure, soliciting campaign funds, or otherwise campaigning for or against a candidate for public office. A decision by a secretary of state to serve as co-chair of his or her party's presidential election committee would clearly violate these standards.

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

DOJ Public Integrity Reports 2002, 2003, and 2004

General Background

The Public Integrity Reports are submitted to Congress pursuant to the Ethics in Government Act of 1978, which requires the Attorney General to report annually to Congress on the operations and activities of the Justice Department's Public Integrity Section. The Report describes the activities of the Public Integrity Section. It also provides statistics on the nationwide federal effort against public corruption. The Public Integrity Section was created in 1976 in order to consolidate in one unit of the Criminal Division the Department's oversight responsibilities for the prosecution of criminal abuses of the public trust by government officials. Section attorneys prosecute selected cases involving federal, state, or local officials, and also provide advice and assistance to prosecutors and agents in the field regarding the handling of public corruption cases. In addition, the Section serves as the Justice Department's center for handling various issues that arise regarding public corruption statutes and cases. An Election Crimes Branch was created within the Section in 1980 to supervise the Department's nationwide response to election crimes, such as ballot fraud and campaign financing offenses. The Branch reviews all major election crime investigations throughout the country and all proposed criminal charges relating to election crime.

One of the Section's law enforcement priorities is its supervision of the Justice Department's nationwide response to election crimes. The purpose of Headquarters' oversight of election crime matters is to ensure that the Department's nationwide response to election crime is uniform, impartial, and effective. An Election Crimes Branch, headed by a Director and staffed by Section attorneys on a case-by-case basis, was created within the Section in 1980 to handle this supervisory responsibility.

The Election Crimes Branch oversees the Department's handling of all election crime allegations other than those involving civil rights violations, which are supervised by the Voting Section of the Civil Rights Division. Specifically, the Branch supervises four types of corruption cases: crimes that involve the voting process, crimes involving the financing of federal election campaigns, crimes relating to political shakedowns and other patronage abuses, and illegal lobbying with appropriated funds. Vote frauds and campaign-financing offenses are the most significant and also the most common types of election crimes.

Divisions of the Election Crimes Branch

As affecting the present EAC study, the appropriate divisions of the Election Crimes Branch are:

Vote frauds-During 2002 the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Carolina, Rhode Island, South Carolina, South Dakota, Texas, Utah, West Virginia, and

Wisconsin in handling vote fraud matters that occurred in their respective districts. This assistance included providing expertise in the evaluation of allegations to determine whether investigation would produce prosecutable federal criminal cases, helping to structure investigations, providing legal assistance with respect to the formulation of charges, and assisting in establishing task force teams of federal and state law enforcement officials to investigate vote fraud matters.

During 2003 the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. This assistance included providing expertise in the evaluation of allegations to determine whether investigation would produce prosecutable federal criminal cases, helping to structure investigations, providing legal assistance with respect to the formulation of charges, and assisting in establishing task force teams of federal and state law enforcement officials to investigate vote fraud matters.

During 2004 the Branch assisted United States Attorneys' Offices in the following states in the handling of vote fraud matters that occurred in their respective districts: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. This assistance included evaluating vote fraud allegations to determine whether investigation would produce a prosecutable federal criminal case, helping to structure investigations, providing legal advice concerning the formulation of charges, and assisting in establishing several task force teams of federal and state law enforcement officials to investigate vote fraud matters.

Litigation-The Branch Director or Section attorneys also prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office. The Section also may be asked to supervise the handling of a case in the event of a partial recusal of the local office. For example, in 2002 the Branch continued to supervise the prosecution of a sheriff and his election attorney for using data from the National Crime Information Center regarding voters' criminal histories to wage an election contest.

District Election Officer Program-The Branch also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the 93 United States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Headquarters regarding these matters. The DEO Program involves the appointment of an Assistant United States Attorney in each federal district to serve a two-year term as a District Election Officer; the training of these

prosecutors in the investigation and prosecution of election crimes; and the coordination of election-related initiatives and other law enforcement activities between Headquarters and the field. In addition, the DEO Program is a crucial feature of the Department's nationwide Election Day Program, which occurs in connection with the federal general elections held in November of even-numbered years. The Election Day Program ensures that federal prosecutors and investigators are available both at the Department's Headquarters in Washington and in each district to receive and handle complaints of election irregularities from the public while the polls are open and that the public is aware of how these individuals can be contacted on election day. In 2002 the Department enhanced the DEO Program by establishing a Ballot Integrity Initiative.

Ballot Integrity Initiative-Beginning in September of 2002, the Public Integrity Section, acting at the request of the Attorney General, assisted in the implementation of a Ballot Integrity Initiative for the 2002 general election and subsequent elections. This initiative included increasing the law enforcement priority the Department gives to election crimes; holding a special day-long training event in Washington, DC for representatives of the 93 United States Attorneys' Offices; publicizing the identities and telephone numbers of the DEOs through press releases issued shortly before the November elections; and requiring the 93 U.S. Attorneys to communicate the enhanced federal prioritization of election crime matters to state and local election and law enforcement authorities. As part of Ballot Integrity Initiative, on October 8, 2002, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a Voting Integrity Symposium for District Election Officers representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Attorney General John Ashcroft delivered the keynote address on the importance of election crime and ballot integrity enforcement. Assistant Attorney General of the Civil Rights Division Ralph Boyd and Assistant Attorney General of the Criminal Division Michael Chertoff also spoke to attendees on the protection of voting rights and the prosecution of election cases.

As part of Ballot Access and Voting Integrity Initiative, on September 23 and 24, 2003, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a two-day Symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Assistant Attorney General of the Civil Rights Division Alexander Acosta and Assistant Attorney General of the Criminal Division Christopher A. Wray delivered the keynote addresses on the importance of protecting voting rights and the prosecution of election cases.

On July 20 and 21, 2004, the Public Integrity Section and the Voting Section of the Department's Civil Rights Division co-sponsored a two-day symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes available to prosecute such cases, and the handling of civil rights matters involving

voting. Attorney General John Ashcroft delivered the keynote address on the importance of protecting voting rights and the prosecution of election fraud. In addition, Assistant Attorney General Christopher A. Wray of the Criminal Division and Assistant Attorney General R. Alexander Acosta of the Civil Rights Division addressed conference attendees on voting rights and election fraud enforcement issues respectively.

Federal Election Crimes

During 2002 the Public Integrity Section continued its nationwide oversight role regarding the handling of election crime allegations. As part of a general Department effort to increase its effectiveness in this important area, the Section assisted in the planning and execution of the Department's 2002 Ballot Integrity Initiative. The purpose of this ongoing Initiative is to increase the Department's ability to deter, detect, and prosecute election crimes and voting abuses by prioritizing election crime cases. As a result of the Initiative, during 2002 the number of election crime matters opened by federal prosecutors throughout the country increased significantly, as did the Section's active involvement in election crime matters stemming from the Initiative. At the end of 2002, the Section was supervising and providing advice on approximately 43 election crime matters nationwide. In addition, as of December 31, 2002, 11 matters involving possible election crimes were pending in the Section.

During 2002 the Section closed two election crime matters and continued its operational supervision of the following election crime case: *United States v. Woodward and Jordan*, Northern District of Alabama. Jimmy Woodward, the former Sheriff of Jefferson County, Alabama, and Albert Jordan, an attorney from Birmingham, were indicted in 2000 for conspiring to obtain criminal history records from the National Crime Information Center (NCIC) for use in an election contest, for converting NCIC records, and for accessing government computers without authority. The indictment charged that Woodward and Jordan conspired to use Sheriff's office personnel to access NCIC computers to run criminal history checks on hundreds of voters in Jefferson County who had voted by absentee ballot in the 1998 general election, in the hopes they would find criminal histories they could use to challenge the qualifications of voters who cast votes for Woodward's opponent. The charges were dismissed in 2000 on procedural grounds. The Department appealed the dismissal of the charges. In 2001 the case was argued before the Eleventh Circuit Court of Appeals by the Appellate Section of the Criminal Division. The Court of Appeals subsequently reversed the trial court's dismissal of the charges and remanded the case for retrial. The former United States Attorney for the Northern District of Alabama was recused from the case. The case is being prosecuted by an Assistant United States Attorney under the supervision of the Public Integrity Section.

The following cases are the result of an extensive federal investigation into vote-buying in the May 1998 primary election in Knott County, Kentucky, an Appalachian county in the Eastern District of Kentucky. The primary was contested by two slates of candidates. The ballot included the race for the position of Knott County Judge Executive, which controls local government hiring, contracting, and services. The ballot also included a primary contest for the office of United States Senator, conferring federal jurisdiction

over vote buying in the election even though the electoral corruption was directed at local races.

The following cases are being handled jointly by the Section and the United States Attorney's Office for the Eastern District of Kentucky:

United States v. Calhoun. On March 28, 2003, a federal grand jury indicted Jimmy Calhoun on two counts of vote-buying. On August 19, 2003, Calhoun pled guilty to two counts of vote-buying on behalf of a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. Calhoun paid two persons to vote by absentee ballot. On April 7, 2004, Calhoun was sentenced to six months in prison and two years of supervised release. Calhoun pled guilty to two counts of vote-buying on behalf of a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. Calhoun paid two persons to vote by absentee ballot.

United States v. Conley. On March 28, 2003, a federal grand jury indicted Jimmy Lee Conley on five counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. Conley was charged with paying five persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive. During the investigation, Conley allegedly made false statements to an agent of the FBI. A jury acquitted Conley on June 19, 2003.

United States v. Johnson. On April 24, 2003, a federal grand jury indicted Newton Johnson on four counts of vote-buying, one count of making a false statement in a matter within federal jurisdiction, and two counts of obstructing justice. On June 2, 2003, Johnson pled guilty pursuant to a plea agreement to one count of vote-buying, and one count of obstructing justice. Johnson paid four persons to vote by absentee ballot in the May 1998 Knott County, Kentucky primary election. Johnson paid the voters to vote for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive. During the investigation of this vote-buying, Johnson made a false statement to an agent of the FBI, and pressured grand jury witnesses to falsely deny that he bought their votes. Pursuant to his plea agreement, Johnson pled guilty to paying one of the voters for her vote, and to endeavoring to obstruct the grand jury investigation by urging her to lie under oath. Johnson agreed to cooperate with the government. On October 6, 2003, Johnson was sentenced to three years of probation. Johnson had previously testified at the trial of Donnie Newsome to the nature and extent of the broader conspiracy to approach and pay numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for the slate of candidates headed by Newsome. Newsome offered Johnson a road improvement and a county job in exchange for participation in the conspiracy. Johnson, who is impoverished, illiterate, and unable to leave his remote mountain hollow without the road improvement, agreed and purchased the votes of four persons. A jury convicted Newsome on all counts.

United States v. Madden. On March 28, 2003, a federal grand jury indicted Patrick Wayne Madden on three counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. On October 6, 2003, Madden pled guilty to one count of vote-buying. Madden paid three persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. During the investigation of this vote-buying, Madden made a false statement to an agent of the FBI. On February 2, 2004, Madden was sentenced to 20 months in prison and two years of supervised release. Madden pled guilty to one count of vote-buying. Madden paid three persons to vote by absentee ballot for a slate of candidates headed by Newsome.

United States v. Newsome, Pigman, and Smith. On April 24, 2003, a federal grand jury indicted sitting County Judge Executive Donnie Newsome and two of his supporters, Willard Smith and Keith Pigman, on one count of conspiracy to commit vote-buying. The grand jury further charged five substantive counts of vote-buying, one count charging Newsome, two counts charging Smith, one count charging Smith and Pigman, and one count charging all three defendants. Newsome, Pigman, and Smith, working together and with other conspirators, approached and paid numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for Newsome by absentee ballot, resulting in a large increase in the rate of absentee voting, and long lines at the County Clerk's Office. Newsome won the election to remain the County Judge Executive.

On July 8, 2003, Pigman pled guilty pursuant to a plea agreement to conspiracy to commit vote-buying, and one count of vote-buying. Pigman cooperated with the government following his plea, and provided substantial assistance by testifying against Newsome and Smith. Pigman explained the nature and extent of the broader conspiracy to approach and pay numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for the slate of candidates headed by Newsome. Pigman further explained that such voters were purposefully chosen because they would present severe credibility problems for the government in any investigation and prosecution of their conspiracy. Newsome offered and ultimately gave Pigman a county job in exchange for Pigman's participation in the conspiracy. On October 30, 2003, Pigman was sentenced to four months of imprisonment, four months of community confinement, and two years of supervised release. On October 1, 2003, a jury convicted both Newsome and Smith on all counts. Newsome, while in office as a Kentucky State Representative, became a candidate for County Judge Executive. Newsome, Pigman, and Smith, working together and with other conspirators, approached and paid numerous persons to vote for Newsome and certain other candidates by absentee ballot, resulting in a large increase in the rate of absentee voting, and long lines at the County Clerk's Office. Newsome, who won the primary election and subsequent elections, was ordered detained pending sentencing, together with Smith, in light of threats to government witnesses during the trial.

On March 16, 2004, Newsome, the former County Judge Executive for Knott County, Kentucky, was sentenced to 26 months of in prison, a \$20,000 fine, and three years of supervised release. Smith was sentenced to 24 months in prison, a \$5,000 fine, and three

years of supervised release. A jury previously convicted Newsome and Smith on all counts of an indictment that charged them with conspiracy to buy votes and five counts of vote-buying. Pigman, previously pled guilty to the conspiracy charge, and was sentenced to four months in prison, four months of community service, and two years of supervised release.

United States v. Ronnie Slone and Brady Slone. On March 28, 2003, a federal grand jury indicted Ronnie Neal Slone and Brady Warren Slone (who are brothers) on three counts of vote-buying, and on one count each of making a false statement in a matter within federal jurisdiction. The Slones allegedly paid three persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome. During the investigation of this vote-buying, each of the Slones allegedly made a false statement to an agent of the FBI. On August 15, 2003, a jury acquitted both defendants.

United States v. Phillip Slone. On March 28, 2003, a federal grand jury indicted Phillip Slone (who is not directly related to Ronnie and Brady Slone) on seven counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. On June 4, 2003, Slone pled guilty pursuant to a plea agreement to one count of vote-buying. Slone paid seven persons to vote for a slate of candidates headed by Homer Sawyer, the unsuccessful incumbent candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. During the investigation of this vote-buying, Slone made a false statement to an agent of the FBI. On October 15, 2003, Slone was sentenced to ten months in prison and two years supervised release. Slone appealed his sentence and the district court's jurisdiction, and that appeal is pending.

Democracy At Risk: The November 2004 Election in Ohio
Democratic National Committee

In December 2004, the DNC announced a comprehensive investigative study and analysis of election administration issues arising from the conduct of the 2004 general election in Ohio. The DNC decided to undertake this study because of the many reports, made to the Democratic Party, appearing in the press and made to advocacy groups, immediately after the election, of problems in the administration of the election in that state—problems that prevented many Ohio citizens who showed up at the polls to be able to vote and to have their vote counted. This study was intended to address the legitimate questions and concerns that have been raised and to develop factual information that would be important and useful in crafting further necessary election reforms.

Most Pertinent Findings

- Overall, 28 percent of Ohio voters reported problems with their voting experience, including ballot problems, locating their proper polling place and/or intimidation.
- Twice as many African American voters as white voters reported experiencing problems at the polls (52 percent vs. 25 percent).
- Scarcity of voting machines caused long lines that deterred many people from voting. Three percent of voters who went to the polls left their polling places and did not return due to the long lines.
- Statewide, African American voters reported waiting an average of 52 minutes before voting while white voters reported waiting an average of 18 minutes.
- Overall, 20 percent of white Ohio voters reported waiting more than twenty minutes, while 44 percent of African American voters reported doing so.
- Of provisional voters in Cuyahoga County, 35 percent were African American, compared to 25 percent of non-provisional voters, matched by geography. African American voters were 1.2 times more likely than white voters to be required to vote provisionally.
- Under Ohio law, the only voters who should have been asked for identification were those voting in their first Federal election who had registered by mail but did **not** provide identification in their registration application. Although only 7 percent of all Ohio voters were newly registered (and only a small percentage of those voters registered by mail and failed to provide identification in their registration application), more than one third (37 percent) reported being asked to provide identification.—meaning large numbers of voters were illegally required to produce identification.
- African American voters statewide were 47 percent more likely to be required to show identification than white voters. Indeed, 61 percent of

African American men reported being asked to provide identification at the polls.

- 6 percent of all voters reported feelings of intimidation.
- Statewide, 16 percent of African Americans reported experiencing intimidation versus only 5 percent of white voters.

The report also includes a useful summary and description of the reports that came through Ohio Election Protection on Election Day, which included a wide variety of problems, including voter intimidation and discrimination.

Most Pertinent Recommendations

- States should be encouraged to codify into law all required election practices, including requirements for the adequate training of official poll workers.
- States should adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access. These standards should be based on set ratios of numbers of machines and pollworkers per number of voters expected to turn out, and should be made available for public comment before being adopting.
- States should adopt legislation to make clear and uniform the rules on voter registration.
- States should be urged to implement statewide voter lists in accordance with the Help America Vote Act (“HAVA”), the election reform law enacted by Congress in 2002 following the Florida debacle.
- State and local jurisdictions should adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day.
- States should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.)
- State Attorneys General and local authorities should vigorously enforce, to the full extent permitted by state law, a voter’s right to vote without showing identification.
- States should make voter suppression a criminal offense at the state level, in all states.
- States should improve the training of pollworkers.
- States should expend significantly more resources in educating voters on where, when and how to vote.
- Partisan officials who volunteer to work for a candidate should not oversee or administer any elections.

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Articles

People for the American Way and the NAACP, "The Long Shadow of Jim Crow," December 6, 2004.

This report **describes the pervasive and repeated practices of voter intimidation and vote suppression that have taken place in very recent years and during contemporary American history.** It goes on to describe the numerous instances of voter intimidation and suppression during the 2000 election, the 1990s, the 1980s and back through the civil rights movement of the 1960s, putting current efforts in historical perspective.

Describing the chronology of events in this way demonstrates the developing patterns and strategic underpinnings of the tactics used over the last forty years. **Examples** include:

- **Florida law enforcement questioned elderly African American voters** in Orlando regarding the 2003 mayoral race, which had already been resolved, shortly before the 2004 election;
- **the 2004 Florida felon purge list;**
- **the case of South Dakota in 2004 in which Native Americans were improperly and illegally required to show photo identification at the polls or denied the right to vote, and similar improper demands for ID from minorities in other parts of the country;**
- **the use of challengers in minority districts in many locations;**
- **the challenge to the right of African American students to vote in Texas in 2004;**
- **the presence of men looking like law enforcement challenging African American voters at the polls in Philadelphia in 2003;**
- **the distribution of flyers in Louisiana and elsewhere in a number of elections over the last few years in minority areas telling them to vote on the wrong day; and**
- **the FBI investigation into thousands of Native American voters in South Dakota in 2002.**

Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.

Argues that "the discriminatory use of so-called 'ballot security' programs" has been a reoccurring scandal since the passage of the Voting Rights Act of 1965. These programs are deceptively presented as preventing voter fraud and thereby furthering good government. However, McDonald states "but far too often they [the ballot security programs] are actually designed to suppress minority voting -- and for nakedly partisan purposes." Blames the federal government as well as the states for use of suspect ballot security programs. McDonald cites several ballot security efforts that were really disguised **attempts at minority voter suppression:**

- **SD-DOJ "voting integrity initiative".**
- **AR - poll watchers driving away voters in predominantly black precincts by taking photos of them and demanding identification during pre-election day balloting.**
- **MI - "spotters" at heavily Democratic precincts was an effort to intimidate black voters and suppress Democratic turnout**
- **SC - one county's officials instituted a new and unauthorized policy allowing them to challenge voters who gave rural route or box numbers for their registration address (disproportionately affecting African Americans).**
- **the 1981 gubernatorial election anti-fraud initiative leading to the well known consent decree prohibiting the Republicans from repeating this, a similar Republican effort in Louisiana in 1986 in Senator John Breaux's race which again resulted in prohibition by a state court judge, and a similar effort by Republicans in Senator Jesse Helms 1990 reelection.**

States that HAVA "contains provisions that may enhance the opportunities for harassment and intimidation of minorities through ballot-security

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programs (especially voter ID). Indicates that the crux of the problem is **lax enforcement of federal voters rights laws** ("there is no record of the purveyors of any ballot-security program being criminally prosecuted by federal authorities for interfering with the right to vote." The only positive case law McDonald cited was a decision by the United States Court of Appeals for the Eighth Circuit that affirmed "an award of damages ranging from \$500 to \$2,000, payable by individual poll officials to each of seven black voters who had been unlawfully challenged, harassed, denied assistance in voting or purged from the rolls in the town of Crawfordville [Arkansas].")
Recommends that Congress and the states should adopt "nondiscriminatory, evenly applied measures to ensure the integrity of the ballot."

Wisconsin Legislative Audit Bureau, "An Evaluation: Voter Registration Elections Board" Report 05-12, September, 2005.

Current voter registration practices were determined to be insufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. **In six municipalities where sufficient information was available, there was 105 instances of potentially improper or fraudulent voting in the 2004 elections. These included: 98 ineligible felons who may have voted; 2 individuals who may have voted twice; 1 voter who may have been underage; and 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day** (all but dead voters were forwarded to appropriate district attorneys for investigation). Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 % of the 150 municipalities surveyed sent cards to both groups, and 46 % did not send any address verification cards to those registering to vote on Election Day in November 2004. Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 % of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys surveyed indicated that they require more information than is typically provided to conduct effective investigations. To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in four years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists. These statutory requirements are not consistently followed:

- 85.3 % of municipalities removed the names of inactive voters from their voter registration lists;
- 71.4 % sometimes or always notified registered voters before removing their names; and
- 54.0 % reported removing the names of ineligible felons.
- registration lists contain duplicate records and the names of ineligible individuals (e.g.; more than 348,000 electronic voter registration records from eight municipalities were reviewed, identifying 3,116 records that appear to show individuals who are registered more than once in the same municipality).

Recommendations:

- adjust the early registration deadline to provide clerks more time to prepare registration lists;
- establish more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;
- establish uniform requirements for demonstrating proof of residence for all registrants;
- provide municipal clerks with more flexibility in the use of address verification cards;
- Authorize civil penalties for local election officials and municipalities that fail to comply with election laws; and
- implement mandatory elections training requirements for municipal clerks.

Report also recognized that the new **HAVA registration procedures would help with existing registration problems.**

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Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, United States Attorney's Office "Preliminary Findings of Joint Task Force Investigating Possible Election Fraud," May 10, 2005.

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The task force has made the following specific determinations based on evidence examined to date:

- **evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake.**
- **more than 200 felons voted when they were not eligible to do so. (In order to establish criminal cases, the government must establish willful violations in individual instances);**
- **persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. (The evidence does not indicate that these particular false registrations were later used to cast votes); and,**
- **the number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500. (Evidence indicates widespread record keeping errors with respect to recording the number of voters)**

The investigation concentrated on the 70,000+ same-day registrations. It found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation also found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

- persons with the same name and date of birth recorded as voting more than once;
- persons who live outside Milwaukee, but who used non-existent City addresses to register and vote in the City (141 of them were same day registrants; in several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards);
- persons who registered and voted with identities and addresses that cannot in any way be linked to a real person;
- persons listed as voting under a name and identity of a person known to be deceased;
- persons whose identities were used to vote, but who in subsequent interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

Investigation also found:

- **persons who were paid money to obtain registrations allegedly falsified approximately 65 names on registration forms, allegedly to obtain more money for each name submitted.**
- **more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so.**
- **same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information (part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City).**
- **the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found.**

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National Commission on Federal Election Reform, "Building Confidence in U.S. Elections," Center for Democracy and Election Management, American University, September 2005.

Among the observations made that are relevant to the EAC study of fraud and intimidation are the following:

- The November 2004 elections showed that irregularities and fraud still occur.
- Failure to provide voters with such basic information as their registration status and their polling site location raises a barrier to voting as significant as inconsistent procedures on provisional ballots or voter ID requirements.
- **There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election.**
- The Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting.
- **Voter registration lists are often inflated by the inclusion of citizens who have moved out of state but remain on the lists.** Moreover, under the National Voter Registration Act, names are often added to the list, but counties and municipalities often do not delete the names of those who moved. Inflated voter lists are also caused by phony registrations and efforts to register individuals who are ineligible. At the same time, inaccurate purges of voter lists have removed citizens who are eligible and are properly registered.
- Political party and nonpartisan voter registration drives generally contribute to the electoral process by generating interest in upcoming elections and expanding participation. However, they are occasionally abused. **There were reports in 2004 that some party activists failed to deliver voter registration forms of citizens who expressed a preference for the opposing party.**
- **Vote by mail raises concerns about privacy**, as citizens voting at home may come under pressure to vote for certain candidates, and it **increases the risk of fraud.**
- **While election fraud is difficult to measure, it occurs.** The U.S. Department of Justice has launched more than 180 investigations into election fraud since October 2002. These investigations have resulted in **charges for multiple voting, providing false information on their felon status, and other offenses** against 89 individuals and in convictions of 52 individuals. The convictions related to a **variety of election fraud offenses, from vote buying to submitting false voter registration information and voting-related offenses by non-citizens.** In addition to the federal investigations, **state attorneys general and local prosecutors handle cases of election fraud. Other cases are never pursued because of the difficulty in obtaining sufficient evidence for prosecution or because of the low priority given to election fraud cases.**
- **Absentee ballots remain the largest source of potential voter fraud**
- **Non-citizens have registered to vote in several recent elections**
- **The growth of "third-party" (unofficial) voter registration drives in recent elections has led to a rise in reports of voter registration fraud.**
- **Many states allow the representatives of candidates or political parties to challenge a person's eligibility to register or vote or to challenge an inaccurate name on a voter roll. This practice of challenges may contribute to ballot integrity, but it can have the effect of intimidating eligible voters, preventing them from casting their ballot, or otherwise disrupting the voting process.**

Its pertinent recommendations for reform are as follows:

- **Interoperable state voter databases** are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud.
- **Voters should be informed of their right to cast a provisional ballot** if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but **States should take additional and effective steps to inform voters as to the location of their precinct**
- The Commission recommends that states use **"REAL ID" cards for voting purposes.**
- **To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized**

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version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.

- **Each state needs to audit its voter registration files** to determine the extent to which they are accurate (with correct and current information on individuals), complete (including all eligible voters), valid (excluding ineligible voters), and secure (with protections against unauthorized use). This can be done by matching voter files with records in other state agency databases in a regular and timely manner, contacting individuals when the matches are inconclusive, and conducting survey research to estimate the number of voters who believe they are registered but who are not in fact listed in the voter files.
- **Each state should oversee political party and nonpartisan voter registration drives** to ensure that they operate effectively, that registration forms are delivered promptly to election officials, that all completed registration forms are delivered to the election officials, and that none are "culled" and omitted according to the registrant's partisan affiliation. Measures should also be adopted to track and hold accountable those who are engaged in submitting fraudulent voter registrations. Such oversight might consist of training activists who conduct voter registration drives and tracking voter registration forms to make sure they are all accounted for. In addition, states should apply a criminal penalty to any activist who deliberately fails to deliver a completed voter registration form.
- **Investigation and prosecution of election fraud should include those acts committed by individuals, including election officials, poll workers, volunteers, challengers or other nonvoters associated with the administration of elections, and not just fraud by voters.**
- **In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud.** This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. **Each state's attorney general and each local prosecutor should issue a similar report.**
- **The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.**
- In addition to the penalties set by the Voting Rights Act, **it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.**
- **To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.**
- **States should define clear procedures for challenges, which should mainly be raised and resolved before the deadline for voter registration.** After that, challengers will need to defend their late actions. **On Election Day, they should direct their concerns to poll workers, not to voters directly, and should in no way interfere with the smooth operation of the polling station.**
- **State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials.** The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- All states should **consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.**
- Nonpartisan structures of election administration are very important, and **election administrators should be neutral, professional, and impartial.**
- No matter what institutions are responsible for conducting elections, **conflict-of-interest standards should be introduced for all federal, state, and local election officials.** Election officials should be prohibited by federal and/or state laws from serving on any political campaign committee, making any public comments in support of a candidate, taking a public position on any ballot measure, soliciting campaign funds, or otherwise campaigning for or against a candidate for public office. A decision by a secretary of state to serve as co-chair of his or her party's presidential

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election committee would clearly violate these standards.

The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law "Response to the Report of the 2005 Commission on Federal Election Reform," September 19, 2005.

Recommendation on Voter Identification -

- Report premises its burdensome identification proposals on the need to ensure ballot integrity and on the existence of or potential for widespread fraud. However, the **Report admits that there is simply "no evidence" that the type of fraud that could be solved by stricter voter identification** – individual voters who misrepresent their identity at the polls – is a widespread problem.
- The photo ID proposal guards against only one type of fraud: individuals arriving at the polls to vote using false information, such as the name of another registered voter, or a recent but not current address. Since the costs of this form of fraud are extremely high (federal law provides for up to five years' imprisonment), and the benefits to any individual voter are extremely low, it is highly unlikely that this will ever occur with any frequency. **The limited types of fraud that could be prevented by a Real ID requirement are extremely rare and difficult.**
- In the most comprehensive survey of alleged election fraud to date, Professor Loraine Minnite and David Callahan have shown that the **incidence of individual voter fraud at the polls is negligible**. A few prominent examples support their findings. In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast – a rate of 0.00004%. Earlier this year, Georgia Secretary of State Cathy Cox stated that she could not recall one documented case of voter fraud relating to the impersonation of a registered voter at the polls during her ten-year tenure as Secretary of State or Assistant Secretary of State.
- The Report attempts to support its burdensome identification requirements on four specific examples of purported fraud or potential fraud. **None of the Report's cited examples of fraud stand up under closer scrutiny**. This response report goes through each instance of fraud raised by the Commission report and demonstrates that in each case the allegation in fact turned out later not to be true or the fraud cited was not of the type that would be addressed by a photo identification requirement.
- The Report fails to provide a good reason to create greater hurdles for voters who vote at the polls than for those who vote absentee. Despite the fact that **absentee ballots are more susceptible to fraud than regular ballots**, the Report exempts absentee voters from its proposed Real ID and proof of citizenship requirements.

Other points in ID requirement:

- **Report does not explain why the goals of improved election integrity will not be met through the existing provisions in the Help America Vote Act of 2002 (HAVA).**
- Report fails to consider alternative measures to advance its goals that are less restrictive to voters. To the extent that any limited fraud by **individuals at the polls does trickle into the system, it can be addressed by far less restrictive alternatives**. The first step is to recognize that only voters who appear on the registration list may vote a regular ballot. Proper cleaning of registration lists – and proper use of the lists at the poll–will therefore go a long way toward ensuring that every single ballot is cast by an eligible voter.
- In addition to the **better registration lists that full implementation will provide, better record keeping and administration at the polls will reduce the limited potential for voting by ineligible persons**. In the unlikely event that implementation of current law is not able to wipe out whatever potential for individual fraud remains, there are several effective and less burdensome alternatives to the Report's Real ID recommendation that received wholly insufficient consideration.
- Costs - If required as a precondition for voting, photo identification would operate as a de facto poll tax that could disenfranchise low-income voters. To alleviate this burden, the Report appropriately recommends that the "Real ID" card itself be issued free of charge. Nevertheless, the

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percentage of Americans without the documentary proof of citizenship necessary to obtain Real IDs is likely to remain high because the requisite documents are both expensive and burdensome to obtain. (Each of the documents an individual is required to show in order to obtain a "Real ID" card or other government-issued photo ID card costs money or presumes a minimal level of economic resources. Unless the federal and all state governments waive the cost of each of these other forms of identification, the indirect costs of photo IDs will be even greater than their direct costs. In addition, since government-issued IDs may only be obtained at specified government offices, which may be far from voters' residences and workplaces, individuals seeking such IDs will have to incur transportation costs and the costs of taking time off from work to visit those offices during often-abbreviated business hours.)

- Since voting generally depends on the voter's address, and since many states will not accept IDs that do not bear an individual's current voting address, an additional 41.5 million Americans each year will have ID that they may not be able to use to vote.
- The burden would fall disproportionately on the elderly, the disabled, students, the poor, and people of color.
- The ID recommendations reduce the benefits of voter registration at disability and other social service agencies provided by the National Voter Registration Act of 1993. Individuals who seek to register at those offices—which generally do not issue IDs Census data demonstrate that African Americans and Latinos are more than three times more likely than whites to register to vote at a public assistance agency, and that whites are more likely than African Americans and Latinos to register when seeking a driver's license. Accordingly, the voter registration procedure far more likely to be used by minorities than by whites will no longer provide Americans with full eligibility to vote.
- The Report's proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card. The Report's proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card

Recommendation on Database Information Sharing Across States -serious efficacy, privacy, and security concerns raised by a nationally distributed database of the magnitude it contemplates. These problems are exacerbated by the Report's recommendation that an individual's Social Security number be used as the broadly disseminated unique voting identifier.

Recommendation on Voting Rights of Ex-Felons - This recommendation would set a standard more generous than the policies of the most regressive thirteen states in the nation but more restrictive than the remaining thirty-seven. The trend in the states is toward extension of the franchise.

Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, "Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?" A Report to the Center for Voting Rights & Protection, September, 2004.

Focuses on **vote suppression through "ballot security programs"** (programs that, in the name of protecting against vote fraud, almost exclusively target heavily black, Latino, or Indian voting precincts and have the intent or effect of discouraging or preventing voters in those precincts from casting a ballot). Noteworthy **characteristics of these programs:**

- **focus on minority precincts almost exclusively**
- **is often on only the flimsiest evidence that vote fraud is likely to be perpetrated in such precincts;**
- **in addition to encouraging the presence of sometimes intimidating white Republican poll watchers or challengers who may slow down voting lines and embarrass potential voters by asking them humiliating questions, these programs have sometimes posted people in official-looking uniforms with badges and side arms who question voters about their citizenship or their registration**
- **warning signs may be posted near the polls, or radio ads may be targeted to minority listeners** containing dire threats of prison terms for people who are not properly registered—messages that seem designed to put minority voters on the defensive.
- **sometimes false information about voting qualifications** is sent to minority voters through the mail."
- **doing mailings, collecting returned materials, and using that as a basis for creating challenger lists** and challenging voters at the polls,

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started in the 1950s and continues to today (problem with this practice is that reasons for a mailing to be returned include a wrong address, out of date or inaccurate addresses, poor mail delivery in minority areas, and matching mistakes)

Provide numerous examples from the last 50 years to demonstrate his thesis, going through the historical development of Republican ballot security programs from the 1950s through to the present (including more recent incidents, such as 1981 in New Jersey, 1982 Dallas, Louisiana 1986, Houston 1986, Hidalgo 1988 Orange County 1988, North Carolina 1990, South Carolina 1980-1990, and South Dakota 2002). Author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument. author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument.

Some of the features of vote suppression efforts put forth by Republicans under the guise of ballot security programs:

1. **An organized, often widely publicized effort to field poll watchers in what Republicans call "heavily Democratic," but what are usually minority, precincts;**
2. **Stated concerns about vote fraud in these precincts, which are occasionally justified but often are not;**
3. **Misinformation and fear campaigns directed at these same precincts, spread by radio, posted signs in the neighborhoods, newspapers, fliers, and phone calls, which are often anonymously perpetrated;**
4. **Posting "official-looking" personnel at polling places, including but not limited to off-duty police—sometimes in uniform, sometimes armed;**
5. **Aggressive face-to-face challenging techniques at the polls that can confuse, humiliate, and intimidate—as well as slow the voting process—in these same minority precincts;**
6. **Challenging voters using inaccurate, unofficial lists of registrants derived from "do-not-forward" letters sent to low-income and minority neighborhoods;**
7. **Photographing, tape recording, or videotaping voters; and**
8. **Employing language and metaphors that trade on stereotypes of minority voters as venal and credulous.**

The report ends with some observations on the state of research on the incidence of fraud, which the author finds lacking. He **suggests that vote suppression of qualified minority voters by officials and partisan poll-watchers, challengers, and uniformed guards should also be considered as included in any definition of election fraud.** Recommends Democrats should not protest all programs aimed at ballot integrity, but rather work with Republicans to find solutions to problems that confront both parties and the system as a whole.

Alec Ewald, "A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law," The Sentencing Project, November 2005.

Presents results from the first nationwide study to document the implementation of American felony disenfranchisement law. Data came from two main sources: a 33-state survey of state elections officials (spring 2004) and telephone interviews with almost one hundred city, county, town, and parish officials drawn from 10 selected states.

Major Conclusions:

1. **Broad variation and misunderstanding in interpretation and enforcement of voting laws** (more than one-third [37%] of local officials interviewed in ten states either described their state's fundamental eligibility law incorrectly, or stated that they did not know a central aspect of that law. / Local registrars differ in their knowledge of basic eligibility law, often within the same state. Differences also emerge in how they are notified of criminal convictions, what process they use to suspend, cancel, or "purge" voters from the rolls, whether particular documents are required to restore a voter to eligibility, and whether they have information about the criminal background of new arrivals to the state.)
2. **Misdemeanants disenfranchised in at least five states** (the commonly-used term "felon disenfranchisement" is not entirely accurate, since at

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least five states – Colorado, Illinois, Michigan, South Carolina, and Maryland -- also formally bar some or all people convicted of misdemeanors from voting [it is likely that misdemeanants in other states who do retain the formal right to vote could have difficulty exercising that right, given ignorance of their eligibility and the lack of clear rules and procedures for absentee voting by people in jail who have not been convicted of a felony / Maryland excludes persons convicted of many misdemeanors, such as "Unlawful operation of vending machines," "Misrepresentation of tobacco leaf weight," and "Racing horse under false name."]

3. **Significant ambiguities in voting laws (disenfranchisement in Tennessee is dependent on which of five different time periods a felony conviction occurred between 1973 and the present** / in Oregon, disenfranchisement is determined not by conviction or imprisonment for a felony, but for being placed under Department of Corrections supervision / since 1997, some persons convicted of a felony and sentenced to less than 12 months' custody have been sent to county jails and hence, are eligible to vote.
4. **Disenfranchisement results in contradictory policies within states (the "crazy-quilt" pattern of disenfranchisement laws exists even within states** / Alabama and Mississippi have both the most and least restrictive laws in the country, a result which is brought about by the fact that certain felonies result in the loss of voting rights for life, while others at least theoretically permit people in prison to vote / most felonies in Alabama result in permanent disenfranchisement, but drug and DUI offenses have been determined to not involve the "moral turpitude" that triggers the loss of voting rights / in Mississippi, ten felonies result in disenfranchisement, but do not include such common offenses as burglary and drug crimes.
5. **Confusing policies lead to the exclusion of legal voters and the inclusion of illegal voters:** The complexity of state disenfranchisement policies results in frequent misidentification of voter eligibility, largely because officials differ in their knowledge and application of disqualification and restoration law and procedures.
6. **Significant variation and uncertainty in how states respond to persons with a felony conviction from other states:** No state has a systematic mechanism in place to address the immigration of persons with a felony conviction, and there is no consensus among indefinite-disenfranchisement states on whether the disqualification is properly confined to the state of conviction, or should be considered in the new state of residence. Interpretation and enforcement of this part of disenfranchisement law varies not only across state lines, but also from one county to another within states. Local officials have no way of knowing about convictions in other states, and many are unsure what they would do if a would-be voter acknowledged an old conviction. Because there is no prospect of a national voter roll, this situation will continue even after full HAVA implementation.
7. **Disenfranchisement is a time-consuming, expensive practice:** Enforcement requires elections officials to gather records from different agencies and bureaucracies, including state and federal courts, Departments of Corrections, Probation and Parole, the state Board of Elections, the state police, and other counties' elections offices.

Policy Implications

1. **Policies disenfranchising people living in the community on probation or parole, or who have completed a sentence are particularly difficult to enforce:** States which disenfranchise only persons who are currently incarcerated appear able to enforce their laws more consistently than those barring non-incarcerated citizens from voting.
2. Given large-scale misunderstanding of disenfranchisement law, **many eligible persons incorrectly believe they cannot vote, or have been misinformed by election officials:** More than one-third of election officials interviewed incorrectly described their state's law on voting eligibility. More than 85% of the officials who misidentified their state's law either did not know the eligibility standard or specified that the law was more restrictive than was actually the case.
3. **Occasional violation of disenfranchisement law by non-incarcerated voters not surprising:** Given the complexity of state laws and the number of state officials who lack an understanding of restoration and disqualification procedures, it should come as no surprise that many voters are ignorant of their voting status, a fact that is likely to have resulted in hundreds of persons with a felony conviction registering and voting illegally in recent years.

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4. Taken together, these findings undermine the most prominent rationale for disenfranchisement: that the policy reflects a strong, clear consensus that persons with a felony conviction are unfit to vote and constitute a threat to the polity: First, when significant numbers of the people who administer elections do not know important aspects of disenfranchisement law, it is hard to conclude that the restriction is necessary to protect social order and the "purity" of the ballot box. Second, because they are all but invisible in the sentencing process, "collateral" sanctions like disenfranchisement simply cannot accomplish the denunciatory, expressive purposes their supporters claim. We now know that disenfranchisement is not entirely "visible" even to the people running American elections. Third, deep uncertainty regarding the voting rights of people with felony convictions who move from one state to another indicates that we do not even know what purpose disenfranchisement is supposed to serve – whether it is meant to be a punishment, or simply a non-penal regulation of the franchise.

Recommendations

1. **Clarify Policies Regarding Out-of-State Convictions:** State officials should clarify their policies and incorporate into training programs the means by which a felony conviction in another state affects an applicant's voting eligibility. For example, sentence-only disenfranchisement states should clarify that newcomers with old felony convictions from indefinite disenfranchisement states are eligible to vote. And those states which bar some people from voting even after their sentences are completed must clarify whether new arrivals with old felony convictions from sentence-only disenfranchisement states are automatically eligible, and must explain what procedures, if any, should be followed for restoration.
2. **Train Election Officials:** Clarify disenfranchisement policies and procedures for all state and local election officials through development of materials and training programs in each state. At a minimum, this should include distribution of posters, brochures and FAQ sheets to local and state elections offices.
3. **Train Criminal Justice Officials:** Provide training on disqualification and restoration policies for all correctional and criminal justice officials, particularly probation and parole staff. Correctional and criminal justice officials should also be actively engaged in describing these policies to persons under criminal justice supervision.
4. **Review Voting Restrictions on Non-Incarcerated People:** Given the serious practical difficulty of enforcing laws disqualifying people who are not incarcerated from voting – problems which clearly include both excluding eligible people from voting and allowing those who should be ineligible to vote -- state policymakers should review such policies to determine if they serve a useful public purpose.

American Center for Voting Rights "Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election," August 2, 2005.

Using court records, police reports and news articles, ACVR Legislative Fund presented this Report documenting hundreds of reported incidents and allegations from around the country. The report **most often alleges voter intimidation and voter registration fraud, and to a lesser degree absentee ballot fraud and vote buying.** This report alleges a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms. paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election. Identified five cities as "hot spots" which require additional immediate attention, based on the findings of this report and the cities' documented history of fraud and intimidation: Philadelphia, PA, Milwaukee, WI, Seattle, WA, St. Louis/East St. Louis, MO/IL, and Cleveland, OH. Refutes charges of voter intimidation and suppression made against Republican supporters, discusses similar charges against Democrats, details incidents vote fraud and illegal voting and finally discusses problems with vote fraud, voter registration fraud and election irregularities around the country. Recommends:

- **Both national political parties should formally adopt a zero-tolerance fraud and intimidation policy that commits the party to pursuing and fully prosecuting individuals and allied organizations who commit vote fraud or who seek to deter any eligible voter from participating in the election through fraud or intimidation.** No amount of legislative reform can effectively deter those who commit acts of fraud if there is no punishment for the crime and these acts continue to be tolerated.

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- **States should adopt legislation requiring government-issued photo ID at the polls and for any voter seeking to vote by mail or by absentee ballot.** Government-issued photo identification should be readily available to all citizens without cost and provisions made to assure availability of government-issued identification to disabled and low-income citizens.
- **States should adopt legislation requiring that all polling places be fully accessible and accommodating to all voters regardless of race, disability or political persuasion and that polling locations are free of intimidation or harassment.**
- **States should create and maintain current and accurate statewide voter registration databases as mandated by the federal Help America Vote Act (“HAVA”) and establish procedures to assure that the statewide voter roll is current and accurate and that the names of eligible voters on the roll are consistent with the voter roll used by local election authorities in conducting the election.**
- **States should adopt legislation establishing a 30-day voter registration cutoff to assure that all voter rolls are accurate and that all registrants can cast a regular ballot on Election Day and the election officials have opportunity to establish a current and accurate voter roll without duplicate or fictional names and assure that all eligible voters (including all recently registered voters) are included on the voter roll at their proper precinct.**
- **States should adopt legislation requiring voter registration applications to be delivered to the elections office within one week of being completed so that they are processed in a timely manner and to assure the individuals registered by third party organizations are properly included on the voter roll.**
- **States should adopt legislation and penalties for groups violating voter registration laws, and provide the list of violations and penalties to all registration solicitors.** Legislation should require those organizations obtaining a voter's registration to deliver that registration to election officials in a timely manner and should impose appropriate penalties upon any individual or organization that obtains an eligible voter's registration and fails to deliver it to election authorities.
- **States should adopt legislation prohibiting “bounty” payment to voter registration solicitors based on the number of registration cards they collect.**

The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001

Written after the 2000 election, thesis of report is that **structural disenfranchisement**—the effect of breakdowns in the electoral system, is the new poll tax. Structural disenfranchisement includes “bureaucratic blunders, governmental indifference, and flagrant disregard for voting rights.” Blame for structural disenfranchisement is laid squarely at the feet of **states and localities that “shirk their responsibilities or otherwise manipulate election systems,” resulting in voters “either turned away from the polls or their votes are thrown out.”** Data and conclusions in the Report are taken from **eight sample case studies** of states and cities across the country and a survey of state election directors that reinforces the findings of the case studies (New York City—in six polling places Chinese translations inverted the Democrats with the Republicans; Georgia—the state computer crashed two weeks before the election, dropping thousands of voters from the rolls; Virginia—registration problems kept an untold number from voting; Chicago—in inner-city precincts with predominately minority populations, almost four out of every ten votes cast for President (in 2000) were discarded; St. Louis—thousands of qualified voters were placed on inactive lists due to an overbroad purge; Florida—a voting list purge of voters whose name and birth date closely resembled those of people convicted of felonies; and, Texas—significant Jim Crow like barriers to minority voting.) Most ballot blockers involve the structural elements of electoral administration: “ill-trained poll workers, failures to process registration cards on time or at all, inaccurate registration rolls, overbroad purges of voter rolls, unreasonably long lines, inaccurate ballot translations and a shortage of translators to assist voters who have limited English language skills.”

Findings:

- election directors lack the resources to effectively do their jobs and some lack the “ability or will to force local election officials to fix serious

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problems”;

- election officials are highly under funded and legislatures refuse to grant their requests for more money;
- due to a lack of funds, election officials must use old and inferior equipment and can't improve training or meet structural needs;
- election officials are generally unaware of racial disparities in voting; only three of the 50 state election administrators are non-white.

Recommendations:

- federal policies that set nationwide and uniform election policies;
- federal guarantee of access to provisional ballots;
- enforcement of voter disability laws;
- automatic restoration of voting rights to those convicted of a crime after they have completed their sentence;
- a centralized data base of voters administered by non-partisan individuals;
- federal standards limiting precinct discarded vote rates to .25 %;
- federal requirements that jurisdiction provide voter education, including how to protect their right to vote; and laws that strengthen the ability of individuals to bring actions to enforce voting rights and anti-discrimination laws.

The Brennan Center and Professor Michael McDonald "Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General," The Brennan Center for Justice at NYU School of Law, December 2005.

A September 15, 2005 Report submitted to the New Jersey Attorney General included lists of purportedly illegitimate votes in New Jersey in the 2004 general election, including lists of 10,969 individuals who purportedly voted twice and lists of 4,756 voters who were purportedly dead or incarcerated in November 2004. **Analysis of the suspect lists reveals that the evidence submitted does not show what it purports to show: cause for concern that there is serious risk of widespread fraud given the state of the New Jersey voter registration rolls.** These suspect lists were compiled by attempting to match the first name, last name, and birth date of persons on county voter registration files. **Analysis reveals several serious problems with the methodology used to compile the suspect lists that compromise the lists' practical value.** For example, middle initials were ignored throughout all counties, so that "J_____ A. Smith" was presumed to be the same person as "J_____ G. Smith." Suffixes were also ignored, so that fathers and sons – like "B_____ Johnson" and "B_____ Johnson, Jr." – were said to be the same person. **A presumption that two records with the same name and date of birth must represent the same person is not consistent with basic statistical principles.**

Re Claim of Double Voting by 4,497 Individuals:

- 1,803 of these 4,397 records of ostensibly illegal votes seem to be the product of a glitch in the compilation of the registration files (far more likely that data error is to blame for the doubly logged vote - to irregularities in the data processing and compilation process for one single county);
- another 1,257 entries of the 4,397 records probably represent similar data errors;
- approximately 800 of the entries on the list likely represent different people, with different addresses and different middle initials or suffixes;
- for approximately 200 of the entries in this category, however, less information is available (lack of or differences in middle initial or middle name);
- 7 voters were apparently born in January 1, 1880 – which is most likely a system default for registrations lacking date-of-birth information;
- for 227 voters, only the month and year of birth are listed: this means only that two voters with the same name were born in the same month and year, an unsurprising coincidence in a state of several million people;
- leaves approximately 289 votes cast under the same name and birth date – like votes cast by "P_____ S. Rosen," born in the middle of the baby boom – but from two different addresses. It may appear strange, but there may be two P_____ S. Rosens, born on the same date in 1948 – and

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such coincidences are surprisingly common. . In a group of just 23 people, it is more likely than not that two will share the same birthday. For 40 people, the probability is 90%. Many, if not most, of the 289 alleged double votes of persons registered at different addresses most likely reflect two separate individuals sharing a first name, last name, middle initial, and birth date.

But there is **no doubt that there are duplicate entries on New Jersey's registration rolls**. It is well known that voter registration rolls contain "deadwood" – registration entries for individuals no longer living at a given address or deceased. There is no evidence, however, that these extra registrations are used for widespread illegal voting. Moreover, **the problem of deadwood will soon be largely resolved: both the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 require states to implement several systems and procedures as of January 1, 2006, that will clean the voter rolls of duplicate or invalid entries while protecting eligible voters from unintended disfranchisement.**

Democratic National Committee, "Democracy at Risk: The November 2004 Election in Ohio," DNC Services Corporation, 2005

Study re 2004 election in Ohio. Findings considered related to EAC study:

- **Statewide, 6 %of all voters reported feelings of intimidation: 16 percent of African Americans reported experiencing intimidation versus only 5 %of white voters.**
- **African American voters were 1.2 times more likely than white voters to be required to vote provisionally.** Of provisional voters in Cuyahoga County, 35% were African American, compared to 25% of non-provisional voters, matched by geography.
- Under Ohio law, the only voters who should have been asked for identification were those voting in their first Federal election who had registered by mail but did **not** provide identification in their registration application. **Although only 7% of all Ohio voters were newly registered (and only a small percentage of those voters registered by mail and failed to provide identification in their registration application), more than one third (37% reported being asked to provide identification.—meaning large numbers of voters were illegally required to produce identification. African American voters statewide were 47% more likely to be required to show identification than white voters. Indeed, 61% of African American men reported being asked to provide identification at the polls.**
- **Scarcity of voting machines caused long lines that deterred many people from voting: 3% of voters who went to the polls left their polling places and did not return due to the long lines; statewide, African American voters reported waiting an average of 52 minutes before voting while white voters reported waiting an average of 18 minutes; overall, 20% of white Ohio voters reported waiting more than twenty minutes, while 44% of African American voters reported doing so.**

The report also includes a useful summary and description of the reports that came through Ohio Election Protection on Election Day, which included a wide variety of problems, including voter intimidation and discrimination.

Pertinent recommendations:

- **codify into law all required election practices**, including requirements for the adequate training of official poll workers
- adopt legislation to **make clear and uniform the rules on voter registration.**
- adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access
- improve training of official poll workers
- adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day
- not adopt requirements that voters show identification at the polls, beyond those already required by federal law; **vigorously enforce**, to the full extent permitted by state law, a **voter's right to vote without showing identification.**

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- **make voter suppression a criminal offense at the state level**, in all states
- **implement statewide voter lists** in accordance with the Help America Vote Act ("HAVA")
- **expend significantly more resources in educating voters on where, when and how to vote.**
- **partisan officials who volunteer to work for a candidate should not oversee or administer any elections.**

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."

Supervision of the Justice Department's nationwide response to election crimes:

Election Crimes Branch oversees the Department's handling of all election crime allegations other than those involving civil rights violations, which are supervised by the Voting Section of the Civil Rights Division. Specifically, the Branch supervises four types of corruption cases: crimes that involve the voting process, crimes involving the financing of federal election campaigns, crimes relating to political shakedowns and other patronage abuses, and illegal lobbying with appropriated funds. Vote frauds and campaign-financing offenses are the most significant and also the most common types of election crimes. The purpose of Headquarters' oversight of election crime matters is to ensure that the Department's nationwide response to election crime is uniform, impartial, and effective. An Election Crimes Branch, headed by a Director and staffed by Section attorneys on a case-by-case basis, was created within the Section in 1980 to handle this supervisory responsibility.

Voting Fraud:

During **2002** the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Carolina, Rhode Island, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. During **2003** the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. During **2004** the Branch assisted United States Attorneys' Offices in the following states in the handling of vote fraud matters that occurred in their respective districts: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. This assistance included evaluating vote fraud allegations to determine whether investigation would produce a prosecutable federal criminal case, helping to structure investigations, providing legal advice concerning the formulation of charges, and assisting in establishing several task force teams of federal and state law enforcement officials to investigate vote fraud matters.

Litigation:

The Branch Director or Section attorneys also prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office. The Section also may be asked to supervise the handling of a case in the event of a partial recusal of the local office. For example, in 2002 the Branch continued to supervise the prosecution of a sheriff and his election attorney for using data from the National Crime Information Center regarding voters' criminal histories to wage an election contest.

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District Election Officer Program:

The Branch also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the 93 United States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Headquarters regarding these matters. The DEO Program involves the appointment of an Assistant United States Attorney in each federal district to serve a two-year term as a District Election Officer; the training of these prosecutors in the investigation and prosecution of election crimes; and the coordination of election-related initiatives and other law enforcement activities between Headquarters and the field. In addition, the DEO Program is a crucial feature of the Department's nationwide Election Day Program, which occurs in connection with the federal general elections held in November of even-numbered years. The Election Day Program ensures that federal prosecutors and investigators are available both at the Department's Headquarters in Washington and in each district to receive and handle complaints of election irregularities from the public while the polls are open and that the public is aware of how these individuals can be contacted on election day. In 2002 the Department enhanced the DEO Program by establishing a Ballot Integrity Initiative.

Ballot Integrity Initiative:

Beginning in September of 2002, the Public Integrity Section, acting at the request of the Attorney General, assisted in the implementation of a Ballot Integrity Initiative for the 2002 general election and subsequent elections. This initiative included increasing the law enforcement priority the Department gives to election crimes; holding a special day-long training event in Washington, DC for representatives of the 93 United States Attorneys' Offices; publicizing the identities and telephone numbers of the DEOs through press releases issued shortly before the November elections; and requiring the 93 U.S. Attorneys to communicate the enhanced federal prioritization of election crime matters to state and local election and law enforcement authorities. As part of Ballot Integrity Initiative, on October 8, **2002**, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a Voting Integrity Symposium for District Election Officers representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Attorney General John Ashcroft delivered the keynote address on the importance of election crime and ballot integrity enforcement. Assistant Attorney General of the Civil Rights Division Ralph Boyd and Assistant Attorney General of the Criminal Division Michael Chertoff also spoke to attendees on the protection of voting rights and the prosecution of election cases. As part of Ballot Access and Voting Integrity Initiative, on September 23 and 24, **2003**, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a two-day Symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Assistant Attorney General of the Civil Rights Division Alexander Acosta and Assistant Attorney General of the Criminal Division Christopher A. Wray delivered the keynote addresses on the importance of protecting voting rights and the prosecution of election cases. On July 20 and 21, **2004**, the Public Integrity Section and the Voting Section of the Department's Civil Rights Division co-sponsored a two-day symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes available to prosecute such cases, and the handling of civil rights matters involving voting. Attorney General John Ashcroft delivered the keynote address on the importance of protecting voting rights and the prosecution of election fraud. In addition, Assistant Attorney General Christopher A. Wray of the Criminal Division and Assistant Attorney General R. Alexander Acosta of the Civil Rights Division addressed conference attendees on voting rights and election fraud enforcement issues respectively.

As a result of the Initiative, during **2002** the number of election crime matters opened by federal prosecutors throughout the country increased significantly, as did the Section's active involvement in election crime matters stemming from the Initiative. At the end of 2002, the Section was supervising and providing advice on approximately 43 election crime matters nationwide. In addition, as of December 31, 2002, 11 matters involving possible election crimes were pending in the Section. During 2002 the Section closed two election crime matters and continued its operational supervision of 8 voting fraud cases (conspiracy to illegally obtain criminal history records to use to challenge voters (AL) and 7 cases of vote buying involving 10 defendants (KY).

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Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html

Addresses the role of the United States Department of Justice in matters of election fraud, specifically: what sort of election-related conduct is potentially actionable as a federal crime; what specific statutory theories apply to frauds occurring in elections lacking federal candidates on the ballot, what federalism; procedural, and policy considerations impact on the federalization of this type of case; and how Assistant United States Attorneys should respond to this type of complaint. As a general rule, the federal crime of voter fraud embraces only organized efforts to corrupt of the election process itself: i.e., the registration of voters, the casting of ballots, and the tabulation and certification of election results. Moreover, this definition excludes all activities that occur in connection with the political campaigning process, unless those activities are themselves illegal under some other specific law or prosecutorial theory. This definition also excludes isolated acts of individual wrongdoing that are not part of an organized effort to corrupt the voting process. Mistakes and other gaffs that inevitably occur are not included as voter fraud. Prosecuting election fraud offenses in federal court is further complicated by the constitutional limits that are placed on federal power over the election process. The conduct of elections is primarily a state rather than a federal activity.

Four situations where federal prosecution is appropriate:

1. Where the objective of the conduct is to corrupt the outcome of a federal elective contest, or where the consequential effect of the corrupt conduct impacts upon the vote count for federal office;
2. Where the object of the scheme is to discriminate against racial, ethnic or language minority groups, the voting rights of which have been specifically protected by federal statutes such as the Voting Rights Act, 42 U.S.C. section 1973 et seq.;
3. Where federalization is required in order to redress longstanding patterns of electoral fraud, either at the request of state or local authorities, or in the face of longstanding inaction by state authorities who appear to be unwilling or unable to respond under local law; and,
4. Where there is a factual basis to believe that fraudulent registration or voting activity is sufficiently connected to other forms of criminal activity that perusing the voter fraud angle will yield evidence useful in the prosecution of other categories of federal offense

Four advantages to federal prosecution:

1. Voter fraud investigations are labor intensive - local law enforcement agencies often lack the manpower and the financial resources to take these cases on;
2. Voter fraud matters are always politically sensitive and very high profile endeavors at the local level - local prosecutors (who are usually themselves elected) often shy away from prosecuting them for that reason; the successful prosecution of voter fraud cases demands that critical witnesses be examined under oath before criminal charges based on their testimony are filed.
3. Many states lack the broad grand jury process that exists in the federal system; and
4. The defendants in voter fraud cases are apt to be politicians - or agents of politicians - and it is often impossible for either the government or the defendant to obtain a fair trial in a case that is about politics and is tried to a locally-drawn jury. The federal court system provides for juries to be drawn from broader geographic base, thus often avoiding this problem.

Several prosecutorial theories used by United States Attorneys to federalize election frauds are discussed.

Four questions used by prosecutors in evaluating the credibility of election complaints:

1. does the substance of the complaint assuming it can be proven through investigation - suggest a potential crime;
2. is the complaint sufficiently fact-specific that it provides leads for investigators to pursue;
3. is there a federal statute that can be used to federalize the criminal activity at issue; and,
4. is there a special federal interest in the matter that warrants federalization rather than deferral to state law enforcement.

All federal election investigations must avoid the following: non-interference in elections unless absolutely necessary to preserve evidence; interviewing voters during active voting periods; seizing official election documentation; investigative activity inside open polls; and prosecutors must adhere to 18 U.S.C. section 592, prohibiting the stationing of armed men at places where voting activity is taking place.

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Election crimes based on race or language minority status are treated as civil rights matters under the Voting Rights Act.

People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>

Election Protection 2004 was the nation's most far-reaching effort to protect voter rights before and on Election Day. The historic nonpartisan program included: (1) a toll-free number, 1-866-OUR-VOTE, with free, immediate and multi-lingual assistance to help voters with questions about registration and voting, and assist voters who encounter barriers to the ballot box; (2) distribution of more than five million "Voters' Bills of Rights" with state-specific information; (3) 25,000 volunteers, including 6,000 lawyers and law students, who watched for problems and assisted voters on the spot at more than 3,500 predominantly African-American and Latino precincts with a history of disenfranchisement in at least 17 states; and (4) civil rights lawyers and advocates represented voters in lawsuits, preserved access to the polls, exposed and prevented voter intimidation, worked with election officials to identify and solve problems with new voting machines, technology and ballot forms, and protected voter rights in advance and on Election Day.

Voter Intimidation and Suppression Stories (Abridged):

- An Associated Press story noted Election Protection's exposure of reported voter suppression tactics in **Colorado: Officials with the Election Protection Coalition, a voter-rights group, also said some voters in a predominantly black neighborhood north of Denver found papers on their doorsteps giving them the wrong address for their precinct.**
- Election Protection received a report from Boulder County, **Colorado** that a **poll worker made racist comments to Asian American voter and then told her she was not on the list and turned her away.** The voter saw others filling out provisional ballots and asked for one but was denied. Another Asian American woman behind her in line was also given trouble by the same poll worker (he questioned her nationality and also turned her away).
- Election Protection received a report from Florissant County, **Missouri** from a voter who lives in predominantly white neighborhood. While waiting in line to vote, a **Republican challenger challenged the black voters by requesting more proof of identification, residence, and signature match, while asking nothing from white voters.** Also, the same voter reportedly asked a few questions about voting but an election officials refused to provide any meaningful answer, insisting that "it's very simple", but provided white voters with information when requested. **There was one other black voter in line who was also singled out for same treatment while white voters were not.**
- The Election Protection hotline received reports from **Pinellas County, Florida** that **individuals purporting to be from the Kerry campaign are going door-to-door handing out absentee ballots, and asking voters to fill them out, and then taking the ballots from them, saying "Vote here for Kerry. Don't bother going to the polls."**
- The Election Protection Coalition received a report from a woman whose sister lives in **Milwaukee** and is on government assistance. Her **sister was reportedly told by her "case manager" that if she voted for Kerry, she would stop receiving her checks.**
- An illiterate, older and disabled voter in **Miami-Dade** asked for assistance reading the ballot and reported that a poll worker yelled at him and refused to assist him and also refused to allow him to bring a friend into the booth in order to read the ballot to him.
- The Election Protection Coalition have gathered reports that **flyers are circulating in a black community in Lexington, South Carolina claiming they those who are behind on child support payments will be arrested as the polls.**
- **Minority voters from Palm Beach County, Florida** reported to the hotline that they received middle-of-the-night, live harassing phone calls warning them away from the polls.
- A volunteer for Rock the Vote reported that **two illiterate voters in Michigan** requested assistance with their ballots but were refused and **reportedly mocked by poll workers.**
- The hotline received a call from a radio DJ in **Hillsborough County, Florida**, who stated that he has received many calls (most of which were from **African-Americans**) claiming that poll workers were turning voters away and not "letting" them vote.

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- The hotline received a call from **Pima County, Arizona**, indicating that **Democratic voters received calls throughout Monday evening, providing incorrect information about the precinct location**. Voters have had to be transported en masse in order to correct the problem.
- A caller from **Alabama** claims that he was told at his polling place that he could vote there for everything but the President and that he would have to go elsewhere in order to vote for a presidential candidate.
- Poll monitors in **Philadelphia** reports groups of lawyers, traveling in threes, who pull voters out of line and challenge them to provide ID, but when challenged themselves, they hop into waiting cars or vans and leave. Similar activity by Republican lawyers in Philadelphia was reported in the 2002 election.
- In **Cuyahoga, Ohio**, a caller reported that all black voters are being asked to show ID, while white voters are not. Caller report that he is black and had to show ID while his girlfriend is white and did not have to show ID.
- Two months ago, **suspicious phone calls to newly registered Democrats —telling them they weren't, in fact, registered to vote —** were traced to the Republican headquarters in the **Eastern Panhandle**. On **Monday, Democrats there said the calls have started again, even after the Berkeley County Clerk — a Republican — sent the party a cease-and-desist letter**. The Berkeley prosecutor, who also is county Democratic chairman, has called on the U.S. attorney to investigate.
- In **Tuscon, Arizona** a misleading call informing voters that they should vote on **November 3** has been traced back to the state GOP headquarters. The FBI is investigating.
- **A man driving around in a big van covered in American flags and a big picture of a policeman was reportedly parked in front of a polling place; he then got out and moved within the 75 ft limit**, until he was asked to leave; he then was found inside the polling place and was again asked to leave. Election Protection volunteers contacted officials and the man was eventually removed.
- The Election Protection hotline has received a report from **individuals who claim to have received recorded telephone message coming from Bill Clinton and ACT and reminding them to vote on Nov. 3rd**.
- In **Massachusetts**, the EP Hotline has received a report that a **radio station (WILD) is broadcasting that voters will be arrested on the spot if they have outstanding parking tickets**.
- In **Richland, South Carolina** Election Protection has received a report of a **poll manager turning away individuals who do not have photo ID issued to the county or a driver's license**; an EP lawyer spoke with the Poll Manager at 8:20 am and told her that people with other forms of ID should be allowed to vote by provisional ballot.
- In **Greenville**, a caller reported that a **white poll worker was asking Blacks for multiple form of I.D.** Fortunately, the voter who reported the problem did have a second I.D. but reported that some others were turned away. Election Protection attorneys have alerted election officials.
- In **Allegheny County, Pennsylvania**, an official looking flyer advises **Democratic voters to "create a peaceful voting environment" by voting on Wednesday, November 3**
- The week before the election, flyers were circulated in **Milwaukee** under the heading **"Milwaukee Black Voters League" with some "warnings for election time."** The flyer listed false reasons for which you would be barred from voting (such as a traffic ticket) and then warned that **"If you violate any of these laws you can get ten years in prison and your children will get taken away from you."**
- There is a **Jefferson County** flyer which tells voters **"See you at the Poles[sic]"... on November 4.**

Craig Donsanto, "Prosecution of Electoral Fraud Under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

[NO SUMMARY FOUND] This is summary of federal role in prosecuting election crimes.

General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote,"

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Report to Congressional Requesters, September 2005.

[SUMMARY FAILS TO NOTE ELECTION OFFICIALS' RESPONSES THAT LITTLE VOTING FRAUD OR VOTER INTIMIDATION WAS DETECTED. DETECTED VOTING FRAUD WAS RELATED TO SUBMISSION OF FALSE/MATERIALLY INCORRECT VOTER REGISTRATION APPLICATIONS AND TO ABSENTEE BALLOT FRAUD. VOTER SUPPRESSION EFFORTS OCCUR.] This Report focuses on the efforts of local election officials in 14 jurisdictions within 7 states to manage the registration process, maintain accurate voter registration lists, and ensure that eligible citizens in those jurisdictions had the opportunity to cast ballots during the 2004 election. The Report concentrates on election officials' characterization of their experiences with regard to (1) managing the voter registration process and any challenges related to receiving voter registration applications; checking them for completeness, accuracy, and duplication; and entering information into voter registration lists; (2) removing voters' names from voter registration lists and ensuring that the names of eligible voters were not inadvertently removed; and (3) implementing HAVA provisional voting and identification requirements and addressing any challenges encountered related to these requirements. The Report also provides information on motor vehicle agency (MVA) officials' characterization of their experiences assisting citizens who apply to register to vote at MVA offices and forwarding voter registration applications to election offices. The Report analyzed information collected from elections and motor vehicle agency offices in seven states—Arizona, California, Michigan, New York, Texas, Virginia, and Wisconsin. The 14 jurisdictions we selected were Gila and Maricopa Counties, Arizona; Los Angeles and Yolo Counties, California; City of Detroit and Delta Township, Michigan; New York City and Rensselaer County, New York; Bexar and Webb Counties, Texas; Albemarle and Arlington Counties, Virginia; and the cities of Franklin and Madison, Wisconsin. Election officials representing all but one of the jurisdictions surveyed following the November 2004 election said they faced some challenges managing the voter registration process, including (1) receiving voter registration applications; (2) checking them for completeness, accuracy, and duplication; and (3) entering information into voter registration lists; when challenges occurred, election officials reported they took various steps to address them. All but 1 of the jurisdictions reported removing names from registration lists during 2004 for various reasons, including that voters requested that their names be removed from the voter registration list; information from the U.S. Postal Service (USPS) showing that voters had moved outside the jurisdiction; felony records received from federal, state, or local governments identifying voters as ineligible due to felony convictions; and death records received from state or local vital statistics offices. All of the jurisdictions reported that they permitted citizens to cast provisional ballots during the November 2004 election. In addition, 12 of the 14 jurisdictions to which this was applicable reported that they offered certain first-time voters who registered by mail the opportunity to cast provisional ballots. Local election officials in 12 of the 13 jurisdictions we surveyed reported that they set up mechanisms to inform voters—without cost—about the outcome of their provisional votes during the November 2004 election. These mechanisms included toll-free telephone numbers, Web sites, and letters sent to the voters who cast provisional ballots. Election officials representing 8 of the 14 jurisdictions reported facing challenges implementing provisional voting for various reasons, including some poll workers not being familiar with provisional voting or, in one jurisdiction representing a large number of precincts, staff not having sufficient time to process provisional ballots.

Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.

A comprehensive survey and analysis of vote fraud in the United States. The methodology included doing nexis searches for all 50 states and surveying existing research and reports. In addition, Minnite did a more in-depth study of 12 diverse states by doing nexis searches, studying statutory and case law, and conducting interviews with election officials and attorneys general. Finally, the study includes an analysis of a few of the most high profile cases of alleged fraud in the last 10 years, including the Miami mayoral election (1997), Orange County congressional race (1996), and the general election in Missouri (2000). In these cases, **Minnite shows that many allegations of fraud do not end up being meritorious.** Minnite finds that **available evidence suggests that the incidence of election fraud is minimal and rarely affects election outcomes.** Election officials generally do a very good job of protecting against fraud. **Conditions that give rise to election fraud have steadily declined over the last century as a result of weakened political parties, strengthened election administration, and improved voting technology.** There is little available evidence that election reforms such as the National Voter Registration Act, election day registration, and mail-in voting have resulted in increases in election fraud. Election

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fraud appears also to be very rare in the 12 states examined more in-depth. Legal and news records turned up little evidence of significant fraud in these states or any indication that fraud is more than a minor problem. Interviews with state officials further confirmed this impression. Minnite found that, **overall, the absentee mail-in ballot process is the feature most vulnerable to voter fraud.** There is not a lot of evidence of absentee ballot fraud but the potential for fraud is greatest in this area because of a lack of uniformly strong security measures in place in all states to prevent fraud.

Suggested reforms to prevent what voter fraud does take place:

1. effective use of new statewide voter registration databases;
2. identification requirements for first time voters who register by mail should be modified to expand the list of acceptable identifying documents;
3. fill important election administration positions with nonpartisan professionals;
4. strengthen enforcement through adequate funding and authority for offices responsible for detecting and prosecuting fraud; and
5. establish Election Day Registration because it usually requires voter identification and authorization in person before a trained election worker, which reduces the opportunity for registration error or fraud.
- 6.

People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

A description and analysis of the complaints and allegations of voting irregularities gathered by the Election Protection program during the 2004 presidential election. Election Protection received more than a thousand complaints of voter suppression or intimidation. Complaints ranged from intimidating experiences at polling places to coordinated suppression tactics. For example:

- Police stationed outside a Cook County, Illinois, polling place were requesting photo ID and telling voters if they had been convicted of a felony that they could not vote.
- In Pima, Arizona, voters at multiple polls were confronted by an individual, wearing a black tee shirt with "US Constitution Enforcer" and a military-style belt that gave the appearance he was armed. He asked voters if they were citizens, accompanied by a cameraman who filmed the encounters.
- There were numerous incidents of intimidation by partisan challengers at predominately low income and minority precincts
- Voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. In Polk County, Florida, for example, a voter received a call telling her to vote on November 3. Similar complaints were also reported in other counties throughout Florida. In Wisconsin and elsewhere voters received flyers that said:
 - "If you already voted in any election this year, you can't vote in the Presidential Election."
 - "If anybody in your family has ever been found guilty of anything you can't vote in the Presidential Election."
 - "If you violate any of these laws, you can get 10 years in prison and your children will be taken away from you."

There were also numerous reports of poll workers refusing to give voters provisional ballots.

The following is a summary of the types of acts of suppression and intimidation included in the report and a list of the states in which they took place. All instances of irregularities that were more administrative in nature have been omitted:

1. **Improper implementation of voter identification rules, especially asking only African Americans for proof of identity:** Florida, Ohio, Pennsylvania, Illinois, Missouri, Arkansas, Georgia, Louisiana
2. **Individuals at the polls posing as some sort of law enforcement authority and intimidating and harassing voters:** Arizona, Missouri
3. **Intimidating and harassing challengers at the polls:** Ohio, Michigan, Wisconsin, Missouri, Minnesota
4. **Deceptive practices and disinformation campaigns, such as the use of flyers with intentional misinformation about voting rights or voting procedures, often directed at minority communities; the use of phone calls giving people misinformation about polling sites and**

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other procedures; and providing verbal misinformation at the polls in a way that appears to have been intentionally misleading: Florida, Pennsylvania, Illinois, Wisconsin, Missouri, North Carolina, Arkansas, Texas

5. **Refusal to provide provisional ballots to certain voters:** Ohio, Pennsylvania, Illinois, Michigan, Colorado, Missouri, Texas, Georgia, Louisiana
6. **Registration applications submitted through third parties that were not processed:** Arizona, Michigan, Nevada (registration forms **destroyed by Sproul Associates**)
7. **Improper removal from the voter registration list:** Arizona
8. **Individuals questioning voters' citizenship:** Arizona
9. **Police officers at the polls intimidating voters:** Illinois, Michigan, Wisconsin, Missouri, North Carolina

The report does not provide corroborating evidence for the allegations it describes. However, especially in the absence of a log of complaints received by the Department of Justice, this report provides a very useful overview of the types of experiences some voters more than likely endured on Election Day in 2004.

Books

John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.

Focuses almost entirely on alleged transgressions by Democrats. Fund's accusations, if credible, would indicate that fraud such as voter registration fraud, absentee ballot fraud, dead people voting, and felon voting is prevalent throughout the country. However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

Fund says that "Election fraud, whether its phony voter registrations, illegal absentee ballots, shady recounts or old-fashioned ballot-box stuffing, can be found in every part of the United States, although it is probably spreading because of the ever-so-tight divisions that have polarized the country and created so many close elections lately. Fund argues that fraud **has been made easier by the passage of the National Voting Rights Act** because it allows ineligible voters to remain on the voter rolls, allowing a voter to vote in the name of someone else. He claims dead people, people who have moved, and people in jail remain on the voting list. He believes because of NVRA illegal aliens have been allowed to vote.

Absentee balloting makes it even worse: someone can register under false names and then use absentee ballots to cast multiple votes. Groups can get absentee ballots for the poor and elderly and then manipulate their choices.

Provides a number of examples of alleged voter fraud, mostly perpetrated by Democrats. For example, he claims much fraud in St. Louis in 2000, including illegal court orders allowing people to vote, **felons voting, people voting twice, dead people voting, voters were registered to vacant lots, election judges were not registered and evidence of false registrations.** Another case he pays a great deal of attention to are the alleged transgressions by Democrats in Indian Country in South Dakota 2002, including **voter registration fraud, suspicious absentee ballot requests, vote hauling, possible polling place fraud, abusive lawyers at polling sites, and possible vote buying.**

Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.

Bulk of the book comprises stories from United States electoral history outside the scope of this project; however, tales are instructive in showing how far back irregular and illegal voting practices go. Focuses almost entirely on alleged transgressions by Republican, although at times it does include complaints about Democratic tactics. Gumbel's accusations, if credible, especially in the Bush-Gore election, would indicate there were a number of problems in key states in such areas as **intimidation, vote counting, and absentee ballots.** However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount

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and types of voter fraud and voter intimidation occurring.

Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.

Traces the historical persistence of voter fraud from colonial times through the 2004 Bush-Kerry election. From the textual information, it quickly becomes obvious that voter fraud was not limited to certain types of people or to certain political parties. [SKIMPY SUMMARY-DOES NOT SAY MUCH.]

David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.

Adds almost nothing to the present study. It contains no footnotes and no references to primary source material, save what may be able to be gleaned from the bibliography. Takes a historical look at United States Presidential elections from Andrew Jackson to George Bush by providing interesting stories and other historical information. There are only three pages out of the entire book that touches on vote fraud in the first Bush election. The authors assert that the exit polls in Florida were probably correct. The problem was the pollsters had no way of knowing that thousands of votes would be invalidated. But the authors do not believe that fraud was the cause of the tabulation inaccuracy.

Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

Sets out to show that the 2004 election was won by Bush through nefarious means, and indicts the news media for not taking anomalies, irregularities, and **alleged malfeasance** in the process seriously enough. However, book is well sourced, and individual instances of alleged malfeasance discussed may be worth looking at. He accuses Republicans of committing crimes and improprieties throughout the country, including:

1. **deliberate disparities in voting machine distribution and long lines in Democratic jurisdictions;**
2. **misinterpretation of voting laws by elections officials to the detriment of Democratic voters;**
3. **dirty tricks and deceptive practices to mislead Democratic and minority voters about voting times, places and conditions;**
4. **machine irregularities in Democratic jurisdictions;**
5. **relocating polling sites in Democratic and minority areas;**
6. **suspicious mishandling of absentee ballots;**
7. **refusing to dispense voter registration forms to certain voter registration groups;**
8. **intimidation of students;**
9. **suspicious ballot spoilage rates in certain jurisdictions;**
10. **“strategic distribution of provisional ballots,” and trashing of provisional ballots;**
11. **harassment of Native American voters;**
12. **a Republican backed organization engaging in voter registration efforts throughout the country that allegedly destroyed the voter registration forms of Democrats;**
13. **illegitimate challenges at the polls by Republican poll watchers;**
14. **improper demands for identification in certain areas;**
15. **Republican challenges to the voter registration status of thousands of voters before the election, and the creation of lists of voters to challenge at the polls;**
16. **wrongful purging of eligible voters from voting rolls;**
17. **partisan harassment;**
18. **the selective placement of early voting sites; and**
19. **failure to send out absentee ballots in time for people to vote.**

Details what he says was the inappropriate use of the Federal Voter Assistance Program that made voting for the military easy while throwing up obstacles

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for civilians overseas in their efforts to vote by absentee ballot, leading many of them to be disenfranchised.

Legal

Indiana Democratic Party vs. Rokita, U.S. District Court Southern District of Indiana (Indianapolis) 1:05-cv-00634, U.S. Court of Appeals, 7th Circuit 06-2218

Although the proponents of SEA 483 asserted that the law was intended to combat voter fraud, no evidence of the existence of such fraud has ever been provided. No voter has been convicted of or even charged with the offense of misrepresenting his identity for purposes of casting a fraudulent ballot in person, King Dep. 95-96; Mahern Aff. ¶¶ 2-3, though there have been documented instances of absentee ballot fraud. King Dep. 120. Indeed, no evidence of in person, on-site voting fraud was presented to the General Assembly during the legislative process leading up to the enactment of the Photo ID Law. Mahern Aff. ¶¶ 2-

The State cannot show any compelling justification for subjecting only voters who vote in person to the new requirements of the Photo ID Law, while exempting absentee voters who vote by mail or persons who live in state-certified residential facilities.

On the other hand, absentee ballots are peculiarly vulnerable to coercion and vote tampering since there is no election official or independent election observer available to ensure that there is no illegal coercion by family members, employers, churches, union officials, nursing home administrators, and others.

Law gives virtually unbridled discretion to partisan precinct workers and challengers to make subjective determinations such as (a) whether a form of photo identification produced by a voter conforms to what is required by the Law, and (b) whether the voter presenting himself or herself at the polls is in fact the voter depicted in the photo Robertson Dep. 29-34, 45; King Dep. 86, 89. This is significant because any voter who is challenged under this Law will be required to vote by provisional ballot and to make a special trip to the election board's office in order to have his vote counted. Robertson Dep. 37; King Dep. 58.

The Photo ID Law confers substantial discretion, not on law enforcement officials, but on partisan precinct poll workers and challengers appointed by partisan political officials, to determine both whether a voter has presented a form of identification which conforms to that required by the Law and whether the person presenting the identification is the person depicted on it. Conferring this degree of discretion upon partisan precinct officials and members of election boards to enforce the facially neutral requirements of the Law has the potential for becoming a means of suppressing a particular point of view.

The State arguably might be justified in imposing uniform, narrowly-tailored and not overly-burdensome voter identification requirements if the State were able to show that there is an intolerably high incidence of fraud among voters misidentifying themselves at the polls for the purpose of casting a fraudulent ballot. But here, the State has utterly failed to show that this genre of fraud is rampant or even that it has ever occurred in the context of on-site, in-person voting (as opposed to absentee voting by mail) so as to justify these extra burdens, which will fall disproportionately on the poor and elderly.

And where the State has already provided a mechanism for matching signatures, has made it a crime to misrepresent one's identity for purposes of voting, and requires the swearing out of an affidavit if the voter's identity is challenged, it already has provisions more than adequate to prevent or minimize fraud in the context of in-person voting, particularly in the absence of any evidence that the problem the Law seeks to address is anything more than the product of hypothesis, speculation and fantasy.

In-person voter-identity fraud is notoriously difficult to detect and investigate. In his book *Stealing Elections*, John Fund observes that actual in-person voter fraud is nearly undetectable without a voter photo-identification requirement because anybody who provides a name that is on the rolls may vote and then walk away with no record of the person's actual identity. The problem is only exacerbated by the increasingly transient nature of society. Documentation of in-person voter fraud often occurs only when a legitimate voter at the polls hears a fraudulent voter trying to use her name, as happened to a woman in California in 1994. See Larry J. Sabato & Glenn R. Simpson, *Dirty Little Secrets* 292 (1996).

Regardless of the lack of extensive evidence of in-person voter fraud, the Commission on

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Federal Election Reform (known as the Baker-Carter Commission) recently concluded that "there is no doubt that it occurs." State Ex. 1, p. 18.1 **Legal cases as well as newspaper and other reports confirm that in-person voter-identity fraud, including voter impersonation, double votes, dead votes, and fake addresses, plague federal and state elections. [The memorandum details several specific cases of various types of alleged voting fraud from the past several years]**

Though they are largely unable to study verifiable data concerning in-person voter fraud, scholars are well aware of the conditions that foster fraudulent voting. See Fund, *supra*; Sabato & Simpson, *supra*, 321. In particular, fraud has become ever more likely as "it has become more difficult to keep the voting rolls clean of 'deadwood' voters who have moved or died" because such an environment makes "fraudulent voting easier and therefore more tempting for those so inclined." Sabato & Simpson, *supra*, 321. "In general, experts believe that one in five names on the rolls in Indiana do not belong there." State Ex. 25.

For this case, Clark Benson, a nationally recognized expert in the collection and analysis of voter-registration and population data, conducted his own examination of **Indiana's voter registration lists and concluded that they are among the most highly inflated in the nation.**

The Crawford Plaintiffs cite the **concessions** by Indiana Election Division Co-Director King and the Intervenor-State that they are **unaware of any historical in-person incidence of voter fraud occurring at the polling place (Crawford Brief, p. 23) as conclusive evidence that in-person voter fraud does not exist in Indiana.** They also seek to support this conclusion with the testimony of two "veteran poll watchers," Plaintiff Crawford and former president of the Plaintiff NAACP, Indianapolis Chapter, Roderick E. Bohannon, who testified that they had never seen any instances of in-person voter fraud.

(*Id.*)

While common sense, the **experiences of many other states, and the findings of the Baker-Carter Commission all lead to the reasonable inferences that (a) in-person polling place fraud likely exists, but (b) is nearly impossible to detect without requiring photo identification, the State can cite to no confirmed instances of such fraud. On the other hand, the Plaintiffs have no proof that it does not occur.**

At the level of logic, moreover, it is **just reasonable to conclude that the lack of confirmed incidents of in-person voting fraud in Indiana is the result of an ineffective identification security system as it is to conclude there is no in-person voting fraud in Indiana.** So while it is undisputed that the state has no proof that in-person polling place fraud has occurred in Indiana, there does in fact remain a dispute over the existence *vel non* of in-person polling place fraud.

It is also important to understand that the **nature of in-person election fraud is such that it is nearly impossible to detect or investigate. Unless a voter stumbles across someone else trying to use her identity, see Sabato & Simpson, supra, 292, or unless the over-taxed poll worker happens to notice that the voter's signature is different from her registration signature State Ext. 37, ¶ 9, the chances of detecting such in-person voter fraud are extremely small. Yet, inflated voter-registration rolls provide ample opportunity for those who wish to commit in-person voter fraud.**

See Fund, *supra*, 24, 65, 69, 138; Sabato & Simpson, *supra*, 321. And there is **concrete evidence that the names of dead people have been used to cast fraudulent ballots.** See Fund, *supra*, 64. Particularly in light of Indiana's highly inflated voter rolls State Ex. 27, p. 9, Plaintiffs' repeated claims that there has never been any in-person voter fraud in Indiana can hardly be plausible, even if the state is unable to prove that such fraud has in fact occurred.

Common Cause of Georgia vs. Billups, U.S. District Court, Northern District of Georgia (Rome) 4:05-cv-00201-HLM U.S. Court of Appeals, 11th Circuit 05-15784

The Secretary of State, as the Chief Election Officer in Georgia, informed the General Assembly before the passage of Act 53 in a letter (attached hereto as Exhibit A), and also informed the Governor in a letter (attached hereto as Exhibit B) before he signed the bill into law, that **there had been no documented cases of fraudulent voting by persons who obtained ballots unlawfully by misrepresenting their identities as registered voters to poll workers reported to her office during her nine years as Secretary of State .**

Although the Secretary of State had informed the members of the General Assembly and the Governor prior to the enactment of Act 53, that her office had

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received many complaints of voter fraud involving absentee ballots and no documented complaints of fraud that involve ballots that were cast in person at the polls, the General Assembly ignored this information and arbitrarily chose instead to require only those registered voters who vote in person to present a Photo ID as a condition of voting, but deliberately refused to impose the same requirement on absentee voters.

The Stated Purpose Of The Photo ID Requirement Fraud Is A Pretext.

According to a press release prepared by the Communications Office of the Georgia House of Representatives, the purpose of Act 53 is: to address the issue of voter fraud by placing tighter restrictions on voter identification procedures. Those casting ballots will now be required to bring a photo ID with them before they will be allowed to vote.

Al Marks, Vice Chairman for Public Affairs and Communication of the Hall County GOP told the Gainesville Times: I don't think we need it for voting, because I don't think there's a voter fraud problem. Gainesville Times, "States Voters Must Present Picture IDs" (September 15, 2005) (www.gainesvilletimes.com).

There is **no evidence that the existing provisions of Georgia law have not been effective in deterring and preventing imposters from fraudulently obtaining and casting ballots at the polls by misrepresenting their true identities** to election officials and passing themselves off as registered voters whose names appear on the official voter registration list.

The pretextual nature of the purported justification for the burden which the Photo ID requirement imposes on the right to vote is shown by the following facts:

(a) Fraudulent voting was already prohibited by existing Georgia law without unduly burdening the right of a citizen to vote.

(i) Fraudulent voting was already prohibited as a crime under O.C.G.A. §§ 21-2-561, 21-2-562, 21-2-566, 21-2-571, 21-2-572 and 21-2-600, punishable by a fine of up to \$10,000 or imprisonment for up to ten years, or both.

(ii) Voter registration records are updated periodically by the Secretary of State and local election officials to eliminate people who have died, have moved, or are no longer eligible to vote in Georgia for some other reason.

(iii) Existing Georgia law also required election officials in each precinct to maintain a list of names and addresses of registered voters residing in that precinct, and to check off the names of each person from that official list as they cast their ballots.

(iv) Registered voters were also required by existing Georgia law to present at least one of the seventeen forms of documentary identification to election officials who were required, before issuing the voter a ballot, to match the name and address shown on the document to the name and address on the official roll of registered voters residing in the particular precinct. O.C.G.A. § 21-2-417 .

(b) There is no evidence that the existing Georgia law has not been effective in deterring or preventing fraudulent in-person voting by impersonators - the only kind of fraudulent voting that might be prevented by the Photo ID requirement. To the contrary, the

Secretary of State, who, as the Superintendent of Elections, is the highest election official in Georgia, informed both the General Assembly (Exhibit A) and the Governor (Exhibit B) in writing that there had been no documented cases of fraudulent in person voting by imposters reported to her during her nine years in office .

(c) If the true intention of the General Assembly had been to prevent fraudulent voting by imposters, the General Assembly would have imposed the same restrictions on the casting of absentee ballots - particularly after the Secretary of State had called to their attention the fact that there had been many documented instances of fraudulent casting of absentee ballots reported to her office.

(d) Fraudulent in-person voting is unlikely, would be easily detected if it had occurred in significant numbers, and would not be likely to have a substantial impact on the outcome of an election:

(i) Many people vote at a local neighborhood polling place where they are likely to be known to and recognized by neighbors or poll workers.

(ii) Voters were required by existing Georgia law (O.C.G.A. § 21-2-417), to provide one of the seventeen means of identification to election officials.

(iii) Election officials are required, before issuing the ballot to the voter, to check off the name of either voter from an up-to-date list of the names and addresses of every registered voter residing in the precinct. If an imposter arrived at a poll and was successful in fraudulently obtaining a ballot before

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the registered voter arrived at the poll, a registered voter, who having taken the time to go to the polls to vote, would undoubtedly complain to elections officials if he or she were refused a ballot and not allowed to vote because his or her name had already been checked off the list of registered voters as having voted. Likewise, if an imposter arrived at the polls after the registered voter had voted and attempted to pass himself off as someone he was not, the election official would instantly know of the attempted fraud, would not issue the imposter a ballot or allow him to vote, and presumably would have the imposter arrested or at least investigate the attempted fraud and report the attempt to the Secretary of State as Superintendent of Elections.

U.S. Department of Justice Section 5 Recommendation Memorandum (regarding HB 244), August 25, 2005 at <http://www.votingrights.org/news/downloads/Section%205%20Recommendation%20Memorandum.pdf>

Overview: Five career attorneys with the civil rights department investigated and analyzed Georgia's election reform law. Four of those attorneys recommended objecting to Section 59, the voter identification requirement. The provision required all voters to present government issued photo identification in order to vote. The objection was based on the attorneys' findings that there was little to no evidence of polling place fraud, the only kind of fraud an ID requirement would address, and that the measure would disenfranchise many voters, predominantly minority voters, in violation of Section 5 of the Voting Rights Act.

Factual Analysis: **The sponsor of the measure in the state legislature said she was motivated by the fact that she is aware of vote buying in certain districts; she read John Fund's book; and that "if there are fewer black voters because of this bill, it will only be because there is less opportunity for fraud. She said that when black voters in her black precincts are not paid to vote, they do not go to the polls."**

A member of the Fulton County Board of Registrations and Elections said that prior to November 2004, Fulton County received 8,112 applications containing "missing or irregular" information. Only 55 of those registrants responded to BOE letters. The member concluded that the rest must be "bogus" as a result. He also stated that 15,237 of 105,553 precinct cards came back as undeliverable, as did 3,071 cards sent to 45,907 new voters. Of these 3,071, 921 voted.

Secretary of State Cathy Cox submitted a letter testifying to the absence of any complaints of voter fraud via impersonation during her tenure. In the legal analysis, the attorneys state that if they determine that Georgia could have fulfilled its stated purpose of election fraud, while preventing or ameliorating the retrogression, an objection is appropriate. They conclude that the state could have avoided retrogression by retaining various forms of currently accepted voter ID for which no substantiated security concerns were raised. Another non-retrogressive alternative would have been to maintain the affidavit alternative for those without ID, since "There is no evidence that penalty of law is an insufficient deterrent to falsely signing an affidavit of identity." The attorneys point out that the state's recitation of a case upholding voter fraud in Dodge County does not support the purpose of the Act because that case involved vote buying and selling, not impersonation or voting under a false identity.

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1. Everyone does not define voting fraud and voter intimidation the same way.

In some cases, what may have been honest administrative mistakes or errors due to poor poll worker training are lumped together with genuine voter suppression efforts and labeled as voter intimidation or voting fraud. Examples: (1) many authors consider certain voter suppression tactics to be voter intimidation that do not rise to the definition used in criminal enforcement of election crimes; (2) some charge that a DOJ ballot integrity measure in South Dakota was voter intimidation; and (3) some mistakes made in the maintenance of voter registration lists are labeled as fraud.

2. There seems to be no systematic *nationwide* study that reports all (or most) verified instances of voting fraud and voter intimidation or suppression efforts in a particular election or a particular period in U.S. history.

Some sources focus on certain areas of the country, which can bias the study if these areas are more or less susceptible to fraud and suppression. Some focus on the alleged (but not necessarily verified) misdeeds of one political party or another. Still others focus on unverified allegations reported to a toll-free phone line. In some cases, it is not clear if the incidents were intentional voter suppression or genuine poll worker mistakes (e.g.; not providing provisional ballots or in appropriately asking voters for ID). Minnite's study is as close as they get to a systematic study.

3. There are a number of obstacles to gathering compete data on voting fraud and voter intimidation/suppression nationwide in any election.

Authors often have limited resources (time and money) to collect such information. Investigation and prosecution of voting fraud and voter intimidation or suppression occurs at different levels of government (Federal, state and local). These investigations and prosecutions are not reported to and recorded by a central authority. Some voting fraud is inherently more difficult to identify and to prove than others (e.g.; impersonation of another voter at the polls is more difficult, due to the transient nature of some jurisdictions and the fact that impersonators not identified as a fraud at the polls are hard to identify later, than voter registration, vote buying, and absentee ballot fraud). At least some voting fraud and voter intimidation appears to go unreported and uninvestigated, and some prosecutions are unsuccessful due to local politics and law enforcement affiliations and the lack of sufficient resources at the Federal, state, and local levels to support the labor intensive effort.

4. Most sources seem to agree that voter registration and absentee balloting fraud are the most common forms of voting fraud. Absentee ballot fraud often is accompanied by vote buying or voter coercion. Also frequently alleged were instances of ineligible voters (usually felons, but sometime non-citizens, under aged individuals, or non-residents) that voted. But not all agree that these are the only common forms of fraud.

Some contend that voting in the name of another at the polling place is common, but that such instances are extremely hard to prove. Most instances of ineligible voters voting were linked to improper voter list maintenance or confusion on the part of local election officials as to state law on felon disenfranchisement.

5. A number of sources have identified numerous instances of attempted voter suppression, but no instances of voter intimidation that could be prosecuted under Federal criminal laws is alleged.

Examples of voter suppression efforts include: (1) phone calls and mailings deliberately directing targeted voters to vote on the wrong day or to go to the wrong polling place, or that provide incorrect and threatening information about the voter qualifications and legal consequences of voting; (2) targeted, inappropriate challenges to voters at the polls or shortly before election day; (3) people posing as law enforcement agents at targeted polling places. When such tactics target minority communities, they may be attacked through civil action by DOJ under Voting Rights Act provisions, but they do not qualify for criminal penalties under Federal voter intimidation law. Currently, there is no Federal election law providing criminal penalties for voter suppression efforts. When the suppression adversely affects a political party, but does not have a racial component, DOJ may be hard pressed to pursue the matter unless other Federal criminal law has been violated (e.g.; suppression of phone banks in New Hampshire).

6. Unsupervised voter registration drives by political parties and advocacy groups are a primary source of fraudulent voter registration applications and missing (perhaps deliberately) voter registration applications.

The practice of paying persons to man voter registration drives (particularly, but not only, when the person is paid by the head) is a frequent source of fraudulent voter registration applications. Partisan drives have resulted in applications from persons of “the wrong party” being held back or destroyed. Therefore, while the applicant believes they have registered, the election official has no record of that registration.

7. Many authors contend that proper implementation of the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA) will reduce or at least not increase the potential for fraud and voter suppression, but some argue that provisions in these laws increase the likelihood of fraud or voter suppression.

Many argue that proper implementation of the list maintenance and fail-safe voting provisions of the NVRA and HAVA’s requirements for the statewide voter registration list, voter ID for certain first-time voters, and provisional voting will reduce the potential for voting fraud and voter intimidation. Others argue that the list maintenance provisions of NVRA cause “dead wood” to be left on the voter rolls, providing opportunity for fraud, or that HAVA’s voter ID and list matching requirements can be used as voter suppression tactics.

- 8. Proper recordkeeping and post-election auditing is an important key to identifying and preventing voting fraud, and for subsequent prosecution of such activities; but is not being done consistently.**
- 9. Poll worker recruitment and training is a key component to combating actions that are perceived as suppressing or intimidating voters.**
- 10. Both sides on election reform debates are using incomplete data to bolster their arguments.**

Prosecution Of Electoral Fraud Under United States Federal Law

By Craig Donsanto

In Prosecution of Electoral Fraud, Donsanto discusses what sort of conduct is currently considered to be actionable as vote fraud, the historical background for the role of the criminal prosecutor in this area, and the various federal laws and juridical precedents governing the prosecution of vote fraud. It is a very useful document for understanding the current Department of Justice's view of its mission in this area, its interpretation of the federal laws governing its work, and how the Department has and has not been able to utilize applicable provisions.

Donsanto stresses that because electoral administration is primarily a state rather than a federal matter, the federal government usually only has authority over electoral issues where: federal candidates are standing for election; a corrupt act occurs; a federal instrumentality is employed in the fraud; the fraud involves the participation of public officials "acting under color of law" in such a manner that the constitutional right to Due Process and/or Equal Protection is violated; and/or the fraud is motivated by an intent to deprive a class of voters who's rights have been specifically guaranteed by the United States Constitution.

Donsanto defines election fraud as "a substantive irregularity relating to the voting act--- such as bribery, intimidation, or forgery---which has the potential to taint the election itself." Specifically, this includes:

- * Preventing voters from participating in elections where a federal candidate is on the ballot, or when done "under color of law" in any election—18 U.S.C. sections 241 & 242.
- * Vote buying, 42 U.S.C. section 1973i(c).
- * Voting more than once, 42 U.S.C. section 1973i(e).
- * Fraudulent voting, 42 U.S.C. sections 1973i(c), 1973i(e) & 1973gg-10.
- * Intimidating voters through physical duress in any election, 18 U.S.C. section 245(b)(1)(A), or through physical or economic threats in connection with their registering to vote or their voting in federal elections, 42 U.S.C. section 1973gg-10, or to vote for a federal candidate, 18 U.S.C. section 594.
- * Malfeasance by election officials acting "under color of law" for actions such as ballot-box stuffing, falsely tabulating votes, or preventing valid voter registrations or votes from being given effect in any election, 18 U.S.C. sections 241 & 242, as well as in elections where federal candidates are on the ballot, 42 U.S.C. sections 1973i(c), 1973i(e) & 1973gg-10.

- * Submitting fictitious names on voter registration roles, 42 U.S.C. sections 1973i(c) & 1973gg-10.
- * Knowingly procuring eligibility to vote for federal office by persons who are not entitled to vote under applicable state law, 42 U.S.C. sections 1973i(c) & 1973gg-10 (criminal voting—prohibited in approximately 40 states) and 42 U.S.C. sections 1973i(c), 1972gg-10, 18 U.S.C. 1015(f) & 611 (non-citizen voting).
- * Knowingly making a false claim of United States citizenship to register to vote in any election, 18 U.S.C. section 1015(f), or falsely claiming United States citizenship for registering or voting in any election, 18 U.S.C. section 911.
- * Providing false information concerning a person's name, address or period of residence in a district in order to establish that person's eligibility to register or to vote in a federal election, 42 U.S.C. sections 1973i(c) & 1973gg-10.
- * Causing the production of voter registrations that qualify alleged voters to vote for federal candidates, or the production of ballots in federal elections, that the actor knows are materially defective under applicable state law, 42 U.S.C. section 1973gg-10.
- * Using the United States mails, or interstate wire facilities, to obtain the salary and emoluments of an elected official through any of the activities mentioned above, 18 U.S.C. sections 1341 & 1343.
- * Ordering, keeping or having under one's authority or control any troops or armed men at any polling place in any election. The actor must be an active civilian or military officer or an employee of the United States government, 18 U.S.C. section 592.
- * Intimidating or coercing a federal employee to induce or discourage "any political activity" by that employee, 18 U.S.C. section 610.

Other Points of Interest

- Most election fraud is aimed at corrupting elections for local offices, which control or influence patronage positions. Election fraud occurs most frequently where there are fairly equal political factions, and where the stakes involved in who controls public offices are weighty -- as is often the case where patronage jobs are a major source of employment, or where illicit activities are being protected from law enforcement scrutiny
- Vote buying offenses have represented a sizable segment of the federal election crime docket in modern times.
- Voter intimidation requires proof of a difficult element: the existence of physical or economic intimidation that is intended by the defendant and felt by the victim. The crime of voter "intimidation" normally requires evidence of threats, duress, economic coercion, or some other aggravating factor which tends to improperly induce conduct on the part of the victim. If such evidence is lacking, an

alternative prosecutive theory may apply to the facts, such as multiple voting in violation of 42 U.S.C. ' 1973i(e). As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation that is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.

- Section 1973gg-10(2) is a specific intent offense. This means that the offender must have been aware that citizenship is a requirement for voting and that the registrant did not possess United States citizenship. In most instances, proof of the first element is relatively easy because the citizenship requirement is stated on the voter registration form, and the form requires that the voter check a box indicating that he or she is a citizen. Proof of the second element, however, may be more problematic, since the technicalities of acquiring United States citizenship may not have existed in the culture of the registrant's country of birth, or otherwise been evident to him, and because the registrant may have received bad advice concerning the citizenship requirement. These issues can also usually be overcome by the fact that all voter registration forms now require a registrant to certify that he or she is a citizen. Section 611 is a relatively new statute that creates an additional crime for voting by persons who are not United States Citizens .It applies to voting by non-citizens in an election where a federal candidate is on the ballot, except when: (1) non-citizens are authorized to vote by state or local law on non-federal candidates or issues, and (2) the ballot is formatted in a way that the non-citizen has the opportunity to vote solely for the non-federal candidate or issues on which he is entitled to vote under state law. Unlike section 1015(f), section 611 is directed at the act of voting, rather than the act of lying. But unlike section 1015(f), Section 611 is a strict liability offense in the sense that the prosecution must only prove that the defendant was not a citizen when he registered or voted. Section 611 does not require proof that the offender be aware that citizenship is a prerequisite to voting.

The Federal Crime of Election Fraud

By Craig Donsanto

In The Federal Crime of Election Fraud, Donsanto addresses the role of the United States Department of Justice in matters of election fraud. Specifically, it answers the most frequently asked questions concerning the federal law enforcement role in election matters. Particularly, what sort of election-related conduct is potentially actionable as a federal crime, what specific statutory theories apply to frauds occurring in elections lacking federal candidates on the ballot, what federalism, procedural, and policy considerations impact on the federalization of this type of case, and how Assistant United States Attorneys should respond to this type of complaint.

Donsanto indicates that as a general rule, the federal crime of voter fraud embraces only organized efforts to corrupt of the election process itself: i.e., the registration of voters, the casting of ballots, and the tabulation and certification of election results. Moreover, this definition excludes all activities that occur in connection with the political campaigning process, unless those activities are themselves illegal under some other specific law or prosecutorial theory. This definition also excludes isolated acts of individual wrongdoing that are not part of an organized effort to corrupt the voting process. Finally, Donsanto points out that mistakes and other gaffs that inevitably occur are not included as voter fraud. Where mistakes occur on a significant enough level to potentially affect the outcome of an election, the appropriate remedy is an election contest brought by the loser seeking civil judicial redress through the appropriate state election contest process.

Along with the limits discussed above, prosecuting election fraud offenses in federal court is further complicated by the constitutional limits that are placed on federal power over the election process. The conduct of elections is primarily a state rather than a federal activity.

Donsanto lists four types of election fraud: schemes to purposely and corruptly register voters who either do not exist, or who are known by the putative defendant to be ineligible to vote under applicable state law; schemes to cast, record or fraudulently tabulate votes for voters who do not participate in the voting act at all; schemes to corrupt the voting act of voters who do participate in the voting act to a limited extent; and, schemes to knowingly prevent voters qualified voters from voting.

Donsanto lists four situations where federal prosecution is appropriate: Where the objective of the conduct is to corrupt the outcome of a federal elective contest, or where the consequential effect of the corrupt conduct impacts upon the vote count for federal office; Where the object of the scheme is to discriminate against racial, ethnic or language minority groups, the voting rights of which have been specifically protected by federal statues such as the Voting Rights Act, 42 U.S.C. section 1973 et seq.; Where federalization is required in order to redress longstanding patters of electoral fraud, either at the request of state or local authorities, or in the face of longstanding inaction by state authorities who appear to be unwilling or unable to respond under local law; and, Where there is a factual basis to believe that fraudulent registration or voting activity is sufficiently connected to other from of criminal activity that perusing the voter fraud

angle will yield evidence useful in the prosecution of other categories of federal offense.

Donsanto lists four advantages to federal prosecution: voter fraud investigations are labor intensive. Local law enforcement agencies often lack the manpower and the financial resources to take these cases on; voter fraud matters are always politically sensitive and very high profile endeavors at the local level. Local prosecutors (who are usually themselves elected) often shy away from prosecuting them for that reason; the successful prosecution of voter fraud cases demands that critical witnesses be examined under oath before criminal charges based on their testimony are filed. Many states lack the broad grand jury process that exists in the federal system; and, the defendants in voter fraud cases are apt to be politicians - or agents of politicians - and it is often impossible for either the government or the defendant to obtain a fair trial in a case that is about politics and is tried to a locally-drawn jury. The federal court system provides for juries to be drawn from broader geographic base, thus often avoiding this problem.

Several prosecutorial theories used by United States Attorneys to federalize election frauds are discussed. These include: schemes by polling officers to violate their duty under state law to safeguard the integrity of the election process by purposefully allowing void ballots to be cast (stuffing the ballot box), or by intentionally rendering fraudulent vote tallies which can be prosecuted as civil rights violations under 18 U.S.C. sections 241 or 242; schemes to stimulate or reward voter registration by offering or giving voters things having monetary value violate the "payment for registering" clause of 42 U.S.C. section 19731(c); schemes to register voters fraudulently through providing election officials materially false information about the voter's eligibility for the franchise; and, schemes to obtain and cast ballots that are materially defective in nonfederal elections can still be prosecuted under 18 U.S.C. section 1341. There are also some other federal statutes involved in election fraud cases such as 18 U.S.C. section 597 that prohibits making expenditures for the specific purpose of stimulating voters to cast ballots for candidates seeking the federal offices of Senator, Congressman or President and 42 U.S.C. section 1973i (e) that prohibits voting more than once in elections where federal candidates are on the ballot.

Donsanto lists four questions used by prosecutors in evaluating the credibility of election complaints: does the substance of the complaint assuming it can be proven through investigation - suggest a potential crime; is the complaint sufficiently fact-specific that it provides leads for investigators to pursue; is there a federal statute that can be used to federalize the criminal activity at issue; and, is there a special federal interest in the matter that warrants federalization rather than deferral to state law enforcement.

All federal election investigations must avoid the following: non-interference in elections unless absolutely necessary to preserve evidence; interviewing voters during active voting periods; seizing official election documentation; investigative activity inside open polls; and prosecutors must adhere to 18 U.S.C. section 592, prohibiting the stationing of armed men at places where voting activity is taking place.

Finally, Donsanto indicates that election crimes based on race or language minority status are treated as civil rights matters under the Voting Rights Act.

Fooled Again, Mark Crispin Miller

Fooled Again sets out to show that the 2004 election was won by Bush through nefarious means, and indicts the news media for not taking anomalies, irregularities, and alleged malfeasance in the process seriously enough.

Miller identifies a number of statistical anomalies based on polling and turnout results that he alleges puts the validity of the 2004 election in doubt. He accuses Republicans of committing crimes and improprieties throughout the country. These include deliberate disparities in voting machine distribution and long lines in Democratic jurisdictions; misinterpretation of voting laws by elections officials to the detriment of Democratic voters; dirty tricks and deceptive practices to mislead Democratic and minority voters about voting times, places and conditions; machine irregularities in Democratic jurisdictions; relocating polling sites in Democratic and minority areas; suspicious mishandling of absentee ballots; refusing to dispense voter registration forms to certain voter registration groups; intimidation of students; suspicious ballot spoilage rates in certain jurisdictions; "strategic distribution of provisional ballots," and trashing of provisional ballots; harassment of Native American voters; a Republican backed organization engaging in voter registration efforts throughout the country that allegedly destroyed the voter registration forms of Democrats; illegitimate challenges at the polls by Republican poll watchers; improper demands for identification in certain areas; Republican challenges to the voter registration status of thousands of voters before the election, and the creation of lists of voters to challenge at the polls; wrongful purging of eligible voters from voting rolls; partisan harassment; the selective placement of early voting sites; and the failure to send out absentee ballots in time for people to vote.

Miller details what he says was the inappropriate use of the Federal Voter Assistance Program that made voting for the military easy while throwing up obstacles for civilians overseas in their efforts to vote by absentee ballot, leading many of them to be disenfranchised. Miller says that most of the military voters would be Republicans and most of the overseas civilians Kerry voters.

In this book, Miller clearly tries to prove the Republican Party won the 2004 through illegitimate means. This must be kept strongly in mind in making any use of this work. However, the book is well sourced, and individual instances of alleged malfeasance discussed may be worth looking at.

Election Protection 2004

By the Election Protection Coalition

Election Protection – the Program

Election Protection 2004 was the nation's most far-reaching effort to protect voter rights before and on Election Day. The historic nonpartisan program included:

- A toll-free number, 1-866-OUR-VOTE, with free, immediate and multi-lingual assistance to help voters with questions about registration and voting, and assist voters who encounter barriers to the ballot box.
- Distribution of more than five million "Voters' Bills of Rights" with state-specific information
- 25,000 volunteers, including 6,000 lawyers and law students, who watched for problems and assisted voters on the spot at more than 3,500 predominantly African-American and Latino precincts with a history of disenfranchisement in at least 17 states.
- Civil rights lawyers and advocates represented voters in lawsuits, preserved access to the polls, exposed and prevented voter intimidation, worked with election officials to identify and solve problems with new voting machines, technology and ballot forms, and protected voter rights in advance and on Election Day.

Voter Intimidation and Suppression Stories (Abridged)

- An Associated Press story noted Election Protection's exposure of reported voter suppression tactics in Colorado: Officials with the Election Protection Coalition, a voter-rights group, also said some voters in a predominantly black neighborhood north of Denver found papers on their doorsteps giving them the wrong address for their precinct
- Election Protection received a report from Florissant County, Missouri from a voter who lives in predominantly white neighborhood. While waiting in line to vote, a Republican challenger challenged the black voters by requesting more proof of identification, residence, and signature match, while asking nothing from white voters. Also, the same voter reportedly asked a few questions about voting but an election officials refused to provide any meaningful answer, insisting that "it's very simple", but provided white voters with information when requested. There was one other black voter in line who was also singled out for same treatment while white voters were not.
- Election Protection received a report from Boulder County, Colorado that a poll worker made racist comments to Asian American voter and then told her she was not on the list and turned her away. The voter saw others filling out provisional ballots and asked for one but was denied. Another Asian American woman behind

her in line was also given trouble by the same poll worker (he questioned her nationality and also turned her away).

- The Election Protection hotline received reports from Pinellas County, Florida that individuals purporting to be from the Kerry campaign are going door-to-door handing out absentee ballots, and asking voters to fill them out, and then taking the ballots from them, saying "Vote here for Kerry. Don't bother going to the polls."
- The Election Protection Coalition received a report from a woman whose sister lives in Milwaukee and is on government assistance. Her sister was reportedly told by her "case manager" that if she voted for Kerry, she would stop receiving her checks.
- An illiterate, older and disabled voter in Miami-Dade asked for assistance reading the ballot and reported that a poll worker yelled at him and refused to assist him and also refused to allow him to bring a friend into the booth in order to read the ballot to him.
- The Election Protection Coalition have gathered reports that flyers are circulating in a black community in Lexington, South Carolina claiming they those who are behind on child support payments will be arrested as the polls.
- Minority voters from Palm Beach County, Florida reported to the hotline that they received middle-of-the-night, live harassing phone calls warning them away from the polls.
- A volunteer for Rock the Vote reported that two illiterate voters in Michigan requested assistance with their ballots but were refused and reportedly mocked by poll workers.
- The hotline received a call from a radio DJ in Hillsborough County, Florida, who stated that he has received many calls (most of which were from African-Americans) claiming that poll workers were turning voters away and not "letting" them vote.
- The hotline received a call from Pima County, Arizona, indicating that Democratic voters received calls throughout Monday evening, providing incorrect information about the precinct location. Voters have had to be transported en masse in order to correct the problem.
- A caller from Alabama claims that he was told at his polling place that he could vote there for everything but the President and that he would have to go elsewhere in order to vote for a presidential candidate.

- Poll monitors in Philadelphia reports groups of lawyers, traveling in threes, who pull voters out of line and challenge them to provide ID, but when challenged themselves, they hop into waiting cars or vans and leave. Similar activity by Republican lawyers in Philadelphia was reported in the 2002 election.
- In Cuyahoga, Ohio, a caller reported that all black voters are being asked to show ID, while white voters are not. Caller report that he is black and had to show ID while his girlfriend is white and did not have to show ID.
- Two months ago, suspicious phone calls to newly registered Democrats —telling them they weren't, in fact, registered to vote — were traced to the Republican headquarters in the Eastern Panhandle. On Monday, Democrats there said the calls have started again, even after the Berkeley County Clerk — a Republican — sent the party a cease-and-desist letter. The Berkeley prosecutor, who also is county Democratic chairman, has called on the U.S. attorney to investigate.
- In Tuscon, Arizona a misleading call informing voters that they should vote on November 3 has been traced back to the state GOP headquarters. The FBI is investigating.
- A man driving around in a big van covered in American flags and a big picture of a policeman was reportedly parked in front of a polling place; he then got out and moved within the 75 ft limit, until he was asked to leave; he then was found inside the polling place and was again asked to leave. Election Protection volunteers contacted officials and the man was eventually removed.
- The Election Protection hotline has received a report from individuals who claim to have received recorded telephone message coming from Bill Clinton and ACT and reminding them to vote on Nov. 3rd.
- In Massachusetts, the EP Hotline has received a report that a radio station (WILD) is broadcasting that voters will be arrested on the spot if they have outstanding parking tickets.
- In Richland, South Carolina Election Protection has received a report of a poll manager turning away individuals who do not have photo ID issued to the county or a driver's license; an EP lawyer spoke with the Poll Manager at 8:20 am and told her that people with other forms of ID should be allowed to vote by provisional ballot.
- In Greenville, a caller reported that a white poll worker was asking Blacks for multiple form of I.D. Fortunately, the voter who reported the problem did have a second I.D. but reported that some others were turned away. Election Protection attorneys have alerted election officials.

- In Allegheny County, Pennsylvania, an official looking flyer advises Democratic voters to "create a peaceful voting environment" by voting on Wednesday, November 3
- The week before the election, flyers were circulated in Milwaukee under the heading "Milwaukee Black Voters League" with some "warnings for election time." The flyer listed false reasons for which you would be barred from voting (such as a traffic ticket) and then warned that "If you violate any of these laws you can get ten years in prison and your children will get taken away from you."
- There is a Jefferson County flyer which tells voters "See you at the Poles![sic]"... on November 4.

Summary and Relevant Excerpts From Georgia Voter ID Litigation

Complaint For Declaratory And Injunctive Relief

The Secretary of State, as the Chief Election Officer in Georgia, informed the General Assembly before the passage of Act 53 in a letter (attached hereto as Exhibit A), and also informed the Governor in a letter (attached hereto as Exhibit B) before he signed the bill into law, that there had been no documented cases of fraudulent voting by persons who obtained ballots unlawfully by misrepresenting their identities as registered voters to poll workers reported to her office during her nine years as Secretary of State .

Although the Secretary of State had informed the members of the General Assembly and the Governor prior to the enactment of Act 53, that her office had received many complaints of voter fraud involving absentee ballots and no documented complaints of fraud that involve ballots that were cast in person at the polls, the General Assembly ignored this information and arbitrarily chose instead to require only those registered voters who vote in person to present a Photo ID as a condition of voting, but deliberately refused to impose the same requirement on absentee voters

The Stated Purpose Of The Photo ID Requirement Fraud Is A Pretext

According to a press release prepared by the Communications Office of the Georgia House of Representatives, the purpose of Act 53 is:

... to address the issue of voter fraud by placing tighter restrictions on voter identification procedures. Those casting ballots will now be required to bring a photo ID with them before they will be allowed to vote.

Al Marks, Vice Chairman for Public Affairs and Communication of the Hall County GOP told the Gainesville Times:

I don't think we need it for voting, because I don't think there's a voter fraud problem. Gainesville Times, "States Voters Must Present Picture IDs" (September 15, 2005) (www.gainesvilletimes.com).

There is no evidence that the existing provisions of Georgia law have not been effective in deterring and preventing imposters from fraudulently obtaining and casting ballots at the polls by misrepresenting their true identities to election officials and passing themselves off as registered voters whose names appear on the official voter registration list.

The pretextual nature of the purported justification for the burden which the Photo ID requirement imposes on the right to vote is shown by the following facts:

(a) Fraudulent voting was already prohibited by existing Georgia law without unduly burdening the right of a citizen to vote.

(i) Fraudulent voting was already prohibited as a crime under O.C .G.A. §§ 21-2-561, 21-2-562, 21-2-566, 21-2-571, 21-2-572 and 21-2-600, punishable by a fine of up to \$10,000 or imprisonment for up to ten years, or both.

(ii) Voter registration records are updated periodically by the Secretary of State and local election officials to eliminate people who have died, have moved, or are no longer eligible to vote in Georgia for some other reason.

(iii) Existing Georgia law also required election officials in each precinct to maintain a list of names and addresses of registered voters residing in that precinct, and to check off the names of each person from that official list as they cast their ballots.

(iv) Registered voters were also required by existing Georgia law to present at least one of the seventeen forms of documentary identification to election officials who were required, before issuing the voter a ballot, to match the name and address shown on the document to the name and address on the official roll of registered voters residing in the particular precinct. O .C .G.A. § 21-2-417 .

(b) There is no evidence that the existing Georgia law has not been effective in deterring or preventing fraudulent in-person voting by impersonators - the only kind of fraudulent voting that might be prevented by the Photo ID requirement. To the contrary, the Secretary of State, who, as the Superintendent of Elections, is the highest election official in Georgia, informed both the General Assembly (Exhibit A) and the Governor (Exhibit B) in writing that there had been no documented cases of fraudulent in person voting by imposters reported to her during her nine years in office .

(c) If the true intention of the General Assembly had been to prevent fraudulent voting by imposters, the General Assembly would have imposed the same restrictions on the casting of absentee ballots - particularly after the Secretary of State had called to their attention the fact that there had been many documented instances of fraudulent casting of absentee ballots reported to her office.

(d) Fraudulent in-person voting is unlikely, would be easily detected if it had occurred in significant numbers, and would not be likely to have a substantial impact on the outcome of an election:

(i) Many people vote at a local neighborhood polling place where they are likely to be known to and recognized by neighbors or poll workers.

(ii) Voters were required by existing Georgia law (O .C.G.A. § 21-2-417), to provide one of the seventeen means of identification to election officials.

(iii) Election officials are required, before issuing the ballot to the voter, to check off the name of either voter from an up-to-date list of the names and addresses of every registered voter residing in the precinct. If an imposter arrived at a poll and was successful in fraudulently obtaining a ballot before the registered voter arrived at the poll, a registered voter, who having taken the time to go to the polls to vote, would undoubtedly complain to elections officials if he or she were refused a ballot and not allowed to vote because his or her name had already been checked off the list of registered voters as having voted. Likewise, if an imposter arrived at the polls after the registered voter had voted and attempted to pass himself off as someone he was not, the election official would instantly know of the attempted fraud, would not issue the imposter a ballot or allow him to vote, and presumably would have the imposter arrested or at least investigate the attempted fraud and report the attempt to the Secretary of State as Superintendent of Elections.

EXHIBIT B

Letter from Secretary of State Cathy Cox to Governor Sonny Purdue, April 8, 2005

One of the primary justifications given by the Legislature for the passage of the photo identification provisions of House Bill 244 - the elimination of voter ID fraud at the polls is an unfounded justification I cannot recall one documented case of voter fraud during my tenure as Secretary of State or Assistant Secretary of State that specifically related to the impersonation of a registered voter at voting polls. Our state currently has several practices and procedures in existence to ensure that such cases of voter fraud would have been detected if they in fact occurred, and at the very least, we would have complaints of voters who were unable to vote because someone had previously represented himself or herself as such person on that respective Election Day. As a practical matter, there is no possibility that vote fraud of this type would have gone undetected if it had in fact occurred because there is a list of registered voters at each polling place that is checked off as each person votes. If the impersonator voted first and the legitimate voter came to the polling place later in the day and tried to vote, he or she would be told that they had already voted and would not be allowed to vote a second time in the same day. It is reasonable to suspect that a voter who cared enough to show up at the polls to cast a ballot would almost certainly have complained - but there have been no such complaints. If the opposite occurred, and the legitimate person came to the polls first and cast his ballot, the impersonator who showed up later would not be allowed to vote for the same reason and the attempted fraud would have been prevented.

In addition, this state has adopted severe criminal sanctions for the type of vote impersonation that is purportedly of concern and it is evident that such penalties have been a sufficient deterrent. In essence, there is no voter fraud problem currently in existence that House Bill 244 addresses.

In contrast to the lack of voter fraud relating to impersonation of voters at polls during my tenure the State Election Board has reviewed numerous cases of voter fraud relating to the use of absentee ballots.

State Defendants' Initial Brief In Opposition To Plaintiffs' Motion For Preliminary Injunction

There are 159 counties and an even larger number of municipalities in Georgia that conduct elections. Neither the Secretary of State nor her staff can be physically present at the polling places for those elections and therefore could not possibly be aware of all in-person voter fraud that might occur. (Cox Decl. ¶ 6.)

Under the prior law before enactment of HB 244, it is beyond argument that in person voter fraud could have taken place. (Id. ¶ 5.) The Secretary of State's view of the scenario in which voter fraud would occur is when an imposter votes at the polling place and the actual voter shows up later and is unable to cast a ballot. (Id. ¶ 5.) However, the Secretary of State agrees that the scenario she describes is only one instance of potential voter

fraud, and both her scenario and others were possible under the law as it existed prior to the enactment of HB 244. (Id.) As stated by the Director of Elections for the Forsyth County Board of Elections, the typical case of in-person voter fraud would be committed by identifying persons who do not typically vote and then having other individuals vote as those persons. (Smith Decl. ¶ 4.)

The Executive Director of the Richmond County Board of Elections has been aware of such complaints, but has been unable to gather evidence to prove the violations because the nature of the conduct makes such evidence hard to develop. (Bailey Decl. ¶ 9.) Indeed, past incidents of fraudulent registrations in Forsyth County and Fulton County were reported to the District Attorneys' offices in those respective counties. (Smith Decl. ¶ 6; MacDougald Decl. ¶ 4.) In Fulton County, the fraudulent registrations were also reported to the United States Attorney for the Northern District of Georgia, and he has opened an investigation of the fraudulent registrations. (MacDougald Decl. ¶ 4.)

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As part of the order, Judge Murphy describes the testimony of Harry MacDougald, a member of the Fulton County Board of Registration and Election. Mr. MacDougald had stated he had observed voter registration fraud, which he referred to the U.S. Attorney and the District Attorney. In addition, since some precinct cards the Board sent out in 2004 were returned as undeliverable, MacDougald believes they were not eligible voters, yet they were allowed to vote.

Although the Secretary of State said she knew of no incidents of impersonation at the polls, she and her staff are not physically present in every polling site. Secretary Cox stated local officials are in the best position to know of such incidents. The State Election Board has received a number of complaints of irregularities with respect to absentee ballots. Cox is also aware of a case of vote buying of absentee ballots. She is also aware of efforts to submit fraudulent registrations.

According to Secretary of State Cox, Georgia has procedures and practices in place to detect voter fraud. Those procedures include verifying the voter's correct address, as well as the voter's name, during the check-in process for in-person voters. Georgia also imposes criminal penalties for voter impersonation. Most violations of Georgia election laws are punishable as felonies. No evidence indicates that the criminal penalties do not sufficiently deter in-person voter fraud.

The integrity of the voter list also is extremely important in preventing voter fraud. The Atlanta Journal Constitution published an article indicating that Georgia had experienced 5,412 instances of voter fraud during a twenty-year period. Secretary of State Cox's office undertook an investigation in response to that article. The investigation revealed that the specific instance of voter fraud outlined in the Atlanta Journal-Constitution, involving a report that Alan J. Mandel had voted after his death, actually did not occur. Instead, an individual with a similar name, Alan J. Mandle, had voted at the polls, and the poll worker had marked Alan J. Mandel's name rather than marking Alan J. Mandle, the name of the individual who actually voted. Secretary of State Cox's office compared the

signature on the voter certificate to the voter registration card of the living individual, and concluded that the living individual, Alan J. Mandle, rather than the deceased Alan J. Mandel, had voted.

The Secretary of State's Office subsequently attempted to ensure that voter records were maintained and up to date. The Secretary of State's Office sends information concerning dead voters to local elections officials on a monthly basis, and now has the authority to remove the names of deceased voters from the voter rolls if the local elections officials fail to do so in a timely manner. Secretary of State Cox is not aware of any reports of dead individuals voting since her office received authority to remove the names of deceased individuals from the voter rolls.

There seems to be little doubt that the Photo ID requirement fails the strict scrutiny test: accepting that preventing voter fraud is a legitimate and important State concern, the statute is not narrowly drawn to prevent voter fraud. Indeed, Secretary of State Cox pointed out that, to her knowledge, the State had not experienced one complaint of in-person fraudulent voting during her tenure. In contrast, Secretary of State Cox indicated that the State Election Board had received numerous complaints of voter fraud in the area of absentee voting. Furthermore, the Secretary of State's Office removes deceased voters from the voting rolls monthly, eliminating the potential for voter fraud noted by the Atlanta Journal-Constitution article alleging that more than 5,000 deceased people voted during a twenty-year period.

Further, although Defendants have presented evidence from elections officials of fraud in the area of voting, all of that evidence addresses fraud in the area of voter registration, rather than in-person voting. The Photo ID requirement does not apply to voter registration, and any Georgia citizen of appropriate age may register to vote without showing a Photo ID. Indeed, individuals may register to vote by producing copies of bank statements or utility bills, or without even producing identification at all. The Photo ID law thus does nothing to address the voter fraud issues that conceivably exist in Georgia.

Summary and Relevant Excerpts From Georgia Voter ID Litigation

Complaint For Declaratory And Injunctive Relief

The Secretary of State, as the Chief Election Officer in Georgia, informed the General Assembly before the passage of Act 53 in a letter (attached hereto as Exhibit A), and also informed the Governor in a letter (attached hereto as Exhibit B) before he signed the bill into law, that there had been no documented cases of fraudulent voting by persons who obtained ballots unlawfully by misrepresenting their identities as registered voters to poll workers reported to her office during her nine years as Secretary of State .

Although the Secretary of State had informed the members of the General Assembly and the Governor prior to the enactment of Act 53, that her office had received many complaints of voter fraud involving absentee ballots and no documented complaints of fraud that involve ballots that were cast in person at the polls, the General Assembly ignored this information and arbitrarily chose instead to require only those registered voters who vote in person to present a Photo ID as a condition of voting, but deliberately refused to impose the same requirement on absentee voters

The Stated Purpose Of The Photo ID Requirement Fraud Is A Pretext

According to a press release prepared by the Communications Office of the Georgia House of Representatives, the purpose of Act 53 is:

... to address the issue of voter fraud by placing tighter restrictions on voter identification procedures. Those casting ballots will now be required to bring a photo ID with them before they will be allowed to vote.

Al Marks, Vice Chairman for Public Affairs and Communication of the Hall County GOP told the Gainesville Times:

I don't think we need it for voting, because I don't think there's a voter fraud problem. Gainesville Times, "States Voters Must Present Picture IDs" (September 15, 2005) (www.gainesvilletimes.com).

There is no evidence that the existing provisions of Georgia law have not been effective in deterring and preventing imposters from fraudulently obtaining and casting ballots at the polls by misrepresenting their true identities to election officials and passing themselves off as registered voters whose names appear on the official voter registration list.

The pretextual nature of the purported justification for the burden which the Photo ID requirement imposes on the right to vote is shown by the following facts:

(a) Fraudulent voting was already prohibited by existing Georgia law without unduly burdening the right of a citizen to vote.

(i) Fraudulent voting was already prohibited as a crime under O.C .G.A. §§ 21-2-561, 21-2-562, 21-2-566, 21-2-571, 21-2-572 and 21-2-600, punishable by a fine of up to \$10,000 or imprisonment for up to ten years, or both.

(ii) Voter registration records are updated periodically by the Secretary of State and local election officials to eliminate people who have died, have moved, or are no longer eligible to vote in Georgia for some other reason.

(iii) Existing Georgia law also required election officials in each precinct to maintain a list of names and addresses of registered voters residing in that precinct, and to check off the names of each person from that official list as they cast their ballots.

(iv) Registered voters were also required by existing Georgia law to present at least one of the seventeen forms of documentary identification to election officials who were required, before issuing the voter a ballot, to match the name and address shown on the document to the name and address on the official roll of registered voters residing in the particular precinct. O .C .G.A. § 21-2-417 .

(b) There is no evidence that the existing Georgia law has not been effective in deterring or preventing fraudulent in-person voting by impersonators - the only kind of fraudulent voting that might be prevented by the Photo ID requirement. To the contrary, the Secretary of State, who, as the Superintendent of Elections, is the highest election official in Georgia, informed both the General Assembly (Exhibit A) and the Governor (Exhibit B) in writing that there had been no documented cases of fraudulent in person voting by imposters reported to her during her nine years in office .

(c) If the true intention of the General Assembly had been to prevent fraudulent voting by imposters, the General Assembly would have imposed the same restrictions on the casting of absentee ballots - particularly after the Secretary of State had called to their attention the fact that there had been many documented instances of fraudulent casting of absentee ballots reported to her office.

(d) Fraudulent in-person voting is unlikely, would be easily detected if it had occurred in significant numbers, and would not be likely to have a substantial impact on the outcome of an election:

(i) Many people vote at a local neighborhood polling place where they are likely to be known to and recognized by neighbors or poll workers.

(ii) Voters were required by existing Georgia law (O .C.G.A. § 21-2-417), to provide one of the seventeen means of identification to election officials.

(iii) Election officials are required, before issuing the ballot to the voter, to check off the name of either voter from an up-to-date list of the names and addresses of every registered voter residing in the precinct. If an imposter arrived at a poll and was successful in fraudulently obtaining a ballot before the registered voter arrived at the poll, a registered voter, who having taken the time to go to the polls to vote, would undoubtedly complain to elections officials if he or she were refused a ballot and not allowed to vote because his or her name had already been checked off the list of registered voters as having voted. Likewise, if an imposter arrived at the polls after the registered voter had voted and attempted to pass himself off as someone he was not, the election official would instantly know of the attempted fraud, would not issue the imposter a ballot or allow him to vote, and presumably would have the imposter arrested or at least investigate the attempted fraud and report the attempt to the Secretary of State as Superintendent of Elections.

EXHIBIT B

Letter from Secretary of State Cathy Cox to Governor Sonny Purdue, April 8, 2005

One of the primary justifications given by the Legislature for the passage of the photo identification provisions of House Bill 244 - the elimination of voter ID fraud at the polls is an unfounded justification I cannot recall one documented case of voter fraud during my tenure as Secretary of State or Assistant Secretary of State that specifically related to the impersonation of a registered voter at voting polls. Our state currently has several practices and procedures in existence to ensure that such cases of voter fraud would have been detected if they in fact occurred, and at the very least, we would have complaints of voters who were unable to vote because someone had previously represented himself or herself as such person on that respective Election Day. As a practical matter, there is no possibility that vote fraud of this type would have gone undetected if it had in fact occurred because there is a list of registered voters at each polling place that is checked off as each person votes. If the impersonator voted first and the legitimate voter came to the polling place later in the day and tried to vote, he or she would be told that they had already voted and would not be allowed to vote a second time in the same day. It is reasonable to suspect that a voter who cared enough to show up at the polls to cast a ballot would almost certainly have complained - but there have been no such complaints. If the opposite occurred, and the legitimate person came to the polls first and cast his ballot, the impersonator who showed up later would not be allowed to vote for the same reason and the attempted fraud would have been prevented.

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Further, although Defendants have presented evidence from elections officials of fraud in the area of voting, all of that evidence addresses fraud in the area of voter registration, rather than in-person voting. The Photo ID requirement does not apply to voter registration, and any Georgia citizen of appropriate age may register to vote without showing a Photo ID. Indeed, individuals may register to vote by producing copies of bank statements or utility bills, or without even producing identification at all. The Photo ID law thus does nothing to address the voter fraud issues that conceivably exist in Georgia.

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote

GAO Report

In 2002, the Help America Vote Act (HAVA) was enacted and, among other things, it requires states to implement provisional voting for elections for federal office. HAVA, in general, requires that individuals not listed as registered or whose eligibility is questioned by an election official must be notified about and permitted to cast a provisional ballot that is set aside for review by election officials at a later time so that they can determine whether the person is eligible to vote under state law. HAVA also requires that provisional ballots be provided to first-time voters who had registered to vote by mail on or after January 1, 2003, but were unable to show photo identification or another qualifying identification document when voting in person or by mail in a federal election. In addition, HAVA requires that election officials must provide access to information that permits voters to learn if their provisional ballot was counted, and, if not, why not.

This Report focuses on the efforts of local election officials in 14 jurisdictions within 7 states to manage the registration process, maintain accurate voter registration lists, and ensure that eligible citizens in those jurisdictions had the opportunity to cast ballots during the 2004 election. Specifically, for the 2004 election, the Report concentrates on election officials' characterization of their experiences with regard to (1) managing the voter registration process and any challenges related to receiving voter registration applications; checking them for completeness, accuracy, and duplication; and entering information into voter registration lists; (2) removing voters' names from voter registration lists and ensuring that the names of eligible voters were not inadvertently removed; and (3) implementing HAVA provisional voting and identification requirements and addressing any challenges encountered related to these requirements. The Report also provides information on motor vehicle agency (MVA) officials' characterization of their experiences assisting citizens who apply to register to vote at MVA offices and forwarding voter registration applications to election offices.

The Report analyzed information collected from elections and motor vehicle agency offices in seven states—Arizona, California, Michigan, New York, Texas, Virginia, and Wisconsin. These states take various approaches to administering elections. Within each of the seven states, using population data from the 2000 U.S. Census, two jurisdictions were selected: a local jurisdiction with a large population and a local jurisdiction with a small population. The 14 jurisdictions we selected were Gila and Maricopa Counties, Arizona; Los Angeles and Yolo Counties, California; City of Detroit and Delta Township, Michigan; New York City and Rensselaer County, New York; Bexar and Webb Counties, Texas; Albemarle and Arlington Counties, Virginia; and the cities of Franklin and Madison, Wisconsin.

Information was gathered for the Report in a number of ways. First, relevant laws, state reports, and documents related to the voter registration process in the seven states were reviewed. Second, state and local election officials in the 7 states and 14 jurisdictions

were interviewed to obtain information on their registration processes and implementation of the HAVA requirements for provisional voting and voter identification. Third, a survey was sent to election officials in the 14 jurisdictions to gather information about their experiences with the November 2004 election. Finally, a survey was sent to state and local MVA officials in 6 of the 7 states and 12 of the 14 jurisdictions. The survey primarily asked questions about the MVA offices' experiences with (1) assisting citizens with completing voter registration applications, (2) forwarding the applications to election offices, and (3) responding to individuals and state or local election officials who contacted their offices about individuals who declared they had applied to register to vote at MVA offices but their names were not on voter registration lists when they went to vote in the November 2004 election.

Election officials representing all but one of the jurisdictions surveyed following the November 2004 election said they faced some challenges managing the voter registration process, including (1) receiving voter registration applications; (2) checking them for completeness, accuracy, and duplication; and (3) entering information into voter registration lists; when challenges occurred, election officials reported they took various steps to address them. Officials in 7 of the 14 jurisdictions reported that their staff faced challenges checking voter registration applications for completeness, accuracy, or duplicates. According to these officials, these challenges occurred for a variety of reasons, including problems contacting individuals to obtain complete and accurate information and insufficient staffing to check the applications. They reported that, among other things, their staff addressed these challenges by sending letters or calling applicants to obtain correct information. Finally, 6 of the 14 election officials reported that their staff faced challenges entering or scanning voter information into registration lists for reasons such as the volume of applications received close to Election Day and problems with the scanning equipment. To address these challenges, they reported that more staff were hired and staff worked overtime.

All but 1 of the jurisdictions reported removing names from registration lists during 2004 for various reasons, including that voters requested that their names be removed from the voter registration list; information from the U.S. Postal Service (USPS) showing that voters had moved outside the jurisdiction; felony records received from federal, state, or local governments identifying voters as ineligible due to felony convictions; and death records received from state or local vital statistics offices. When removing names from registration lists, election officials reported that they took various steps to ensure that the names of eligible voters were not inadvertently removed from voter registration lists. These steps included sending letters or postcards to registrants to verify that voters wanted their names removed; matching voters' identifying information with USPS data and sending voters identified by USPS as having moved outside the jurisdiction notices of removal; and matching voter registration records with felony records or death records to confirm it was the same person.

All of the jurisdictions reported that they permitted citizens to cast provisional ballots during the November 2004 election. In addition, 12 of the 14 jurisdictions to which this was applicable reported that they offered certain first-time voters who registered by mail

the opportunity to cast provisional ballots. Election officials in 13 of the 14 jurisdictions reported that 423,149 provisional ballots were cast, and 70 percent (297,662) were counted. Not all provisional votes were counted because, as election officials reported, not all provisional ballots met states' criteria for determining which ballots should be counted. Reasons that provisional ballots cast during the 2004 election were not counted, as reported by election officials, included, among others, that individuals did not meet the residency eligibility requirements, had not registered or tried to register to vote with the election office, had not submitted the voter registration applications at motor vehicle agency offices, or election officials did not have time to enter information from applicants into their voter registration lists because applications were received at the election offices very close to or after the state registration deadline.

Local election officials in 12 of the 13 jurisdictions 13 we surveyed reported that they set up mechanisms to inform voters—without cost—about the outcome of their provisional votes during the November 2004 election. These mechanisms included toll-free telephone numbers, Web sites, and letters sent to the voters who cast provisional ballots. Election officials also reported that provisional voters in their jurisdictions received written information at their polling places about how to find out the outcome of their provisional ballots, and provisional voters in 8 of the 13 jurisdictions had the opportunity to access information about the outcome of their ballots within 10 days after the election. Finally, election officials representing 8 of the 14 jurisdictions reported facing challenges implementing provisional voting for various reasons, including some poll workers not being familiar with provisional voting or, in one jurisdiction representing a large number of precincts, staff not having sufficient time to process provisional ballots. To address these challenges, the officials reported that they provided additional training to poll workers and hired additional staff to count provisional ballots.

Existing Literature Reviewed

Reports

The Long Shadow of Jim Crow, People for the American Way and the NAACP

The New Poll Tax, Laughlin McDonald

Wisconsin Audit Report, Voter Registration Elections Board

Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud

Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)

Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson

A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald

Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights

America's Modern Poll Tax, The Advancement Project

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald

Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee

Department of Justice Public Integrity Reports 2002, 2003, 2004

Prosecution of Election Fraud under United States Federal Law, Craig Donsanto

Election Protection 2004, Election Protection Coalition

The Federal Crime of Election Fraud, Craig Donsanto

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Fooled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)

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Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the “second phase” of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund’s frequently cited book. Again, this is something that it is hoped will be addressed in the “second phase” of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

INDIANA ID LITIGATION SUMMARY

MEMORANDUM IN SUPPORT OF DEMOCRATS. MOTION FOR SUMMARY JUDGMENT

Although the proponents of SEA 483 asserted that the law was intended to combat voter fraud, no evidence of the existence of such fraud has ever been provided. No voter has been convicted of or even charged with the offense of misrepresenting his identity for purposes of casting a fraudulent ballot in person, King Dep. 95-96; Mahern Aff. ¶¶ 2-3, though there have been documented instances of absentee ballot fraud. King Dep. 120. Indeed, no evidence of in person, on-site voting fraud was presented to the General Assembly during the legislative process leading up to the enactment of the Photo ID Law. Mahern Aff. ¶¶ 2-

The State cannot show any compelling justification for subjecting only voters who vote in person to the new requirements of the Photo ID Law, while exempting absentee voters who vote by mail or persons who live in state-certified residential facilities. On the other hand, absentee ballots are peculiarly vulnerable to coercion and vote tampering since there is no election official or independent election observer available to ensure that there is no illegal coercion by family members, employers, churches, union officials, nursing home administrators, and others.

The Law gives virtually unbridled discretion to partisan precinct workers and challengers to make subjective determinations such as (a) whether a form of photo identification produced by a voter conforms to what is required by the Law, and (b) whether the voter presenting himself or herself at the polls is in fact the voter depicted in the photo. Robertson Dep. 29-34, 45; King Dep. 86, 89. This is significant because any voter who is challenged under this Law will be required to vote by provisional ballot and to make a special trip to the election board's office in order to have his vote counted. Robertson Dep. 37; King Dep. 58.

The Photo ID Law confers substantial discretion, not on law enforcement officials, but on partisan precinct poll workers and challengers appointed by partisan political officials, to determine both whether a voter has presented a form of identification which conforms to that required by the Law and whether the person presenting the identification is the person depicted on it. Conferring this degree of discretion upon partisan precinct officials and members of election boards to enforce the facially neutral requirements of the Law has the potential for becoming a means of suppressing a particular point of view.

The State arguably might be justified in imposing uniform, narrowly-tailored and not overly-burdensome voter identification requirements if the State were able to show that there is an intolerably high incidence of fraud among voters misidentifying themselves at the polls for the purpose of casting a fraudulent ballot. But here, the State has utterly failed to show that this genre of fraud is rampant or even that it has ever occurred in the context of on-site, in-person voting (as opposed to absentee voting by mail) so as to justify these extra burdens, which will fall disproportionately on the poor and elderly.

In evaluating the breadth of the law and whether the State has used the least restrictive means for preventing fraud, the Court must take into account the other mechanisms the State currently employs to serve the statute's purported purposes, as well as other, less restrictive means it could reasonably employ. *Krislov*, 226 F.3d at 863. The State of Indiana has made it a felony for a voter to misrepresent his or her identity for purposes of casting a fraudulent ballot.

And where the State has already provided a mechanism for matching signatures, has made it a crime to misrepresent one's identity for purposes of voting, and requires the swearing out of an affidavit if the voter's identity is challenged, it already has provisions more than adequate to prevent or minimize fraud in the context of in-person voting, particularly in the absence of any evidence that the problem the Law seeks to address is anything more than the product of hypothesis, speculation and fantasy.

MEMORANDUM OF THE STATE OF INDIANA, THE INDIANA SECRETARY OF STATE, AND THE CO-DIRECTORS OF THE INDIANA ELECTION DIVISION IN SUPPORT OF THEIR JOINT MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO THE MOTIONS FOR SUMMARY JUDGMENT FILED BY BOTH SETS OF PLAINTIFFS

In-person voter-identity fraud is notoriously difficult to detect and investigate. In his book *Stealing Elections*, John Fund observes that actual in-person voter fraud is nearly undetectable without a voter photo-identification requirement because anybody who provides a name that is on the rolls may vote and then walk away with no record of the person's actual identity. *See generally* John Fund, *Stealing Elections* (2004). The problem is only exacerbated by the increasingly transient nature of society. Documentation of in-person voter fraud often occurs only when a legitimate voter at the polls hears a fraudulent voter trying to use her name, as happened to a woman in California in 1994. *See* Larry J. Sabato & Glenn R. Simpson, *Dirty Little Secrets* 292 (1996).

Regardless of the lack of extensive evidence of in-person voter fraud, the Commission on Federal Election Reform (known as the Baker-Carter Commission) recently concluded that "there is no doubt that it occurs." State Ex. 1, p. 18.¹ Legal cases as well as newspaper and other reports confirm that in-person voter-identity fraud, including voter impersonation, double votes, dead votes, and fake addresses, plague federal and state elections. [The memorandum details several specific cases of various types of alleged voting fraud from the past several years]

Though they are largely unable to study verifiable data concerning in-person voter fraud, scholars are well aware of the conditions that foster fraudulent voting. *See* Fund, *supra*; Sabato & Simpson, *supra*, 321. In particular, fraud has become ever more likely as "it has become more difficult to keep the voting rolls clean of 'deadwood' voters who have moved or died" because such an environment makes "fraudulent voting easier and therefore more tempting for those so inclined." Sabato & Simpson, *supra*, 321. "In

general, experts believe that one in five names on the rolls in Indiana do not belong there.” State Ex. 25.

For this case, Clark Benson, a nationally recognized expert in the collection and analysis of voter-registration and population data, conducted his own examination of Indiana’s voter registration lists and concluded that they are among the most highly inflated in the nation.

The Crawford Plaintiffs cite the concessions by Indiana Election Division Co-Director King and the Intervenor-State that they are unaware of any historical in-person incidence of voter fraud occurring at the polling place (Crawford Brief, p. 23) as conclusive evidence that in-person voter fraud does not exist in Indiana. They also seek to support this conclusion with the testimony of two “veteran poll watchers,” Plaintiff Crawford and former president of the Plaintiff NAACP, Indianapolis Chapter, Roderick E. Bohannon, who testified that they had never seen any instances of in-person voter fraud. (*Id.*)

At best, the evidence on this issue is in equipoise. While common sense, the experiences of many other states, and the findings of the Baker-Carter Commission all lead to the reasonable inferences that (a) in-person polling place fraud likely exists, but (b) is nearly impossible to detect without requiring photo identification, the State can cite to no confirmed instances of such fraud. On the other hand, the Plaintiffs have no proof that it does not occur.

At the level of logic, moreover, it is just reasonable to conclude that the lack of confirmed incidents of in-person voting fraud in Indiana is the result of an ineffective identification security system as it is to conclude there is no in-person voting fraud in Indiana. So while it is undisputed that the state has no proof that in-person polling place fraud has occurred in Indiana, there does in fact remain a dispute over the existence *vel non* of in-person polling place fraud.

It is also important to understand that the nature of in-person election fraud is such that it is nearly impossible to detect or investigate. Unless a voter stumbles across someone else trying to use her identity, *see* Sabato & Simpson, *supra*, 292, or unless the over-taxed poll worker happens to notice that the voter’s signature is different from her registration signature State Ext. 37, ¶ 9, the chances of detecting such in-person voter fraud are extremely small. Yet, inflated voter-registration rolls provide ample opportunity for those who wish to commit in-person voter fraud. *See* Fund, *supra*, 24, 65, 69, 138; Sabato & Simpson, *supra*, 321. And there is concrete evidence that the names of dead people have been used to cast fraudulent ballots. *See* Fund, *supra*, 64. Particularly in light of Indiana’s highly inflated voter rolls State Ex. 27, p. 9, Plaintiffs’ repeated claims that there has never been any in-person voter fraud in Indiana can hardly be plausible, even if the state is unable to prove that such fraud has in fact occurred.

Securing the Vote: An Analysis of Election Fraud, by Lorraine Minnite

Professor Lori Minnite conducted a comprehensive survey and analysis of vote fraud in the United States. The methodology included doing nexis searches for all 50 states and surveying existing research and reports. In addition, Minnite did a more in-depth study of 12 diverse states by doing nexis searches, studying statutory and case law, and conducting interviews with election officials and attorneys general. Finally, the study includes an analysis of a few of the most high profile cases of alleged fraud in the last 10 years, including the Miami mayoral election (1997), Orange County congressional race (1996), and the general election in Missouri (2000). In these cases, Minnite shows that many allegations of fraud do not end up being meritorious.

Minnite finds that available evidence suggests that the incidence of election fraud is minimal and rarely affects election outcomes. Election officials generally do a very good job of protecting against fraud. Conditions that give rise to election fraud have steadily declined over the last century as a result of weakened political parties, strengthened election administration, and improved voting technology. There is little available evidence that election reforms such as the National Voter Registration Act, election day registration, and mail-in voting have resulted in increases in election fraud.

Election fraud appears also to be very rare in the 12 states examined more in-depth. Legal and news records turned up little evidence of significant fraud in these states or any indication that fraud is more than a minor problem. Interviews with state officials further confirmed this impression.

Minnite found that, overall, the absentee mail-in ballot process is the feature most vulnerable to voter fraud. There is not a lot of evidence of absentee ballot fraud but the potential for fraud is greatest in this area because of a lack of uniformly strong security measures in place in all states to prevent fraud.

Minnite suggest several reforms to prevent what voter fraud does take place. These include effective use of new statewide voter registration databases; identification requirements for first time voters who register by mail should be modified to expand the list of acceptable identifying documents; fill important election administration positions with nonpartisan professionals; strengthen enforcement through adequate funding and authority for offices responsible for detecting and prosecuting fraud; and establish Election Day Registration because it usually requires voter identification and authorization in person before a trained election worker, which reduces the opportunity for registration error or fraud.

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Shattering the Myth is a description and analysis of the complaints and allegations of voting irregularities gathered by the Election Protection program during the 2004 presidential election. Election Protection was an effort involving hundreds of organizations and thousands of citizens to protect the voting rights of Americans across the country. The project included sending thousands of monitors to the polls and hosting a national toll free voters' rights hotline. EP mounted extensive field efforts in 17 states.

Election Protection received more than a thousand complaints of voter suppression or intimidation. Complaints ranged from intimidating experiences at polling places to coordinated suppression tactics. For example:

- Police stationed outside a Cook County, Illinois, polling place were requesting photo ID and telling voters if they had been convicted of a felony that they could not vote.
- In Pima, Arizona, voters at multiple polls were confronted by an individual, wearing a black tee shirt with "US Constitution Enforcer" and a military-style belt that gave the appearance he was armed. He asked voters if they were citizens, accompanied by a cameraman who filmed the encounters.
- There were numerous incidents of intimidation by partisan challengers at predominately low income and minority precincts
- Voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. In Polk County, Florida, for example, a voter received a call telling her to vote on November 3. Similar complaints were also reported in other counties throughout Florida. In Wisconsin and elsewhere voters received flyers that said:
 - "If you already voted in any election this year, you can't vote in the Presidential Election."
 - "If anybody in your family has ever been found guilty of anything you can't vote in the Presidential Election."
 - "If you violate any of these laws, you can get 10 years in prison and your children will be taken away from you."

There were also numerous reports of poll workers refusing to give voters provisional ballots.

The following is a summary of the types of acts of suppression and intimidation included in the report and a list of the states in which they took place. All instances of irregularities that were more administrative in nature have been omitted:

1. Improper implementation of voter identification rules, especially asking only African Americans for proof of identity: Florida, Ohio, Pennsylvania, Illinois, Missouri, Arkansas, Georgia, Louisiana

2. Individuals at the polls posing as some sort of law enforcement authority and intimidating and harassing voters: Arizona, Missouri
3. Intimidating and harassing challengers at the polls: Ohio, Michigan, Wisconsin, Missouri, Minnesota
4. Deceptive practices and disinformation campaigns, such as the use of flyers with intentional misinformation about voting rights or voting procedures, often directed at minority communities; the use of phone calls giving people misinformation about polling sites and other procedures; and providing verbal misinformation at the polls in a way that appears to have been intentionally misleading: Florida, Pennsylvania, Illinois, Wisconsin, Missouri, North Carolina, Arkansas, Texas
5. Refusal to provide provisional ballots to certain voters: Ohio, Pennsylvania, Illinois, Michigan, Colorado, Missouri, Texas, Georgia, Louisiana
6. Registration applications submitted through third parties that were not processed: Arizona, Michigan, Nevada (registration forms destroyed by Sproul Associates)
7. Improper removal from the voter registration list: Arizona
8. Individuals questioning voters' citizenship: Arizona
9. Police officers at the polls intimidating voters: Illinois, Michigan, Wisconsin, Missouri, North Carolina

The report does not provide corroborating evidence for the allegations it describes. However, especially in the absence of a log of complaints received by the Department of Justice, this report provides a very useful overview of the types of experiences some voters more than likely endured on Election Day in 2004.

Summary of the U.S Department of Justice Section 5 Recommendation Memorandum:
August 25, 2005 regarding HB 244 – parts that pertain to the issue of voter fraud.

Overview: Five career attorneys with the civil rights department investigated and analyzed Georgia's election reform law. Four of those attorneys recommended objecting to Section 59, the voter identification requirement. The provision required all voters to present government issued photo identification in order to vote. The objection was based on the attorneys' findings that there was little to no evidence of polling place fraud, the only kind of fraud an ID requirement would address, and that the measure would disenfranchise many voters, predominantly minority voters, in violation of Section 5 of the Voting Rights Act.

Factual Analysis: The sponsor of the measure in the state legislature said she was motivated by the fact that she is aware of vote buying in certain districts; she read John Fund's book; and that "if there are fewer black voters because of this bill, it will only be because there is less opportunity for fraud. She said that when black voters in her black precincts are not paid to vote, they do not go to the polls."

A member of the Fulton County Board of Registrations and Elections said that prior to November 2004, Fulton County received 8,112 applications containing "missing or irregular" information. Only 55 of those registrants responded to BOE letters. The member concluded that the rest must be "bogus" as a result. He also stated that 15,237 of 105,553 precinct cards came back as undeliverable, as did 3,071 cards sent to 45,907 new voters. Of these 3,071, 921 voted.

Secretary of State Cathy Cox submitted a letter testifying to the absence of any complaints of voter fraud via impersonation during her tenure.

In the legal analysis, the attorneys state that if they determine that Georgia could have fulfilled its stated purpose of election fraud, while preventing or ameliorating the retrogression, an objection is appropriate. /They conclude that the state could have avoided retrogression by retaining various forms of currently accepted voter ID for which no substantiated security concerns were raised. Another non-retrogressive alternative would have been to maintain the affidavit alternative for those without ID, since "There is no evidence that penalty of law is an insufficient deterrent to falsely signing an affidavit of identity."

The attorneys point out that the state's recitation of a case upholding voter fraud in Dodge County does not support the purpose of the Act because that case involved vote buying and selling, not impersonation or voting under a false identity.

Stealing Elections, John Fund

In Stealing Elections, John Fund says that “Election fraud, whether its phony voter registrations, illegal absentee ballots, shady recounts or old-fashioned ballot-box stuffing, can be found in every part of the United States, although it is probably spreading because of the ever-so-tight divisions that have polarized the country and created so many close elections lately. Although most fraud is found in urban areas, there are current scandals in rural South Dakota and Texas.” Fund admits that “Democrats figure prominently in the vast majority of examples of election fraud described in this book.” He argues Republican fraud is less common because Republicans are middle class and Democrats are poor and most fraud occurs in inner cities where there are a lot of minorities. However, because of politics, state and local prosecutors are reluctant to go after fraud.

He also stipulates that Democrats and Republicans have different worldviews on voting: Democrats are concerned about intimidation and disenfranchisement while Republicans are concerned with fraud and the need to police the polls.

Fund argues that fraud has been made easier by the passage of the National Voting Rights Act because it allows ineligible voters to remain on the voter rolls, allowing a voter to vote in the name of someone else. He claims dead people, people who have moved, and people in jail remain on the voting list. He believes because of NVRA illegal aliens have been allowed to vote. Absentee balloting makes it even worse: someone can register under false names and then use absentee ballots to cast multiple votes. Groups can get absentee ballots for the poor and elderly and then manipulate their choices.

Fund goes through a number of examples of alleged voter fraud, mostly perpetrated by Democrats. For example, he claims much fraud in St. Louis in 2000, including illegal court orders allowing people to vote, felons voting, people voting twice, dead people voting, voters were registered to vacant lots, election judges were not registered and evidence of false registrations

Another case he pays a great deal of attention to are the alleged transgressions by Democrats in Indian Country in South Dakota 2002, including voter registration fraud, suspicious absentee ballot requests, vote hauling, possible polling place fraud, abusive lawyers at polling sites, and possible vote buying.

Fund criticizes and scorns “conspiracy theories” around electronic voting perpetuated by Democrats. He says that “By whipping up a frenzy of suspicion about electronic voting, Democrats will have built a platform from which, if the presidential or key Senate elections in November 2004 are close, the can launch endless lawsuits everywhere there were problems with electronic machines.”

Stealing Elections focuses almost entirely on alleged transgressions by Democrats. Fund’s accusations, if credible, would indicate that fraud such as voter registration fraud, absentee ballot fraud, dead people voting, and felon voting is prevalent throughout the country. However, due to its possible biases, lack of specific footnoting, and insufficient

identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

The Long Shadow of Jim Crow, People for the American Way and the National Association for the Advancement of Colored People

This report describes the pervasive and repeated practices of voter intimidation and vote suppression that have taken place in very recent years and during contemporary American history. The most recent cases included in the report are the incident in which Florida law enforcement questioned elderly African American voters in Orlando regarding the 2003 mayoral race, which had already been resolved, shortly before the 2004 election; the 2004 Florida felon purge list; the case of South Dakota in 2004 in which Native Americans were improperly and illegally required to show photo identification at the polls or denied the right to vote, and similar improper demands for ID from minorities in other parts of the country; the use of challengers in minority districts in many locations; the challenge to the right of African American students to vote in Texas in 2004; the presence of men looking like law enforcement challenging African American voters at the polls in Philadelphia in 2003; the distribution of flyers in Louisiana and elsewhere in a number of elections over the last few years in minority areas telling them to vote on the wrong day; and the FBI investigation into thousands of Native American voters in South Dakota in 2002, which resulted in no showing of wrongdoing.

The report also points out that, "Over the past two decades, the Republican Party has launched a series of 'ballot security' and 'voter integrity' initiatives which have targeted minority communities. At least three times, these initiatives were successfully challenged in federal courts as illegal attempts to suppress voter participation based on race.

It goes on to describe the numerous instances of voter intimidation and suppression during the 2000 election, the 1990s, the 1980s and back through the civil rights movement of the 1960s, putting current efforts in historical perspective. Describing the chronology of events in this way demonstrates the developing patterns and strategic underpinnings of the tactics used over the last forty years.

Steal this Vote-Dirty Elections and the Rotten History of Democracy in America by Andrew Gumbel

The bulk of the book comprises stories from United States electoral history outside the scope of this project. However, these tales are instructive in showing how far back irregular and illegal voting practices go. Cases include the 1868 New York City elections; the Tilden-Hayes election; the impact of the introduction of the secret ballot; the 1981 consent decree; the 1990 Helms campaign; the 1960 presidential election controversy in Chicago; the rise of the voting machine business, including the introduction of punch card machines; and allegations by Republicans regarding NVRA.

Steal this Vote focuses almost entirely on alleged transgressions by Republican, although at times it does include complaints about Democratic tactics. Gumbel's accusations, if credible, especially in the Bush-Gore election, would indicate there were a number of problems in key states in such areas as intimidation, vote counting, and absentee ballots. However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

An Evaluation: Voter Registration Elections Board: Wisconsin Audit Report 05-12:
September 2005

The Joint Legislative Audit Committee of the Wisconsin Legislature required the Wisconsin Audit Report. The Report obviously does not include the 2006 statistics for statewide voter registration as required by HAVA. Wisconsin voter registration is required by statute in only 172 municipalities---those with populations of 5,000 or more. Another 167 smaller municipalities opted to maintain voter registration lists. Currently, 28.9 % of the voting-age population is not required to register before voting.

According to the Report, great variation was found in the implementation of existing voter registration laws. For example, 46 % of municipalities that responded to the survey did not send address verification cards to individuals who registered by mail or at the polls on Election Day in November 2004.

Further, only 85.3 % of survey respondents reported updating their voter registration lists to remove inactive voters, as required by law.

Current voter registration practices were determined to be insufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. The Report identified 105 instances of voting irregularities in six municipalities, including 98 ineligible felons who may have voted. The names of these individuals were forwarded to appropriate district attorneys for investigation.

Due to concerns about ineligible voting, stemming from the 2004 election, the Joint Legislative Audit Committee requested that voter registration procedures be evaluated. The following was investigated for this Report:

- * voter registration requirements and the methods by which voters register, including requirements in other states;
- * the address verification process, including the use of address verification cards to confirm the residency of those who register by mail or at the polls;
- * procedures and practices for updating voter registration lists; and,
- * the role of the Elections Board.

Wisconsin allows qualified electors to register in person, by mail, or with a special registration deputy before Election Day, and at the polls on Election Day. In municipalities where registration is required by statute, 20.3 % of Wisconsin voters registered at the polls on Election Day in November 2004. Municipal clerks rely on registrants to affirm their eligibility, including citizenship and age. However, requirements for providing identification or proof of residence vary depending on when an individual registers and by which method.

Address verification cards are the primary tool available to municipal clerks for verifying the residency of registered voters and detecting improper registrations by mail or at the polls. Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 % of the 150 municipalities surveyed sent cards to both groups, and 46 % did not send any address verification cards.

Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 % of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys surveyed indicated that they require more information than is typically provided to conduct effective investigations.

To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in four years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists. These statutory requirements are not consistently followed:

* 85.3 % of municipalities removed the names of inactive voters from their voter registration lists;

* 71.4 % sometimes or always notified registered voters before removing their names; and

* 54.0 % reported removing the names of ineligible felons.

Because of such inconsistencies, registration lists contain duplicate records and the names of ineligible individuals. For example, more than 348,000 electronic voter registration records from eight municipalities were reviewed, identifying 3,116 records that appear to show individuals who are registered more than once in the same municipality.

In six municipalities where sufficient information was available, there was 105 instances of potentially improper or fraudulent voting in the 2004 elections. These included: 98 ineligible felons who may have voted; 2 individuals who may have voted twice; 1 voter who may have been underage; and 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day.

Recommendations:

* adjusting the early registration deadline to provide clerks more time to prepare registration lists;

* establishing more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;

- * establishing uniform requirements for demonstrating proof of residence for all registrants;
- * providing municipal clerks with more flexibility in the use of address verification cards;
- * Authorizing civil penalties for local election officials and municipalities that fail to comply with election laws; and,
- * implementing mandatory elections training requirements for municipal clerks.

The Report also recognized that the new HAVA registration procedures would help with existing registration problems.

Preliminary Findings of Joint Task Force Investigating Possible Election Fraud: May 10, 2005

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The purpose of the task force was to determine whether evidence of criminal fraud existed in the irregularities and, if evidence of fraud was found, to pursue criminal prosecutions.

The task force has made the following specific determinations based on evidence examined to date:

- * evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake. Those investigations continue;
- * more than 200 felons voted when they were not eligible to do so. In order to establish criminal cases, the government must establish willful violations in individual instances;
- * persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. The evidence does not indicate that these particular false registrations were later used to cast votes; and,
- * the number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500.

The investigation concentrated on the 70,000+ same-day registrations. It found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation also found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

- * persons with the same name and date of birth recorded as voting more than once;
- * persons who live outside Milwaukee, but who used non-existent City addresses to register and vote in the City;
- * persons who registered and voted with identities and addresses that cannot in any way be linked to a real person;
- * persons listed as voting under a name and identity of a person known to be deceased; and
- * persons whose identities were used to vote, but who in subsequent interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

The investigation found persons who were paid money to obtain registrations allegedly falsified approximately 65 names on registration forms, allegedly to obtain more money for each name submitted. There is no evidence gathered to date that votes were cast under these specific false names. Also found were more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so.

An additional finding of the task force was that the number of votes cast far exceeds the total number of recorded voters. The day after the 2004 election, the City of Milwaukee reported the total number of votes as 277,344. In late November an additional 191 previously uncounted absentee ballots were added, for a total of 277,535 votes cast. Still later, an additional 30 ballots were added, bringing the total number of counted votes to 277,565. City records, however, have been unable to match this total to a similar number of names of voters who cast ballots – either at the polls (under a prior registration or same day registration) or cast absentee ballots. At present, the records show a total of 272,956 voter names – for a discrepancy of 4,609. This part of the investigation was hampered by widespread record keeping errors with respect to recording the number of voters.

In the 2004 election, same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information. These were part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City. Included in this 1,300 were 141 same-day registrants from addresses outside the City of Milwaukee, but who voted within the City of Milwaukee. In several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards.

Another record keeping procedure hampering the investigation appears to be the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found.

The New Poll Tax: Republican-Sponsored Ballot-Security Measures are Being Used to Keep Minorities from Voting

By Laughlin McDonald

McDonald argues that “the discriminatory use of so-called ‘ballot security’ programs” has been a reoccurring scandal since the passage of the Voting Rights Act of 1965. These programs are deceptively presented as preventing voter fraud and thereby furthering good government. However, McDonald states “but far too often they [the ballot security programs] are actually designed to suppress minority voting -- and for nakedly partisan purposes.”

McDonald blames the federal government as well as the states for use of suspect ballot security programs. He cites the implementation of the U.S. Department of Justice’s in "Voting Integrity Initiative" in South Dakota as the worst example of a joint federal-state effort to prevent voter fraud. Alleged voter fraud only in counties with significant Native American populations was targeted. South Dakota Attorney General Mark Barnett “working with the FBI, announced plans to send state and federal agents to question almost 2,000 new Native-American registrants, many of whom were participating in the political process for the first time.” However, statistics show that these efforts only served to increase Native American voter participation. Native Americans “were targeted based on fraud allegations that proved to be grossly exaggerated; at the end of the investigation, only one Native American was even charged with a voting-rules violation.”

McDonald cites several other ballot security efforts that were really disguised attempts at minority voter suppression:

In Pine Bluff, Ark., Democrats accused Republican poll watchers of driving away voters in predominantly black precincts by taking photos of them and demanding identification during pre-election day balloting. Democrats in Michigan charged that a plan by Republicans to station hundreds of "spotters" at heavily Democratic precincts was an effort to intimidate black voters and suppress Democratic turnout. In South Carolina, a lawsuit filed the day before the election alleged that officials in Beaufort County had adopted a new and unauthorized policy allowing them to challenge voters who gave rural route or box numbers for their registration address. According to the complaint, a disproportionate number of those affected by the new rule would be African-American voters who lived in the rural areas of the county.

McDonald is also critical of the Help America Vote Act (HAVA). He states that HAVA “contains other provisions that may enhance the opportunities for harassment and intimidation of minorities through ballot-security programs.” McDonald specifically attacks the photo ID requirement for anyone who registered by mail but has not previously voted. McDonald argues that the ID requirement will suppress minority voting because minorities are less likely than non-minorities to have a photo ID, a photo ID is expensive to obtain and all the alternatives to photo ID present similar obstacles to minority voters. He also argues that there is no evidence that photo ID will combat voter

fraud but it only really provides “another opportunity for aggressive poll officials to single out minority voters and interrogate them.”

McDonald lists some classic past ballot security efforts by the Republicans that have been abused: the 1981 gubernatorial election anti-fraud initiative leading to the well known consent decree prohibiting the Republicans from repeating this, a similar Republican effort in Louisiana in 1986 in Senator John Breaux’s race which again resulted in prohibition by a state court judge, and a similar effort by Republicans in Senator Jesse Helms 1990 reelection. This time the Department of Justice sued the Republican Party and Helm’s reelection committee, resulting in another consent decree prohibiting future ballot security programs without court approval.

McDonald indicates that the crux of the problem is lax enforcement of federal voters rights laws. He states, “there is no record of the purveyors of any ballot-security program being criminally prosecuted by federal authorities for interfering with the right to vote.” The only positive case law McDonald cited was a decision by the United States Court of Appeals for the Eighth Circuit that affirmed “an award of damages ranging from \$500 to \$2,000, payable by individual poll officials to each of seven black voters who had been unlawfully challenged, harassed, denied assistance in voting or purged from the rolls in the town of Crawfordsville [Arkansas].”

McDonald concludes by stating that Congress and the states should adopt “nondiscriminatory, evenly applied measures to ensure the integrity of the ballot.”

**MEASURING PERCEPTIONS OF ELECTION THREATS: SURVEY DATA
FROM VOTERS AND ELITES**

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September 7, 2006

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For an election to be meaningful, it must be seen as being fair. The public, the candidates, and the political parties all must have confidence in the outcome. Electoral irregularities—either intentional election fraud or unintentional problems in the election that result in an inaccurate (and thus sometimes in the eyes of the losing side, fraudulent) outcome—clearly can effect confidence in the outcome of an election.¹ In the United States, since the 2000 election there have been concerns raised regarding intentional and unintentional fraud.² The ongoing debate about the security of electronic voting technologies reflects one aspect of this debate. Concerns have also been raised about fraud in absentee voting, early voting, precinct voting, and voting by military personnel and overseas civilians (“UOCAVA” voters), that are all unrelated to the type of voting technologies used.³ Moreover, there have been convictions in New Hampshire related to jamming political party “get-out-the-vote” telephone banks in the 2002 gubernatorial election.⁴

There have been numerous claims in recent years that the public does not have confidence that their vote will be counted accurately. This claim was central to the report of the

¹ See R. Michael Alvarez, Thad E. Hall and Morgan Llewellyn, “Are Americans Confident Their Ballots Are Counted?” Caltech/MIT Voting Technology Project Working Paper 49, 2006; Richard L. Hasen, “Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown,” *Washington & Lee Law Review*, 62, (2005), p. 937 for further discussion of voter confidence in the American electoral process.

² For examples of this literature, see Tracy Campbell, *Deliver the Vote*, (New York: Carrol & Graf, 2005); John Fund, *Stealing Elections*, (New York: Encounter Books, 2004); Andrew Gumbel, *Steal This Vote*, (New York: Nation Books, 2005).

³ Caltech/MIT Voting Technology Project, “Voting: What Is, What Could Be,” 2001, <http://vote.caltech.edu>.

⁴ As recently reported in the Boston Globe: “The episode began with a political dirty trick engineered by New Hampshire Republicans on Nov. 5, 2002. Republican John E. Sununu, then a House member, was locked in a tight Senate race against Democrat Jeanne Shaheen, then the governor, in a contest some observers thought could determine control of the Senate. In an effort to disrupt Democrats' get-out-the-vote efforts, officials with the state Republican Party hired a telemarketing company to tie up the hot lines that had been set up by Democrats and a firefighters' union to help get voters to the polls. For about 90 minutes, computer-dialed calls tied up the hotlines, until the scheme was halted by state Republican officials who grew concerned about its legality. Sununu won the race by about 20,000 votes on a day in which Republicans swept the major races in New Hampshire and much of the nation. The case has yielded three convictions so far, including those of the RNC's New England regional political director for the 2002 elections, James Tobin, and the then-executive director of the state Republican Party, Charles McGee. The third person convicted was Allen Raymond, a former Virginia telemarketing executive who was hired by the New Hampshire Republicans.” Rick Klein, *Boston Globe*, April 13, 2006, http://www.boston.com/news/nation/articles/2006/04/13/white_house_pressed_on_nh_tactic.

“Carter-Baker” Commission’s report on election reform.⁵ The commission’s work was predicted on the idea that the public lacks confidence in election outcomes and that this confidence can be restored only through the implementation of specific reforms. However, public data on this issue presents a mixed message. For example, data from recent surveys studied by Alvarez, Hall and Llewellyn indicate that roughly 9 of 10 voters report being confident that their ballots will be counted as intended. However, these authors also find that confidence among African American voters has dropped considerably between the 2000 and 2004 elections, as around 16% reported a lack of confidence after the 2000 elections, but over 30% expressed a lack of confidence in the 2004 election cycle.⁶

In this chapter, we explore the issue of confidence and fraud in elections. Since before the 2004 presidential election, we have been conducting periodic national sample public opinion polls to assess the perceptions of Americans about the electoral system. We have asked questions specifically about the potential problems associated with electronic voting systems in three successive surveys. More recently, we have asked respondents in a national probability sample about their perceptions of general security threats to the electoral process. We also conducted a pilot survey in 2005 that sought to obtain detailed threat assessment data from the “elite” population: election administrators, academics, policymakers, and advocates. In this paper we present data from these surveys, which provide important information on the perceptions of Americans about the security of their electoral system. Before we do so, we consider the potential threats and risks associated with the fair conduct of elections and provide the results of a small elite survey that considers the threats and risks associated with the voting process. The

⁵ Commission on Federal Election Reform, 2005. “Building Confidence in U.S. Elections.” <http://www.american.edu/ia/cfer>.

⁶ See Alvarez et al, “Are Americans Confident Their Ballots Are Counted?” and Hasen “Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown.”

potential for fraud is predicated on specific threats coming to fruition. We consider the potential problems that can arise in elections and the likelihood that they will occur, and we also examine the methodological question of whether a survey-based approach can elicit useful data for threat assessment analyses.

Elections as a Threat-Probability Environment

We often discuss risks in our daily lives. What are the risks of getting cancer or of being in an accident or of being eaten by a shark while swimming in the ocean? In order to understand these risks you have to understand four facets of risk. First, what is the threat you are concerned about encountering (e.g., being eaten by a shark)? Second, what is the level of disruption the threat would cause (e.g., being eaten by a shark could kill you, a very high level of life disruption!)? Third, what is the likelihood of being eaten by a shark (It is lower than the risk of being crushed by a pig)? Fourth, how easy is it to mitigate the risk (e.g., by not going into the ocean in areas where there are known sharks)? We can write this as an equation:

$$\text{Risk} = \text{Threat (Disruption + Likelihood)} - \text{Mitigation}$$

As this equation shows, all threats do not manifest themselves equally as risks. Some threats may not produce very high levels of disruption. Some threats may be problematic but be very unlikely to occur. Some threats may be problematic but be easy to mitigate. However, just as all threats are not equal when considered as risks, the calculation of the equation above will vary across different individuals who make the calculation. This is especially true in areas where there are different types of people involved in the evaluation process. When the Food and Drug Administration had a panel of medical experts consider the need to remove certain Cox-II

inhibitors, such as Vioxx, from the market, there was a difference of opinion between clinicians who treat patients and researchers who study risk.⁷ The clinicians understood the threat, the disruption problem, but calculated the likelihood and mitigation differently than the researchers. The clinicians thought they could effectively mitigate the risk, thus lowering the likelihood of a problem arising, through aggressive monitoring of patients. The risk researchers examined the aggregate data and had a different calculation of risk.

The issue of risk analysis varies across issue areas and the willingness to tolerate risk varies across these areas as well. For the public and for policy makers alike, the media often plays a critical role in framing our understanding of risk.⁸ One framework for understanding how risk is interpreted examines the social amplification and attenuation of risk.⁹ This framework has multiple components: a personal component (how the risk is perceived to affect the individual), an institutional component, and a social aspect, all of which affect how risks are interpreted and addressed.¹⁰ “Risk analysis, then, requires an approach that is capable of illuminating risk in its fully complexity, is sensitive to the social settings in which risk occurs, and also recognizes that social interactions may either amplify or attenuate the signals to society about the risk.”¹¹

Risk analysis is made difficult on an individual level by the fact that most individuals do not experience certain risks directly. Instead, an individual’s perceptions of risk are understood and “experienced” through the media. The media’s framing of an issue, the attention given, the tone of the coverage, the overall amount of information provided, and the symbolism used to

⁷ See the website that the FDA has established regarding the Arthritis Drugs Advisory Committee’s work, <http://www.fda.gov/ohrms/dockets/ac/cder05.html#ArthritisDrugs%20>.

⁸ See Marc Siegel, *False Alarm*, (New York, Wiley, 2005).

⁹ See Nick Pidgeon, Roger Kasperson and Paul Slovic, *The Social Amplification of Risk*, (Cambridge: Cambridge University Press, 2003).

¹⁰ Roger E. Kasperson and Jeanne X. Kasperson, “The Social Amplification and Attenuation of Risk,” *Annals of the American Academy of Political and Social Science*, 545 (1996), p. 95-105.

¹¹ Kasperson and Kasperson, “The Social Amplification and Attenuation of Risk.”

characterize the risk, shape how the public perceives a given risk. Additionally, all media are not created equally in how they discuss risks. There are obvious differences in how one might expect mass media—television, radio, and print newspapers—to cover risk compared to the Internet or specialized professional publications. However, even in the mass media, there are differences in how risks are studied and discussed in news stories versus opinion stories or opinion talk shows. Finally, the actual likelihood of a risk being serious can be inversely related to the amount of media coverage the risk receives. For example, the risk of dying from radiation exposure via the sun is much higher than the risk of dying from radiation exposure from an accident at a nuclear power plant, but the latter has received more attention, historically, than the former. Similarly, the coverage of West Nile Virus and the flu have been inversely related to the number of deaths they cause.

Measuring Risk Assessments in Survey Research

As far as we know, there is no existing literature on the use of survey approaches for collecting information on the assessments of a population regarding threats or risks to the electoral system. We are aware of literatures, especially regarding threat assessments of violence and violent behavior, where interview research has been employed in part to develop risk models.¹² Additionally there are a number of projects that aim to probe the expectations of target populations regarding propensities to engage in other types of risky behavior, for example, the likelihood that teenagers will engage in behaviors that present health risks.¹³ But while survey-

¹² Randy Borum, Robert Fein, Bryan Vossekuil and John Berglund, "Threat Assessment: Defining An Approach for Evaluating Risk of Targeted Violence," *Behavioral Sciences and the Law*, 17 (1999), p. 323-337; Marisa Reddy, Randy Borum, John Berglund, Bryan Vossekuil, Robert Fein, and William Modzeleski, "Evaluating Risk for Targeted Violence in Schools: Comparing Risk Assessment, Threat Assessment, and Other Approaches." *Psychology in the Schools*, 38 (2001), p. 157-172.

¹³ One long-standing project in this area is the "Youth Risk Behavior Surveillance System" (YRBSS), that uses surveys of teen-aged children every two years, with 2005. h national, state, and local samples, to collect data on health risk behaviors. See <http://www.cdc.gov/HealthyYouth/yrbs/overview.htm> for details.

based methods for studying expectations of future events and behavior are used in some areas of social and policy research, we are not aware of their use in developing risk or threat assessment in the field of election administration.

Partly, this is due to the lack of research on election administration.¹⁴ But that there is little research in the social sciences on survey measurement of threats to the electoral or political process is most likely due to a skepticism in the social science community about how individuals think about probabilities and expectations and whether the survey environment is one where they can provide accurate assessments of probabilities and expectations. On one hand, there is work in social science like that of Tversky and Kahneman that shows with experimental data that subjects use shortcuts to process information and develop expectations, thus implying that individuals may not be well-suited to form expectations or probability assessments about events like the possibility of threats to election systems in a way consistent with notions of rational expectations. On the other hand, there is research in political behavior that shows that survey respondents are poor predictors of the likelihood of candidate victories in elections, and that the process of expectation formation in the election setting is influenced by how much the respondent likes the candidate and not just information on how well they are doing in the race. And last, as recently reviewed by Manski, the economics profession has until very recently been reluctant to turn to survey methodologies to study economic expectations.¹⁵

Following in the path of recent work like Manski's and his collaborative work with Dominitz, we have experimented with different survey-based approaches, using different

¹⁴ R. Michael Alvarez, and Thad E. Hall, "Controlling Democracy: The Principal-agent Problems in Election Administration," *Policy Studies Journal*, forthcoming.

¹⁵ Paul R. Abramson, John H. Aldrich, Phil Paolino, and David W. Rohde, "Sophisticated Voting in the 1988 Presidential Primaries," *American Political Science Review*, 86 (1992), p. 55-69; Larry M. Bartels, "Expectations and Preferences in Presidential Nominating Campaigns," *American Political Science Review*, 79 (1985), p. 804-815. Larry M. Bartels, *Presidential Primaries and the Dynamics of Public Choice*. (Princeton: Princeton University Press, 1988); Charles F. Manski, "Measuring Expectations." *Econometrica*, 72 (2004), 1329-1376; Amos Tversky, and Daniel Kahneman, "Judgment under Uncertainty: Heuristics and Biases." *Science*, 185 (1974), 1124-1131.

populations and sampling strategies, of gathering data from survey respondents that might be used in threat assessment analysis for election administration. In the remainder of this paper we discuss two of these experiments, the first seeking to gather data on the likelihood of election system threats from well-informed and highly-knowledgeable populations, election officials, academics, policymakers, and election reform advocates. In the second experiment we tested a question on assessment of election system risks in a national probability telephone sample. Below we present data from the two different methods, and then in our conclusion we provide some tentative evaluations as to the utility of the survey method for developing threat assessments, and discuss some future research directions.¹⁶

Risk Assessments in Elections: Elite Perceptions

Working in conjunction with the Caltech/MIT Voting Technology Project, *electionline.org*, and the University of Utah's Center for Public Policy and Administration, we conducted an elite survey that examined potential risks to the conduct of a fair election. The complete survey instrument is shown at the end of this paper. This survey extensively examined a wide array of potential threats, ranging from outright types of election fraud, to tampering with the electoral process and unintentional problems:

- Illegal or double voting;
- Coercion or disrupting election;
- Voter registration;
- Problems with precinct voting;

¹⁶ Jeff Dominitz, and Charles F. Manski, "Using Expectations Data to Study Subjective Income Expectations." *Journal of the American Statistical Association*, 92 (1997), p. 855-867; Jeff Dominitz and Charles F. Manski, "Perceptions of Economic Uncertainty: Evidence from the Survey of Economic Expectations" *Public Opinion Quarterly*, 61 (1997), 261-287.

- Problems with early voting (in-person and absentee); and
- Problems with post-election ballot processing.

For each type of threat, the respondent was asked to score on a scale from one (1) to ten (10), with one being a low score and ten being a high score, the following:

1. What level of disruption would the event cause to an election?
2. The likelihood the threat would occur in the 2005 elections (if any)?
3. What is the likelihood the event could occur in the 2006 elections?
4. How would you rate the ease of mitigating against the threat?

This calculus requires a respondent to think about risk comprehensively. For each type of threat we identified, we required respondents to think through the components of the risk in a way that allowed its overall potential magnitude to be determined. The survey also asked additional questions, including an overall assessment of the risk threat presented by six types of substantive problems, in an effort to assess what the overall threat profile might be for the existing elections process.

To implement this survey, we posted it (in "fillable" PDF format) on a number of websites that are frequented by academic researchers, election officials, policymakers, and election reform advocates.¹⁷ Notices of the survey's availability were sent out, and electionline.org profiled this project in their newsletter. We advertised the survey in a number of conference or workshop presentations, and had paper copies available for potential respondents. In the end, we received only twenty-three complete survey responses; the poor response rate appears due to the complexity and length of the survey, to difficulties some had with the

¹⁷ The websites used were the Caltech/MIT Voting Technology Project's website (<http://votingtechnologyproject.org>), our weblog (<http://electionupdates.caltech.edu>), Electionline (electionline.org), and the University of Utah's Center for Public Policy and Administration (<http://www.cppa.utah.edu>).

“fillable” PDF file, and to concerns about how the information in the survey might be used.¹⁸

The survey was available on October 20, 2005; most responses were received in late 2005, though the final response was received on May 18, 2006. Respondents did come from a variety of backgrounds: academia, election administration, policymaking, and advocacy.¹⁹

Despite the low response rate to this elite survey, and the non-random method of respondent selection, we do feel that we there is interesting data that can help shed some light on elite perceptions of threats to the electoral process. The first set of threats we asked these subjects about were a wide variety of types of election fraud; we present the average ranking of the types of election fraud, for each dimensions we queried (the potential disruption it would cause, the likelihood in 2005, the likelihood in 2006, and the potential for mitigation) in Table 1.

[Table 1 about here]

When we examine the data in Table 1, it is clear that elite respondents see what might be called “denial of service” attacks on the electoral process (disruptions of early, absentee, or precinct voting) as ones likely to cause the greatest disruption --- and to be among some of the most difficult to mitigate. At the other end of the spectrum, our elite respondents saw illegal voting, the various types of double voting, and registration fraud as among the least disruptive types of election fraud. However, respondents perceived voting in multiple jurisdictions and registration fraud as difficult to mitigate. As to the relative likelihood of occurrence, in Table 1 it is clear that elite respondents see coercion as the most likely of the many types of election fraud to occur (both averaging 4.0 on the 1 to 10 scale we used), and disruptions of the process and voting in multiple precincts as the least likely to occur.

¹⁸ We return to this point in the conclusion. We heard, third-hand, that there were concerns expressed in the community of election officials about how the data from this survey effort might be used.

¹⁹ Unfortunately, due to the extremely limited response rate, confidentiality concerns prevent us from providing any detailed analysis of the profile of the respondents to this survey.

In the next section of Table 1, we provide information on the second set of potential threats: efforts to tamper with the process of voting itself, either early or precinct voting, or ballot transport and tabulation. Note that our elite respondents uniformly saw these as threats likely to disrupt the process; each of these threats ranked 5.0 or greater on the 1 to 10 point scale. Tampering with early voting had the greatest estimated potential of disruption (an average of 6.9), followed closely by the threat posed by tampering with precinct e-voting machines (an average of 6.8). Despite the potential for disruption, though, note as well that the elite respondents saw these as having a relatively low likelihood of occurrence in the current election cycle; tampering with precinct tabulators received the highest average ranking (2.4), the rest averaged right around 2 on the 1 to 10 point scale. Furthermore, none of these threats were perceived as highly difficult to mitigate, as tampering with early and precinct e-voting, as well as ballot transport and tabulation, received average ratings of around 3 on our ten-point scale.

Finally, in the bottom section of Table 1, we provide the same information for the third set of potential threats: an array of unintentional problems with early and precinct voting, as well as with ballot processing. Here we find that some of these unintentional problems were perceived as somewhat of a threat for disruption, especially unintentional problems with early and precinct e-voting machines and their associated paper trails. Interestingly, some of these unintentional problems were among some of the most likely to occur in the current election cycle, especially problems with early voting and precinct paper trails, and processing of absentee and provisional ballots. Elite respondents also saw the early and precinct voting paper trail problems as relatively more difficult to mitigate, relative to the other unintentional problems we posed to them.

Another question in our elite survey that produced helpful data was the third and final question: “For each part of the electoral process in the county where you vote, please rank the relative chance that the problems (intentional or unintentional) will occur in upcoming elections in November 2006. Please label the risk that is most likely as 1, and the one that is least likely as 6.” The set of problems we asked about included illegal or double voting, coercion or deception in voting, voter registration, problems with precinct voting, problems with absentee voting, and problems in post-election ballot processing and tabulation.

What we have done with these data is produce in a simple table (Table 2) the counts of responses in each of the categories.²⁰ Overwhelmingly, our elite respondents saw that voter registration was the most likely threat to the election process in their county (12 of 22 respondents rated that as most likely). Second in terms of likelihood were problems with absentee voting, as 4 respondents rated it as most likely to be a threat, and 7 respondents rated it as the second-most likely threat. Third most likely in terms of perceived threats are problems with precinct voting, as 3 rated that as the most likely threat and 5 rated it as the second most likely threat.

[Table 2 about here]

In conclusion, we see that a survey-based approach for eliciting data from election elites as to potential threats is a viable methodology. Of course, future efforts to gather similar data can learn important lessons from our pilot study. First, our survey instrument was lengthy and complex, even drawing complaints about length and complexity from experts in the field; thus future survey-based efforts might concentrate on gathering data in less complicated ways. Second, we were unable to obtain a large pool of survey respondents to this survey. This indicates that perhaps other efforts, including working more closely with organizations that have credibility with election administrators (in particular) might be productive, as would other

²⁰ There are only twenty two responses to this question; one of the survey respondents did not answer this question.

methods for increasing the sample size in future elite threat assessment surveys. Third, working to obtain data that is more representative of the various components of the population of election administrators, academics, policymakers and advocate representatives should be pursued, including both quantitative (survey) and qualitative (focus group) methods.

Risks Assessments in Elections: General Public Attitudes and Concerns

From 2004 to 2006, we have conducted several surveys asking American voters about their confidence in various voting technologies. In January 2006, we also asked 2,025 respondents in a national probability sample a survey question that was designed to mirror, as best as possible, the type of open-ended question that were included in the election threats questionnaire discussed in the previous section.²¹ The difference is that the January 2006 survey used a closed-ended question format and came at the end of a series of questions on election reforms and election problems.

The specific question asked of all survey respondents was: “What do you perceive as the greatest threat to the integrity of the electoral system?”

- a. Intentional voting fraud, such as by tampering with electronic voting machines or stuffing the ballot box,
- b. unintentional human errors by poll workers or election officials,
- c. voter registration fraud,
- d. illegal voting such as voting twice,

²¹ The survey was in the field from January 18-24, 2006. Interviewing was done by professional telephone survey interviewers from International Communications Research (ICR). We used ICR’s “national telephone omnibus survey”, which is national telephone probability sample, collected twice a week. The question on election threats came at the end of a series of questions on election confidence, election reforms, and voting technologies. The data we present here are weighted using the population weights provided by ICR with the data.

- e. intimidation through which voters are coerced to vote for a specific candidate or ballot measure,
- f. some other problem, or
- g. don't know".

In examining the descriptive statistics given in Table 3, there are two findings that are of immediate interest. First, it is relatively clear from these data that this is an issue that most American adults are relatively uncertain about. In the sample, 33.8 percent of respondents did not have an answer to this question and 0.9% of respondents refused to answer the question. In addition, 36% of respondents gave the answer "some other problem." That so many respondents answer "some other problem" can also be interpreted as another indication of uncertainty on the part of the respondent, some or all of these survey respondents may have seen this as a simple answer to provide interviewers to avoid the perception that the respondent was actually uninformed about this problem. As roughly 7 of 10 respondents might have no opinion about potential threats to the electoral system indicates that this issue may not have yet permeated into the minds of most Americans.

[Table 3 about here]

Second, if we examine the responses to the actual threats provided in the list, we see that the category "intentional voting fraud" has the highest incidence of response (12.3%), followed by "unintentional human errors" (6.9%), and "voter registration fraud" (5%). In addition, illegal voting—such as voting twice—and voter intimidation both were the greatest concern of between 2% and 3% of respondents. These four forms of fraud--intentional voting fraud, voter registration fraud, illegal voting, and intimidation—are forms of intentional fraud and together approximately 22% of the respondents in our sample indicated that some form of intentional

election fraud is a significant concern. By examining the data more closely, we can determine the subpopulations of voters who are most concerned about intentional election fraud.

The subpopulations of voters that are greatest interest initially are race, partisanship, and a voter's registration status.²² The differences between black and white voters are of especially high interest given the amount of discrimination that has occurred toward black voters in the past. In addition, the debates over election reform have traditionally had a very specific dynamic, with conservatives and Republicans being very concerned about voter registration fraud and liberals and Democrats being concerned about intimidation. Since 2003, the historical concern among Republicans about intentional fraud via ballot box stuffing—as was alleged in Cook County in 1960—has been compounded by concern among Democrats about intentional tampering with electronic voting machines to steal elections for the Republicans. Finally, we examine the differences between registered voters and the unregistered; if the unregistered have very high levels of concern about fraud, it could be playing into the cost component of their “calculus of voting” and keeping them from participating in the electoral process.

When we examine differences between White and Black respondents, we find that both groups have similar general concerns about election fraud. Nearly ten percent more Black respondents (almost 4 of ten Blacks in our sample) had no opinion about fraud concerns, relative to Whites (29.9% of White respondents expressed no opinion). But approximately 70 percent of both populations did not select a specific fraud concern; 77 percent of White respondents and 75 percent of Black respondents did not select an intentional fraud concern from the list offered. There are important differences between Blacks and Whites regarding the type of intentional election fraud that concerns them most. Black respondents were slightly more likely to be

²² Given that relatively few respondents provided a substantive answer to this question, we have little data that we can use for multivariate statistical analysis. Thus here we focus on the simple bivariate correlations, and leave more detailed multivariate statistical studies for future research.

concerned about intentional voting fraud, registration fraud, and voter intimidation. By contrast, Whites are more concerned about illegal voting.

Given the problems that have faced Black voters throughout history, these findings are not surprising. Even in 2000, the concerns about voter registration fraud—as exemplified in claims that Black voters were systematically purged from the rolls—were very high. Such concerns came to the fore again in 2004, with claims that the voter registration forms of Democrats in Nevada were not being submitted to the State correctly. Recent work by Alvarez, Hall, and Llewellyn found that Black voters have less confidence generally that their vote will be counted accurately compared to White respondents, so we are not surprised the minority voters have a specific concern focused on fraud that can be perpetrated against voters—such as intimidation or registration fraud.²³

When we examine fraud concerns among Democrats, Independents, and Republicans, we find that some of the anecdotal findings about fraud hold true but some do not. Specifically, Republicans are much more concerned about voter registration fraud than are Democrats. However, Democrats and Republicans are equally concerned about voter intimidation, just as they are equally concerned about illegal voting. One area where there is a large gap among partisans is in the area of concern about intentional voting fraud. Democrats are 4 percentage points more likely to be concerned about intentional election fraud than are Republicans or Independents. Given the close and contentious nature of both the 2000 and 2004 presidential elections and how liberal interest groups have used concerns about the security of electronic voting as an issue, it is not surprising that Democrats have this concern.

When we compare registered voters with those who are not registered, we find that there are interesting differences as well. Not surprisingly, those who are not registered to vote were

²³ Alvarez et al., “Are Americans Confident Their Ballots Are Counted?”

more likely to have no opinion about threats to the electoral system (39%, relative to 32.3% for registered voters). But registered voters were much more likely to be concerned about the threat of unintentional problems, such as human errors, to the electoral process. Registered voters are also more concerned than the unregistered in voter intimidation. Given that registered voters see more of the process than those who are not registered, the registered voters have likely encountered small issues at the polls that give rise to these concerns. The responses of the individuals who voted in 2004 are very similar to the responses of registered voters.

In addition to the groups of greatest interest shown in Table 3, we also examined perceptions of fraud across basic demographic characteristics of the population, we find some interesting variations but also much agreement across groups. For example, men are slightly more concerned about voter registration fraud than are women (6% to 4%) and women are more likely to answer “don’t know” (37% to 31%) as opposed to “some other problem” (34% female, 38% male). Concerns about election fraud vary little across various age cohorts, although young people (aged 18-27) are more likely to answer “don’t know” and not “some other problem.” There is a similar pattern of “don’t know” versus “some other problems” in the income data, with lower income individuals more likely to answer “don’t know” compared to other things. One interesting variation is among those individuals with some college education, but not a college degree. These individuals are 5 percentage points more likely to be concerned about intentional voter fraud—such as tampering with electronic voting machines or stuffing ballot boxes—than either (a) individuals with a high school education or less or (b) individuals with a college degree or advanced degree.

Electronic Voting and Threats to the System

There has been a large amount of attention paid to concerns that voters may have with electronic voting equipment. In several surveys, we have asked respondents if they agree, disagree, or don't know if electronic voting systems (1) increase the potential for fraud; (2) are more accurate; (3) make it easier for people with disabilities to vote; and (4) are prone to unintentional failures. Given the level of concern about electronic voting, we are interested in seeing whether people who are concerned about electronic voting have broader general concerns about election fraud. The descriptive analysis examining views of fraud and concerns about electronic voting are shown in Tables 4.

First, we present a simple analysis of whether people who are concerned about electronic voting fraud are concerned about fraud generally. Here, we find that individuals who think that electronic voting systems increase the potential for fraud are 10 percentage points more likely to think there is intentional election fraud compared to individuals who do not think electronic voting increases the potential for fraud. The concerned respondents are also twice as concerned as people who no opinion about electronic voting's potential for fraud. When we consider the specific election fraud concerns that individuals who are concerned about electronic voting have, we find that they are more concerned about fraud across the board than are the other respondents. Not surprisingly, more than half of the overall concern relates to concerns about intentional vote fraud. However, these individuals are also much more concerned about voter registration fraud and illegal voting as well. In general, people concerned about electronic voting are concerned about many facets of the voting process.

[Table 4 about here]

By contrast, people who agree that electronic voting systems are more accurate are much less likely to be concerned about fraud than those who disagree with that statement. Respondents who view electronic voting as being accurate are 10 percentage points less likely to be concerned about intentional fraud generally. Those with no opinion about the accuracy of electronic voting systems are also much less likely to be concerned about fraud. When we examine specific fraud concerns, people who think electronic voting is more accurate are less likely to be concerned about voter registration fraud and intentional voter fraud compared to those who do not think electronic voting is more accurate. However, those who think electronic voting is more accurate are also more concerned about unintentional human errors in the voting process and also with the possibility that some people will engage in illegal voting, such as voting twice.

Another interesting aspect of this study is that approximately one-third of respondents did not have an opinion about the positive or negative aspects of electronic voting. When we examine these individuals and their concerns about fraud, we find that they are less likely to be concerned about fraud generally than are those who have an opinion about electronic voting. Most starkly, the individuals who do not have an opinion about electronic voting increasing the potential for fraud are half as likely to be concerned about intentional voting fraud when compared to the individuals who think electronic voting increases the potential for fraud. The results are slightly less stark for those who think electronic voting is prone to unintentional failures compared to those with no opinion—here, the difference is 6.5 percentage points. For the two questions that explore the positive aspects of electronic voting, the difference between those who disagree with these positive attributes and those with no opinion are again quite large, with the gap between the two groups being 8.9 percentage points or more in size.

For the other two questions, we find similar results. Individuals who are concerned about unintentional failures with electronic voting systems are also concerned generally with fraud across the board. On the other hand, individuals who think that electronic voting will make voting easier for people with disabilities are generally less likely to be concerned about fraud. These data examining concerns about fraud by individuals who are generally supportive or concerned about electronic voting suggest that concerns about intentional fraud are linked to concerns about failures in the voting process generally. By contrast, individuals who are generally positive about the voting process are more positive about fraud not occurring.

Conclusions

The results from these survey experiments illustrate two key different and important issues regarding how we can study and prevent election fraud. First, the data from the national random sample survey show that Americans are poorly informed and relatively unconcerned about election fraud. For those voters who are concerned about election fraud, the concern centers on actual intentional voting fraud, where illegal ballots are cast in the election. The data also suggest a “sore loser” effect from the most recent elections, as Democrats are more likely to be concerned about illegal voting compared to Republicans. Fortunately, we do not see fraud as being a greater concern among non-voters or non-registered voters; concerns about fraud do not seem to be keeping people away from the polls.

We also see that some individuals are just more worried about fraud generally than are other individuals. For example, respondents who are concerned about electronic voting fraud specifically are more concerned about all types of fraud, especially intentional fraud, when compared to those individuals who either are not concerned or have no opinion about the potential for electronic voting fraud. Likewise, individuals who are concerned about the

accuracy of e-voting systems in counting ballots are also more likely to be concerned about intentional election fraud.

Thus, when we think about how national population survey data like ours that asks about threats to the electoral system or election fraud can be used in threat assessment analysis, we have two different reactions. On one hand, that the population seems generally uninformed about election fraud, and that their perceptions seems systematically affected by their political orientations, suggests caution in the use of this sort of data in threat assessment analysis. But on the other hand, as the general population is one of the ultimate consumers of election administration services, it is important to understand the public's concerns and level of knowledge, and to incorporate their concerns into fraud and threat prevention. To the extent that perceptions of threat and fraud influence public confidence in the integrity of the electoral process, studying the public's perceptions is important.

Second, a different set of implications arise from our study of the elite-level survey results. Substantively, when we examine the opinion of individuals about specific fraud risks and the ability to mitigate these risks, we find that disruptions to elections are the most highly disruptive are also among the easiest to mitigate. This is similar to the problems faced on the Internet; denial of service attacks are problematic but can be mitigated with effective deterrence and prevention.²⁴ However, there is a more basic reason to survey informed individuals about the likelihood that various threats to elections will occur. Basic theories of economics and psychology tell us that markets—be they stock markets, betting parlors, or in this case, decision or prediction markets—are highly effective at predicting the future. There is a wealth of literature discussing the efficiency of betting markets: such markets take advantage of collective

²⁴ The authors have both actually been to the location where the major Internet domains are managed. All we can say about the experience (we signed non-disclosure agreements to get in the door) is that it is incredibly impressive to see how the management process works and how attacks to the system are addressed.

knowledge and the aggregation of information to produce effective estimations of outcomes. Other types of markets, like The Iowa Electronic Market or the Hollywood Stock Exchange, have proven highly effective at predicting the outcomes of non-market outcomes (like presidential elections and weekend box office grosses for movies) that other methods sometimes have difficulty forecasting with accuracy.²⁵

Suggesting that such markets be used for predicting problems with elections could be controversial; witness the concerns raised about the Policy Analysis Market that the Defense Department attempted to develop in 2002-2003 to help predict changes in the conditions that are conducive to a terrorist incident occurring.²⁶ However, such approaches can be used to identify potential threats and determine where resources should be focused to develop a more secure election system. A prediction market trying to forecast election problems could be done at the state or local level, aggregating the knowledge of poll workers, poll watchers from political parties and interest groups, habitual voters, and other interested players in the election process. Given the wide variation that exist in state election laws and local implementation of these laws, conducting such work could be highly effective in improving our perceptions of the actual threats that exist in the election process.

But, using prediction markets to aggregate information might prove difficult or problematic in the area of forecasting election problems, as well-informed elites might perceive that they do not have an incentive to reveal what information they have about potential threats to election systems, as they might believe that the revelation of that information might strategically be used against them. As we noted above in our discussion of our elite survey, the low response

²⁵ Joyce Berg, Forrest Nelson, and Thomas Rietz, "Accuracy and Forecast Standard Error of Prediction Markets," 2003, <http://www.biz.uiowa.edu/iem/archive/forecasting.pdf>; Charles R. Plott, "Markets as Information Gathering Tools," *Southern Economic Journal*, 67,1 (2000), p. 1-15; James Surowiecki, *The Wisdom of Crowds*, (New York, Anchor, 2005).

²⁶ See <http://hanson.gmu.edu/policayanalysismarket.html> for further information about this project.

rate we received in reaction to our survey, especially from the election official community, might reflect such concern. If so, that indicates that much care is needed when it comes to the development of future elite surveys on threat assessment and election fraud, and careful presentation to potential survey respondents exactly how the data will be used. In any case, clearly more research on how we can obtain information from voters and elites about their perceptions of election threats, so that information can be used in threat assessment analysis, is required.

Table 1

Description	2005		2006	
	Disruption	Likelihood	Likelihood	Mitigation
Double voting: absentee and precinct	2.8	2.8	2.9	2.8
Double voting: multiple precincts	3.0	2.0	2.1	2.2
Double voting: multiple jurisdictions	2.9	3.0	3.4	4.1
Illegal voting	2.8	2.9	2.9	3.8
Vote buying	4.3	2.6	2.9	5.0
Registration fraud	3.1	3.2	3.3	4.5
Absentee fraud	4.1	3.5	4.0	4.7
Coercion: absentee voting	4.9	3.3	4.0	5.6
Coercion: precinct voting	4.6	2.5	2.7	2.7
Deception and Intimidation	5.3	2.5	2.5	3.4
Disruption: absentee voting	5.6	1.5	2.1	5.6
Disruption: early voting	5.2	1.3	2.2	5.2
Disruption: precinct voting	6.3	1.3	2.3	5.5

Description	2005		2006	
	Disruption	Likelihood	Likelihood	Mitigation
Tampering:				
Early e-voting	6.9	1.7	2.2	3.5
Early voting paper ballots	5.3	1.8	2.2	3.3
Early voting tabulators	5.3	1.5	2.1	2.7
Precinct e-voting	6.8	1.7	2.2	3.6
Precinct paper ballots	5.0	1.7	1.9	3.4
Precinct tabulators	5.6	1.8	2.4	2.9
Ballot transport	5.6	1.5	1.8	3.4
Ballot tabulation	6.1	1.8	1.9	3.0

Description	2005		2006	
	Disruption	Likelihood	Likelihood	Mitigation
Unintentional problems:				
Early e-voting machines	4.2	3.1	3.5	3.7
Early paper ballots	3.7	3.7	2.6	3.7
Early voting paper trails	4.2	3.5	4.6	4.8
Precinct vote tabulators	3.8	2.2	2.4	2.5
Precinct e-voting machines	4.1	3.2	3.8	3.0
Precinct paper ballots	3.2	2.8	3.0	3.1
Precinct paper trails	4.0	3.1	4.3	4.3
Processing absentee ballots	3.8	3.6	4.0	2.7
Processing provisional ballots	3.7	3.7	4.0	3.3

Table 2

	Most likely	2	3	4	5	Least likely
Illegal or double voting	2	2	1	8	3	6
Coercion or deception in voting	2	2	3	3	7	5
Voter registration	12	1	3	2	2	2
Problems with precinct voting	3	5	4	2	4	4
Problems with absentee voting	4	7	6	1	3	1
Problems with post-election affairs	3	1	3	4	4	7

Table 3

	Aggregate		Party Affiliation			Race		Registered	
	Frequency	Percent	Rep.	Dem.	Ind.	White	Black	Yes	No
Voter registration fraud	100	5.0%	6.9	3.8	4.9	5.6	5.2	5.0	5.3
Illegal voting	62	3.1%	3.5	3.0	2.9	3.1	0.5	3.4	1.8
Intentional voting fraud	249	12.3%	11.2	15.1	10.7	12.8	13.5	12.2	12.8
Unintentional human errors	140	6.9%	7.3	6.9	6.1	8.1	5.2	7.4	4.8
Intimidation	43	2.1%	2.4	1.7	2.3	2.0	4.7	2.3	0.8
Some other problem	731	36.1%	36.6	33.4	39.8	37.8	31.6	36.8	34.0
Don't know	683	33.8%	31.1	35.8	32.6	29.9	39.4	32.3	39.0
Refused	17	0.9%	1.0	0.3	0.7	0.9	0.0	0.6	1.5

Table 4:

E-Voting Fraud Potential				
	Agree	Disagree	No Answer/ No Opinion	Total
Intentional Fraud	30.4	20.6	15.2	22.5
Unintentional Fraud	69.6	79.4	84.8	77.5
Voter registration fraud	6.4	4.9	3.3	5.0
Illegal voting	4.1	2.4	2.5	3.1
Intentional voting fraud	17.3	10.9	8.0	12.3
Unintentional human errors	7.5	7.2	6.0	6.9
Intimidation	2.5	2.5	1.3	2.1
Some other problem	37.8	40.6	29.8	36.2
Don't know	23.7	30.6	48.5	33.7
Refused	0.7	0.9	0.6	0.7
E-Voting Accuracy				
	Agree	Disagree	No Answer/ No Opinion	Total
Intentional Fraud	20.2	30.2	19.6	22.4
Unintentional Fraud	79.8	69.8	80.4	77.6
Voter registration fraud	4.3	5.8	4.8	4.8
Illegal voting	2.8	2.7	2.5	3.1
Intentional voting fraud	10.2	19.8	9.9	12.4
Unintentional human errors	6.5	5.8	8.3	6.9
Intimidation	1.9	2.1	2.4	2.1
Some other problem	39.0	37.7	31.2	36.2
Don't know	33.8	25.7	39.7	33.7
Refused	0.4	0.6	1.3	0.7

Appendix: Elite Survey Instrument

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Contemporary Election Fraud:
A Quantitative Analysis of Election Fraud Cases in California

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Abstract

Studies of electoral fraud have generally consisted of demonstrating the existence and pervasiveness of fraud in various contexts based on elite interviews, voter surveys, newspaper stories or case-study analysis. Yet none of these studies has yielded data with sufficient variation across time or space to permit systematic testing of hypotheses regarding the frequency of electoral fraud. In addition, many of these studies have gone where the fraud is by intentionally studying cases or countries where fraud is considered problematic. In this paper we conduct a quantitative analysis of election fraud using data from California's 58 counties between 1994-2003. Our data consist of all electoral fraud cases filed during this period and are disaggregated by allegation and resolution. We conduct event count regressions to test hypotheses about the timing and location of fraud cases, including measures of competitiveness, ideology, economics and demographics. Our results provide evidence that fraud allegations are associated with competitiveness, ideology, race and county election outlays. Results are similar across a variety of specific violations as well as case outcomes.

1 Introduction

Maintaining the integrity of the electoral process is a fundamental goal of election administrators in democracies across the world. If questions arise about the integrity of balloting or vote tabulation, the legitimacy of the subsequent governing regime can — and often is — undermined. Thus election administrators have developed systems to monitor and protect the integrity of the electoral process in democratic elections.

But despite these protections, claims about significant election fraud arise quite frequently, even in long-established democratic nations like the United States. Allegations of election fraud in the United States have a long history, and have been documented as far back as the very early elections held during the founding of the republic. But while there are often allegations made about election fraud, there is a surprising lack of empirical evidence regarding how frequently election fraud arises, how many votes it potentially influences, and where in the electoral process fraudulent activities occur. This is especially true of the contemporary political period in the United States.

Allegations about election fraud in the United States also arise during debates about significant changes to the electoral process. Examples range from Congressional debates about voter registration (heard during debates about the “National Voter Registration Act”), or about broader election reform proposals like the recently enacted “Help America Vote Act” (2002). But these debates about election fraud also occur during state and local debates about changes to election procedures, with prominent examples being how allegations of potential election fraud derailed ballot measures that would have implemented election-day voter registration in California and Colorado in 2002.

In this paper we offer an analysis of a unique database. In the past decade, the California Secretary of State has established an office that investigates election fraud allegations throughout the state. This database provides information on all election fraud cases that were referred to this office between 1994 and 2003, and provides information on how each

case was resolved. This database is organized by year and by county, and by the precise nature of the allegation (for example, did it concern voter registration or absentee voting fraud). After merging our election fraud database with other political and demographic databases, we test a series of hypotheses about what factors produce higher levels of observed cases of election fraud across space and time. We find evidence that election fraud allegations are associated with competitiveness, ideology, race and election outlays.

2 Studying Electoral Fraud

Research on election fraud in the United States is difficult. First, obtaining data on election fraud is difficult, and sometimes impossible. There are no national regulations nor standards for reporting election statistics of any type, especially for reporting allegations, prosecutions, convictions, and other statistics on election fraud.¹ Second, election fraud might be difficult to detect; after all, those who might be motivated to perpetrate election fraud will take steps to minimize the odds that they are caught! So it might be possible that any statistical data that we obtain about election fraud underreports the true rate of fraud, and therefore any data we can collect and analyze might be subject to unknown selection biases.

Perhaps due to a lack of consistent data on election fraud, there has been relatively little empirical analysis of election fraud in the social science research literature. One extensive literature on election fraud in the United States focuses on historical studies of election fraud, including research on fraud during the "Gilded Age", during the late 1800's; much of this literature tries to estimate the extent of election fraud (e.g. Argersinger 1985-1986). There are other, largely historical, studies of American election fraud that focus

¹Eventually, the recently-passed "Help America Vote Act" (H.R. 3295) will require that states and counties collect and report statistical information on the conduct of elections under their jurisdictions. However the exact type of data, whether there will be reporting standards, and whether the data will be readily available to the interested public, are currently unclear. The "Help America Vote Act" established the "Election Assistance Commission", which is tasked with developing the statistical reporting guidelines; at the time we are writing this paper the Election Assistance Commission has just been formulated.

on different geographic locations or certain components of the election process. For example, there is a historical study of election fraud in the early twentieth-century in Pittsburgh (Mayfield 1993), and studies of nineteenth-century New York (Cox and Kousser 1981), Texas (Baum 1991), South Carolina (King 2001), and Mississippi (1989). Miller (1948) examined fraud allegations in absentee voting, while others have studied allegations of fraudulent voter registration, especially in historical perspectives (e.g., Keyssar (2000), Harris (1929)). Last, there is a chapter on election fraud with information from the contemporary period in Sabato and Simpson (1996), as well as studies by Fund (2004), Campbell (2005) and Gumbel (2005).

Outside of the United States, there have been studies of election fraud, especially in what Lehoucq (2003), in his review essay on election fraud, calls “pre-reform political systems”. These are nations that do not meet minimal requirements for a functioning democracy, and thus, have electoral administration systems that appear to allow for much more rampant election fraud. Important examples of this literature include Costa Rica (Lehoucq and Molina 2002), Imperial Germany (Anderson 2002), Argentina (Sabato 2001), and Brazil (Graham 1990).² The general conclusions of this literature are that there are many different ways in which political agents attempt to illegally manipulate election outcomes; however the evidence is weak that many of these manipulations are in fact decisive in determining electoral winners or losers (Lehoucq 2003).

Recently, following the 2000 American presidential election and the subsequent attention paid to observed electoral irregularities in that election (especially in Florida), there has been renewed interest in studying electoral irregularities and fraud. There is growing interest in using sophisticated statistical or econometric techniques to try to model election regularities — and to then identify election irregularities, or “outliers” (Wand et al. 2001; Mebane and Sekhon 2003).³ Detected “outliers”, say in precinct-by-precinct or

²Lehoucq (2003) provides an more extensive literature review, covering sources in French and Spanish, in addition to English.

³While this new interest is developing among methodologically-sophisticated social scientists, the basic idea of using outlier detection to identify potential electoral fraud has appeared earlier in some historical studies of fraud, including Baum (1991), Oberst and Weilage (1990) and Powell (1989).

county-by-county analyses, can then be examined in further detail to determine if their outlier status is due to actual fraud or to other idiosyncratic reasons. This is a promising avenue for future studies of election fraud.

Last, there is an extensive and growing literature on political corruption. This research literature spans an examination of historical political machines and corruption in American cities, for example Tammany Hall in New York (Riordan 1994). Other components of this literature are comparative in nature, especially studying political corruption across nations (e.g., Rose-Ackerman 1999; Myerson 1993; and Persson and Tabellini 2000). As this literature tends to cover the more general issues of political corruption, sometimes works in this area cover types of corruption that take place in the electoral arena; an example of this is vote buying (Hasen 2000).

Regarding the causes of electoral fraud, the research literature has pointed to a variety of potential explanations for why electoral fraud varies across time and space in specific nations, as well as across nations. Political factors, especially political competition, have been shown to explain the variance in election fraud, with there typically being a positive correlation between competitiveness and various measures of election fraud (Dominguez and McCann 1996; Eisenstadt 1999). Institutional factors, in particular the particular mechanisms used to elect members to legislative bodies (for example, whether majoritarian or proportional systems were used to translate votes into representation), appear to explain much of the variance in election fraud in Costa Rica, with more fraud occurring under majoritarian rules (Lehoucq and Molina 2002). Other studies have documented how economic interests (Anderson 2000), partisanship and incumbency (Botana 1979), and urbanization (Dominguez and McCann 1996) also appear to have correlations with the extent of election fraud across space and time. Below we operationalize variables that allow us to test for these various correlates of election fraud in our database.

3 Election Fraud in California, 1994-2003

To study the relationship between various factors and fraud allegations, we obtained a database from the California Secretary of State's Election Fraud Investigation Unit (EFIU).⁴ Our databases include information on all electoral fraud cases referred to the Secretary of State's Office from 1994 to 2003. They also indicate the nature of each allegation and the final action taken. It covers exclusively those cases that went through the Secretary of State's Office and were resolved (i.e., we do not have information on federal or local cases, nor cases which were unresolved at the time we received the data).⁵ Importantly, however, we also know which county and year the case originated in, allowing us to link allegations of fraud to county characteristics.

In Table 1 we provide summary data on the types of election fraud in our databases: the number of cases that were opened and resolved during this period. We partition the cases into four categories: voting fraud, registration fraud, absentee fraud and miscellaneous fraud. Voting fraud cases were allegations of: consideration for voting, corruption of voters, double voting, fraudulent voting, intimidation of voters, non-citizen voting, payment for voting, tampering with voting devices or violations of ballot secrecy. Voter registration fraud involved allegations of alteration of voter registration party affiliation, charging fees for registration, fraudulent voter registration, holding the voter registration card more than 3 days, non-citizen registration, residency, or voter registration after dead-

⁴This serves to distinguish our research from most of the previous research on election fraud. Lehoucq (2003) noted that there were six different methodological approaches to studying election fraud: collect survey data from voters or political agents; undertake qualitative studies and use in-depth interviews of political participants; study memoirs of political agents; analyze reports of fraud from political agents (typically parties) that are filed with appropriate authorities; study media reports of fraud; use data collected by nonpartisan electoral observers. The data we have appears to cut across two of Lehoucq's categories, as we are studying a database of reported allegations of election fraud, but they are not necessarily allegations with a political motivation as the allegations in our database can come from a wide variety of sources, including as far as we can determine any source, political or non-political.

⁵The other database we received breaks allegations of fraud down by type and year but not by county; this database covers all cases opened between 1994 and 2002, including all completed and pending cases over the same time period, and indicates that our data do not omit any cases filed before 2000. Given that this second database does not have geographic variation, we focus our attention in this paper on the more extensive database, which gives data for closed cases, by time, over time and counties.

lines. Absentee voting fraud was the violation of absentee voting requirements, fraudulent absentee voting, or the non-return of absentee ballot application. All other types of cases are included in the miscellaneous category.⁶

[Insert Table 1 Here.]

In Table 1 we see that the incidence rate of reported cases of election fraud in California during this period of time is 1285 cases opened and resolved. Overall, the specific types of election fraud with the highest incidence rates are fraudulent voter registration (469 cases), followed by double voting (153 cases opened) and non-citizen registration (153 cases opened), and falsified petitions (109 cases opened).

As two of the most prevalent types of fraud case involved voter registration (fraudulent voter registration and non-citizen registration), it is the most widely reported type in our dataset, with 703 cases reported during the time period of our data. Voter registration fraud constitutes approximately 54% of all cases of voter fraud reported to the Secretary of State's office during this period. On the other end is absentee voting fraud, of which there were only 9 cases reported in this time.

In Table 2 we provide data on the final action by type of fraud, during our period of study. We break the action down by the four broad categories of fraud — voting, registration, absentee and miscellaneous fraud. In the database we were provided, there are a broad range of actions that were taken; but in most cases the fraud allegations were dropped due to no evidence of a violation (336 cases were resolved this way), insufficient evidence (228 cases), the statute of limitations (184 cases) or a lack of intent (146). These four resolutions encompass 894 of the cases in our data, a total of nearly 70% of the cases.

[Insert Table 2 Here.]

⁶There was a large list of other types of miscellaneous fraud, including: alteration of election returns, electioneering, failure to file nomination papers, failure to maintain records on paid personnel, false declarations of candidacy, falsified petitions, fictitious name on nomination paper, handling of ballots, mass mailing of penal provisions, misleading of voters, misuse of information, misuse of signatures on petition, misuse of voter rolls, neglect to perform official duties, printing of simulated sample ballots, suppression of nomination papers, threats to circulator, vandalism of political signs, and other non-specified violations.

On the other hand, we see that in 66 cases convictions were the result of the investigation of the allegation — including 6 cases of voting fraud, and 34 cases of registration fraud. While 66 may seem like a relatively small number, it is also important to recognize that it is costly to investigate and prosecute election fraud, and that 66 convictions demonstrates a commitment in California to resolving election fraud cases in the courts when possible.

Again, our study is the first study to disaggregate election fraud cases and study them across space, time, and type of fraud. Figures 1 and 2 display the geographic variation in fraud allegations overall and for each of the four categories we constructed. It is clear from these figures that fraud allegations are spread across the state, though there are clearly more allegations in more populous counties. Further, southern California counties exhibit a concentration of fraud allegation, though there are similar counties both near the bay area and in the middle of the central valley. Examining the right-hand map in Figure 1 shows that these findings are partly driven by the populousness of these counties. When fraud allegations per capita are mapped, a somewhat different pattern emerges, with smaller, northern counties exhibiting greater fraud allegations per capita and the southern counties exhibiting relatively lower rates. Comparing the results across our categories of fraud in Figure 2 leads to similar conclusions about total fraud, with similar patterns emerging across each. A similar shift occurs in this figure when we map fraud cases per capita (not shown).

[Insert Figure 1 Here.]

[Insert Figure 2 Here.]

So, do these statistics indicate that election fraud is common or rare in contemporary California? On one hand, the fact that any election fraud cases are alleged indicates that some fraud must exist. But on the other hand, from 1994 through 2002 almost 73 million votes were cast in statewide primary and general elections alone in California, while there were 1,285 cases of alleged fraud that were opened by the EIFU in this period: this is about one case of alleged election fraud for about every 57,000 votes cast in California

statewide elections. That is a low incidence rate. However, these data only measure the number of cases that were opened; they do not describe, per allegation, how extensive the purported election fraud was. Thus, a case can represent allegations of only a handful of illegal votes, or it could represent an allegation that thousands of illegal votes were cast, and with only this data alone we do not know if a specific allegation regarded one illegal vote or thousands.

What is also interesting to note in Table 1 is the relative incidence rates for the different forms of election fraud. First, many discussions of absentee voting criticize the liberalization of vote-by-mail to include convenience absentee voters, in addition to those who should cast absentee ballots because of need. In fact, the Caltech/MIT Voting Technology Project's report recommended replacement of convenience absentee voting with early voting; one of the stated reasons for this recommendation was fraud and security. The evidence provided here indicates that these fraud concerns might be over-estimated, though clearly more analysis of data from California and elsewhere on this topic is necessary. Rather, most forms of election fraud concern voter registration. There are many issues with voter registration, as shown above. Some of these issues might be somewhat specific to California, especially the issue of non-citizens registering and voting. However, while there clearly are reasons to be concerned about fraud and security regarding voter registration, it seems from the data presented above that while most cases of fraud regard voter registration irregularities, the total number of illegal registrations perpetrated is quite low.

Of course, one additional dimension to our data is the over-time variation in fraud cases. During this period of time, California has experimented with many innovations and reforms, ranging from efforts to make voting more convenient (making voting by mail and early voting easier and more convenient), making the registration process easier (implementation of "Motor Voter" reforms), and many efforts associated with changing the process, procedures, and methods by which Californians vote on election day in their local precincts (for example, the elimination of punchcard voting systems, in favor of

either optical scan or electronic voting devices). Below, when we discuss our multivariate statistical results, we will dig deeper into the question as to whether these many changes have had any detectable effect on election fraud in California.

4 The Correlates of Fraud

In this section we use our unique data set on fraud allegations in California to study how different factors relate to the incidence of fraud charges. We also study whether there is variation across these factors in their influence on the four distinct categories of fraud we outlined previously. Finally, we study the ultimate resolution of allegations by investigating the number of allegations that are resolved in the five most common ways: administrative action, conviction, lack of intent, no violation and statute of limitations. This last set of analyses is important for a variety of reasons, but perhaps most importantly, it allows us to partially overcome some of the limitation of our data as a measurement of actual fraud. Of particular importance is our ability to isolate allegations that result in convictions.

But what factors explain the variation in fraud allegations across counties? With no similar quantitative studies of data like ours on election fraud to draw upon, we focus on variables suggested by the previous related research on election fraud. That literature has found a variety of potential correlates of election fraud, which we examine with our data below. Those correlates of election fraud are political competition (Dominguez and McCann 1996; Eisenstadt 1999), economic explanations (Anderson 2000), partisanship (Botana 1979) and demographic factors like urbanization (Dominguez and McCann 1996).

Perhaps the most critical variable to focus on is the opportunity for fraud to influence electoral outcomes — we would expect fraud attempts to occur mainly in electoral circumstances that are conducive to altering outcomes. Specifically, the potential benefits from fraud are much greater when only a handful of votes can change the outcome of an election. Thus we expect that fraud is most likely to occur in highly competitive races

with small margins of victory.

Unfortunately, we can not link our fraud allegations to specific races, which makes it more difficult to assess the effect of competitiveness on the occurrence of fraud. Of course, many fraud cases are not associated with specific races or the nature of the allegation is such that it would be impossible to know if any specific race motivated the actions (this would be true, for example, of many allegations of voter registration fraud). Because we have county-level data, however, we can study the effect of local competitiveness on fraud allegations. In practice, then, we test the effect of a county's average competitiveness on the incidence of fraud allegations. We hypothesize that counties that are more competitive exhibit a greater number of fraud cases.

To test this hypothesis, we include a measure of average district competitiveness. We construct this by using data from gubernatorial elections in 1994 and 1998 to calculate the absolute margin of victory in these two elections, then combine these values into one variable based on the most proximate election for each year. Thus competitiveness for 1994-1996 is constructed from the 1994 gubernatorial election results, and for 1997-1999 from the 1998 election. We also include the Democratic vote share in these two elections, constructed by assigning election results to years in the same way, to control for partisan effects. While our competitiveness measure may miss out on election-to-election incentives for committing fraud, we feel it is an appropriate measure since it would be impossible to control for vote margin in all races in each county. Thus we rely on results from a common, statewide election.⁷

In addition to competitiveness, there are a variety of other factors that we want to consider, including demographic measures, economic performance, population size and density, education, age and partisanship. To measure the effect of county demographic factors, we include measures of a county's *Total Population*, *Population Density*, the percent of the population that is *African American*, the percent that is *Hispanic*, the percent

⁷Our results are not affected by the choice of the gubernatorial returns — similar measures constructed using returns for other statewide elections produced almost identical results.

that has completed a *High School Education* and the *Median Age*. We expect that counties with larger, more dense populations experience greater levels of fraud. The effect of other variables may be different for different types of fraud. For example, we might expect the percent hispanic to increase registration fraud but not absentee fraud. Increased education and age should produce lower levels of voting and registration fraud, but may increase levels of absentee fraud.

We also control for economic factors, including the *Percent Unemployed* and *Per Capita Personal Income*. We expect fewer fraud allegations when economic performance is good. In addition, we include variables measuring county election expenditures, using data on *Election Operating Expenses* and *Election Capital Expenditures*. These variables capture county investment in staffing and monitoring elections and updating election machines, respectively, and we expect that they will be related to observed levels of fraud. We run versions of our analyses with these variables measured both in total and on a per capita basis. We control for changes in fraud over time by including a linear time trend variable. This variable helps us determine how various reforms in California over the last decade have resulted in greater amounts of fraud, or at least in more allegations of fraud. Descriptive statistics for the dependent and independent variables used in our analysis are contained in a table in the appendix (Table 7). Finally, we occasionally include an indicator variable for Los Angeles county in 1998 to account for the fact that it has an extremely large number of voter registration fraud allegations that year.

Because our dependent variable is the number of fraud allegations in a county per year, we do not use standard linear regression models for our analysis. Because they do not reflect the true nature of the data generating process, parameter estimates are usually biased and inconsistent (King 1988), particularly in cases like ours when the number of events is at or near zero for many observations. Because of the problems standard regression models suffer from when estimated on data corresponding to counts of discrete events we estimate models designed for count data, such as Poisson and negative bino-

mial regression.⁸ Because we expect that there are a variety of factors at the county level that may effect fraud allegations, we estimate a Poisson model with (Gaussian) random effects.

4.1 Total Allegations and Allegations by Category

The results for the total number of fraud allegations as well as the results for our four subcategories of allegations are presented in Table 3. Because measures of some of our county-level data are not available in 2000 and later years, our analysis covers 1994-1999. Since the fraud allegations data are more complete in this interval than for later years, restricting attention to these cases is reasonable. Overall the results demonstrate that a variety of factors influence allegations. And while the pattern of significance varies a little across the four categories of allegations, the direction of significant effects is generally consistent.

[Insert Table 3 Here.]

The results for the random effects Poisson specification with total election outlays are presented in Table 3, and the results for the models using per capita outlays are Table 4. In general, the results are similar, with the one exception arising as the competitiveness variable. This variable is significant when total outlays are used, but not when we substitute per capita outlays. As our margin variable is not strongly correlated with any of the outlays variables (all less than 0.08), we are not sure why the cause of the different findings. The effect of electoral margin is smaller across the board for each of the four categories of fraud. It is again significant for registration fraud when total outlays are used, and nearly so with per capita outlays.

[Insert Table 4 Here.]

Last, we include as a covariate in our models a time counter, that gives us the ability to test whether or not election fraud has changed significantly over the span of years

⁸For a good introduction to and overview of count models, see Box-Steffensmeier and Jones (2004) and Long (1997). For a more detailed presentation, see Cameron and Trivedi (1998).

in our dataset (here 1994-1999). We find that overall, the time counter has a positive but statistically insignificant sign in our total fraud model, indicating that in that way of studying the incidence of election fraud in California, there is no statistical support for the hypothesis that election fraud has increased or decreased during this period. When we turn to the four broad categories, though, we see that the sign on the time counter is negative (but insignificant) in the voting, absentee, and other models.

However, we see in the registration fraud model that the sign on the time counter is both **positive and significant**. This indicates that, controlling for all of the other variables in that model, there has been a statistically significant increase in voter registration fraud cases filed per county in this period of time. On one hand, this could be seen as evidence that voter registration fraud itself might have gone up during this period; but on the other hand, it might also be possible that this reflects increased attention to election fraud, especially voter registration fraud, between 1994 and 1999 in California. Further research as to what is behind this result is in order.

We are interested not just in the significance of the coefficients, but also in the substantive effect they imply for each independent variable. Because we estimate a negative binomial regression, the coefficients do not directly indicate how changes in each variable result in changes in the number of violations.⁹ To determine this relationship, we constructed first differences based on the coefficient estimates for each variable. These first differences are presented in Table 5. These numbers represent the change in the dependent variable resulting from an increase in each independent variable from one standard deviation below its mean to one standard deviation above its mean, holding all other independent variables constant at their mean values. In addition, we give the predicted number of violations when all variables are at their mean or mode in order to put the magnitude of the first differences in perspective.

[Insert Table 5 Here.]

For our competitiveness variable, the results in Table 5 indicate that a two standard

⁹Since $E[Y_i] = \exp(x_i\beta)$, the marginal effect of a variable x_k is $\beta_k \times \exp(x_i\beta) = \beta_k \times E[Y_i]$.

deviation decrease in competitiveness, corresponding to a change in average margin of victory from 12% to 28%, results in 0.21 fewer total fraud cases. Relative to the mean prediction of 1.0, this represents a fairly large substantive effect. For voting fraud, the first difference indicates 0.11 fewer allegations relative to a baseline of 0.43.

Turning to our other independent variables, we find that a variety of factors influence fraud allegations and that there are some differences for different types of cases. Counties with a greater Democratic vote share consistently have significantly fewer fraud cases, with significant coefficients in both tables for total and registration fraud. The first difference of -0.81 indicates that the marginal effect of partisanship on total fraud cases is reasonably large.

Our election expenditures variables demonstrate a systematic relationship between county spending and reduced levels of fraud. Counties with greater total election operating expenditures have fewer overall fraud allegations as well as fewer registration and absentee allegations. With the exception of absentee allegations (though recall the few number of positive cases here), these results persist when per capita expenditures are used. The first differences indicate that a two standard deviation change in this variable generally results in about a 100% change in allegations. Similar results obtain for total capital expenditures, which have a negative and significant coefficient for all categories save absentee; per capita capital expenditures have significant effects for total and registration fraud.

Demographic variables also exert an effect on fraud allegations. Median age has a significant and negative effect for total registration fraud as well. Race also matters: counties with a greater proportion of blacks have significantly more total fraud, registration fraud and voting fraud. At the same time, the percent Hispanic has no effect on fraud. Economic factors also have mixed effects, with wealthier counties associated with increased fraud allegations for all types of fraud except absentee.¹⁰ Unemployment is not found to

¹⁰There are very few allegations of absentee fraud in our data, which helps explain the general lack of findings for this category.

have a significant effect. For population characteristics, we find, not surprisingly, that larger counties have more fraud. The first differences are generally about 75% larger than the mean number of cases, indicating that this variable has a large effect.

4.2 The Resolution of Allegations

In this section, we study the outcomes of all fraud cases filed. While we have a total of fourteen different outcomes, only six of them happen with sufficient frequency to allow meaningful regression analysis. These six categories are Administrative Action, Conviction, Lack of Intent, No Action Taken, No Violation, and Statute of Limitations; they represent about 70% of all cases.¹¹ Our dependent variable in this section is the number of cases filed in a county that are resolved in each way.¹² Of course, the number of cases resolved varies not only with demographic and political characteristics, but also depends greatly on the number of cases filed. Fortunately, event count models can accommodate variation in the maximum number of possible events, commonly referred to as exposure, across units. We control for this by including the natural logarithm of the number of allegations in a county as an independent variable. If the coefficient on this variable is constrained to one, the model is equivalent to estimating the percent of cases reaching a resolution in a county. Rather than impose this constraint, however, we follow the recommendations of Maddala (1983) and King (1989) to estimate a coefficient for this variable. An implication of this approach is that we exclude counties with no allegations in a given year since the count of resolutions must be zero.

These models are particularly important due to our ability to isolate cases that end in convictions. Because our data measure the number of fraud allegations, they do not correspond directly to actual fraud. By separately studying cases that end in convictions

¹¹The other categories not analyzed separately are: Combined, Declined, Dismissed, Diversion Program, Pending Action, Turned Investigation Over To DA, and Unable to Locate Suspect.

¹²Specifically, the dependent variable is the number of cases filed in each year that ultimately end with a specific resolution. Of course, cases are not necessarily resolved in the same year that they are filed, but since we are studying the nature of the violation, we control for characteristics concurrent with the violation rather than the resolution.

we may obtain a better correspondence with actual fraud than just with alleged fraud. In addition, we also know which cases end with a finding of no violation, which gives us a sense of whether incorrect allegations of fraud are caused by factors similar to those that influence total allegations or convictions. Measures of other outcomes fall somewhere between these two extremes, such as lack of intent and no action taken.

The results for our random effects Poisson regression analysis of outcomes are presented in Table 6. Overall the results demonstrate that a variety of factors influence how allegations are resolved and that the direction and significance of these factors varies across our six different categories. Interestingly, while vote margin does not have a significant impact for most of the outcomes, it is significant and negative for cases that ended with findings of either lack of intent or no violation. While this does not demonstrate that more fraud happens in competitive counties, it suggests that fewer baseless cases are brought, which is consistent with our expectation that increased competitiveness leads to more fraud. On the other hand, the coefficient for cases with convictions is, while not significant, also negative.

[Insert Table 6 Here.]

Turning now to our other variables, we see that the proportion of blacks in a county significantly decreases the number of cases that expire due to the statute of limitations, increases the number of cases with no action taken and decreases the number of cases with no violations. The percent of a county's population that is Hispanic decreases the incidence of administrative action. But while it has no effect on statute of limitations, it does significantly increase the number of cases for which no action is taken.

Percent unemployed has a significant effect for two categories, decreasing the incidence of both administrative action and convictions. Per capita income increases administrative action and statute of limitation, but increases cases with no violation. More populous counties have less cases ended with administrative action or no action and more cases concluding with a finding of lack of intent; denser counties have the same negative finding for administrative action, but a positive finding for lack of intent. Median age

significantly increases both of these categories. Election operating expenditures decrease administrative action cases while capital outlays are associated with more cases in this category. The latter category also leads to more cases with no action taken. Lastly, we see that the likelihood of some outcomes changes over time. Administrative action is decreasing over time whereas cases ending with no action taken increase over time.

5 Discussion and Conclusion

In this paper we have argued, based on the database we have obtained about the number of election fraud cases opened and resolved in recent history in California, that election fraud — while it does clearly happen in California — appears to be a relatively rare phenomenon. Our argument that the incidence of election fraud is low in contemporary California elections flies in the face of “conventional wisdom”. For example, in a brief discussion of election fraud in California, Larry Sabato and Glenn R. Simpson title a chapter section “California: The Golden State for Vote Fraud”, and assert that fraud is widespread in California. Unfortunately, despite sweeping claims about widespread fraud in California’s electoral system, even Sabato and Simpson cannot point to more than a handful of allegations of election fraud, with few of these alleged cases actually being investigated thoroughly and carefully by election administrators and law enforcement officials. This suggests that even those who claim that election fraud is widespread in California might be misinterpreting their own evidence. Why, given the common assumption that election fraud is widespread, does election fraud seem so rare?

Of course, critics might argue that fraud is widespread, but undetected. This could be true, but it is impossible to verify. Yet, to assert that fraud is widespread and undetected is difficult to believe when we consider how closely scrutinized most elections are, even at the lower-levels, in California and the United States. Most elections, even those that are not very close, are contested, are followed by partisan or other interest groups, and do receive some media coverage. Also, election administrators, their staffs, and all of the

volunteers who help run elections, are involved and scrutinize the process. Given all of the interested and informed observers of elections in America, it is hard to imagine that widespread fraud goes undetected.

Additionally, there is now a relatively new group of observers who have economic and professional incentives to help clients monitor and detect election fraud — the growing field of lawyers who specialize in election law and the social scientists who assist their efforts as expert witnesses. Election law is rapidly growing as a legal field in its own right, with a peer-reviewed journal (the *Election Law Journal*), two casebooks, and specialized courses now taught in election law at many law schools throughout the nation. A search of the American Bar Association's membership data (September 15, 2006) reveals 806 lawyers who practice "election, campaign, and political law" in the United States. With such a strong and growing interest in legal and academic circles with election law, there is a much stronger possibility that monitoring of election outcomes by interested parties and their legal representatives is occurring, and that election fraud is being detected and possibly deterred.

Furthermore, to commit fraud of a scale large enough to influence even a very close election, say involving even just a few hundred votes, is a difficult endeavor. Either one would have to determine a way to recruit collaborators, each of whom would then cast dozens of illegal votes, or one would have to determine a way to illegally register and vote for hundreds of fictional people (or to illegally cast votes for previously registered people). Given the potential costs of being caught while committing fraud, and the small odds of being successful, even by a simple cost/benefit analysis, election fraud does not seem to be a good way to use resources to get elected to office (or to see a favored candidate elected).

Perhaps, instead, with so many observers fraud is deterred and prevented. Perhaps election administration has progressed to a point where sufficient systems are in place to prevent and detect fraud. Perhaps election regulations are sufficiently enforced, and the penalties are stiff enough, to also prevent fraud. At this point, without much additional

research, it is difficult to pinpoint a precise answer to this question. What we can say with some precision is that based on this analysis, it is clear that there is little evidence of widespread election fraud in recent years in California.

Furthermore, the data we have analyzed in this paper also shed some light on the relative frequencies of different types of election fraud in California. Somewhat surprisingly to us, we found that the incidence rate of allegations and substantiated cases of absentee voting fraud are extremely rare, despite many assertions to the contrary. Perhaps less surprisingly, we found that allegations and substantiated cases of various forms of voter registration fraud are more common, though still relatively rare when placed in the context of the millions and millions of votes cast during the period covered by our database.

Despite the relatively low incidence of fraud cases, we do find that allegations are more likely to occur in certain counties. Our results provide evidence consistent with many previous studies of fraud, indicating that race, population demographics, partisanship and competitiveness all have significant impacts for at least one of voter, registration, absentee or miscellaneous fraud. Despite these findings, however, our results also indicate that the most consistent substantive predictors of fraud allegations in a county are population size, per capita income, and county election expenditures, and that that these variables have relatively large substantive effects as well.

In addition, we find little evidence that fraud allegations increase in California over the ten-year period that our data cover. This results holds for total allegations and for each of four categories of allegations, with the exception of registration fraud, which shows a positive trend over the period studied. The good news is that extensive reforms that liberalized the voting process in California have not lead to a general increase in fraud allegations; at the same time there is some evidence that they may have influenced registration fraud in isolation. Because of the nature of our data, we can not say if this is because attempted fraud is on the rise or whether election officials have been more vigilant regarding registration fraud, particularly given the aforementioned reforms. We hope to investigate this question in further detail.

Besides providing information about the incidence of fraud cases in California counties, our approach suggests a method, similar to outlier detection approaches (Wand et al. 2001; Mebane and Sekhon 2003), that may be useful for detecting electoral fraud in California and elsewhere. Because our statistical approach provides information about how a variety of factors predict fraud allegations, one could generate predictions about how much fraud is expected to occur in a specific (but generally similar) county or other geographic unit. This approach could make it easier for researchers or election officials to focus their efforts on areas that have the potential to be particularly fraud-prone. Perhaps more importantly, it could also provide information about institutional, political or legal arrangements that reduce fraud by isolating specific political units that appear to be unusually successful in generating low levels of fraud.

We hope that our analysis presented here, in addition to the new interest in election fraud by other contemporary scholars, will lead to productive new approaches for studying — and hopefully preventing — election fraud. Obviously, the type of analysis we present in this paper needs to be conducted using data from other states. Accordingly, we encourage other states to begin to collect the statistical data necessary to study election fraud quantitatively in the future. Second, we need to collect more refined data, information that reveals not just that allegations of fraud were made, investigated, and prosecuted; additionally, we need to know how for each case how many illegal votes were cast, because only with that information can we determine whether election fraud influences election outcomes. Promising areas for studying illegal votes quantitatively are court records of election fraud litigation, and possibly media reports of election fraud.

References

- Anderson, M.L. 2000. *Practicing Democracy: Elections and Political Culture in Imperial Germany*. Princeton: Princeton University Press.
- Argersinger, Peter H. 1985-1986. "New Perspectives on Election Fraud in the Gilded Age." *Political Science Quarterly* 100: 699-687.
- Alvarez, R. Michael. 2003. "How Widespread is Voting Fraud in California?" Typescript.
- Baum, Dale. 1991. "Pinpointing Apparent Fraud in the 1861 Texas Succession Referendum." *Journal of Interdisciplinary History* 22: 201-221.
- Box-Steffensmeier, Janet and Bradford S. Jones. 2004. *Event History Modeling*. New York: Cambridge University Press.
- bibitem[2005]campbell Campbell, Tracy. 2005. *Deliver the Vote*. New York: Carrol and Graf.
- U.S. Bureau of the Census. Various years. *Statistical Abstract of the United States*. Washington: US Government Printing Office.
- Cameron, Colin A. and P.K. Trivedi. 1998. *The Regression Analysis of Count Data*. Cambridge: Cambridge University Press.
- Cox, Gary W. and J. Morgan Kousser. 1981. "Turnout and Rural Corruption: New York as a Test Case." *American Journal of Political Science* 25: 646-63.
- Dominguez, J.I. and J.A. McCann. 1996. *Democratizing Mexico: Public Opinion and Electoral Choices*. Baltimore: Johns Hopkins University press.
- Fund, John. 2004. *Stealing Elections*. New York: Encounter Books.
- Graham, R. 1990. *Politics and Patronage in Nineteenth Century Brazil*. Stanford: Stanford University Press.
- Gumbel, Andrew. 2004. *Steal This Vote*. New York: Nation Books.
- Harris, Joseph P. 1929. *Registration of Voters in the United States*. Washington: The Brookings Institution.
- Hasen, Richard L. Hasen. 2000. "Vote Buying." *California Law Review* 88: 1323-71.
- Keyssar, Alexander. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.
- King, Gary. 1988. "Statistical Models for Political Science Event Counts: Bias in Conventional Procedures and Evidence for The Exponential Poisson Regression Model." *American Journal of Political Science* 32: 838-863.

- King, Gary. 1989. "Variance Specification in Event Count Models: From Restrictive Assumptions to a Generalized Estimator." *American Journal of Political Science* 33: 762-784.
- King, R.F. 2001. "Counting the Votes: South Carolina's Stolen Election of 1876." *Journal of Interdisciplinary History* 32: 169-91.
- Lehoucq, Fabrice. 2003. "Electoral Fraud: Causes, Types, and Consequences." *Annual Reviews of Political Science* 6: 233-56.
- Lehoucq, Fabrice E. and I. Molina. 2002. *Stuffing the Ballot Box: Fraud, Electoral Reform, and Democratization in Costa Rica*. New York: Cambridge University Press.
- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. United States of America: Sage Publications.
- Maddala, G.G. 1983. *Limited Dependent and Qualitative Variables in Econometrics*. Cambridge: Cambridge University Press.
- Mayfield, Loomis. 1993. "Voting Fraud in Early Twentieth-Century Pittsburgh." *Journal of Interdisciplinary History* 24: 59-94.
- Mebane, Walter R. and Jasjeet S. Sekhon. 2003. "Robust Estimation and Outlier Detection for Overdispersed Multinomial Models of Count Data." Harvard University, manuscript.
- Myerson, Roger. 1993. "Effectiveness of Electoral Systems for Reducing Government Corruption: A Game-Theoretic Analysis." *Games and Economic Behavior* 5: 118-132.
- Oberst, Robert C. and Amy Weilage. 1990. "Quantitative Tests of Electoral Fraud: The 1982 Sri Lankan Referendum." *Corruption and Reform* 5:49-62.
- Persson, Torsten and Guido Tabellini. 2000. *Political Economics; Explaining Economic Policy*. Cambridge, MA: MIT Press.
- Powell, L.N. 1989. "Correcting for Fraud: A Quantitative Reassessment of the Mississippi Ratification Election of 1868." *Journal of Southern History* 5: 633-58.
- Riordan, William L. 1994. *Plunkitt of Tammany Hall*. New York: St. Martins.
- Rose-Ackerman, Susan. 1999. *Corruption and Government: Causes, Consequences and Reform*. New York: Cambridge University Press.
- Sabato, H. 2001. *The Many and the Few: Political Participation in Republican Buenos Aires*. Stanford: Stanford University Press.
- Sabato, Larry J. and Glenn R. Simpson. 1996. *Dirty Little Secrets: The Persistence of Corruption in American Politics*. New York: Random House.

Wand, Jonathan N.A., Jasjeet S. Sekhon, and Walter R. Mebane. 2001. "A Comparative Analysis of Multinomial Voting Irregularities: Canada 2000." Paper presented at the 2001 Joint Statistical Meetings, American Statistical Association, Social Statistics Section, Atlanta, Georgia.

Table 1: Electoral Fraud in California, 1994-2003

Allegation Category	Type	Cases
Absentee Ballot Requirements	Absentee	4
Alteration of Election Returns	Misc	8
Alteration of VRC Party Affiliation	Registration	51
Become or withdraw as a Candidate	Misc.	1
Charging Fee for Registration	Registration	1
Consideration for Voting	Voting	4
Corruption of Voters	Voting	4
Double Voting	Voting	153
Electioneering	Misc	28
Failure to File Nomination Paper	Misc	1
Failure to Maintain Records on Paid Personnel	Misc	7
False Declaration of Candidacy	Misc	22
Falsified Petitions	Misc	109
Federal Violation	Misc	1
Fictitious Name on Nomination Petition	Misc	1
Fraudulent Absentee Voting	Absentee	6
Fraudulent Voter Registration	Registration	469
Fraudulent Voting	Voting	96
Handling of Ballots	Misc	1
Holding VRC More than 3 Days	Registration	23
Intimidation of Voters	Voting	11
Mass Mailing Penal Provisions	Misc	1
Misleading Voters	Misc	5
Misuse of Information	Misc	13
Misuse of Signatures on Petition	Misc	1
Misuse of Voter Rolls	Misc	1
Neglect to Perform Official Duties	Misc	43
No Violation/Not Identified	Misc	37
Non return of Absentee Ballot Applications	Absentee	3
Non-Citizen Registered	Registration	153
Non-Citizen Voting	Voting	7
Payment for Voting	Voting	1
Printing of Simulated Sample Ballot	Misc	2
Residency	Registration	5
Suppression of Nomination Paper	Misc	1
Tampering with Voting Devices/Secrecy of Ballots	Voting	6
Threats to a Circulator	Misc	2
Vandalism of Political Signs	Misc	1
Verification of Signatures	Misc	1
Voter Registration after 54th Day	Registration	1
TOTAL		1285

Table 2: Final Action by Type of Fraud, 1994-2003

	Voting	Registration	Absentee	Misc.	Total
Administrative Action	24	102	0	2	128
Combined	2	4	0	4	10
Conviction	6	34	1	25	66
Declined	25	25	0	20	70
Dismissed	2	7	0	2	11
Diversion Program	0	1	0	1	2
Insufficient Evidence	30	139	1	58	228
Lack of Intent	17	119	0	10	146
No Action Taken	9	18	1	18	46
No Violation	90	143	7	96	336
Pending Action	2	1	0	0	3
Statute of Limitations	25	81	3	75	184
Turned Investigation Over to DA	2	7	0	9	18
Unable to Locate Suspect	6	22	0	9	37
Total	240	703	13	329	1,285

Table 3: Random Effects Poisson Regression Estimates for Number of Fraud Cases Filed per County, 1994-1999 (With Total Election Outlays)

	Total	Voting	Registration	Absentee	Other
% African American	15.02 ** (3.97)	16.85** (6.35)	16.91 ** (5.39)	-3.86 (13.73)	3.86 (4.30)
% Hispanics	2.37 (1.77)	3.48 (3.11)	3.68 (2.55)	7.22 (6.53)	-0.25 (1.94)
% High School Graduates	8.38* (4.57)	1.17 (7.82)	14.79 ** (6.44)	19.19 (14.85)	-2.69 (5.12)
% Unemployed	-2.84 (4.58)	-14.14 (8.93)	-2.17 (6.42)	10.37 (16.41)	-7.73 (5.70)
Per capita income	0.04 ** (0.01)	0.07** (0.02)	0.05 ** (0.01)	-0.03 (0.04)	0.02 ** (0.01)
Total population	0.53 ** (0.16)	0.58* (0.34)	0.81 ** (0.24)	-1.37 (0.86)	-0.1 (0.26)
Population Density	-0.02 (0.26)	-0.17 (0.40)	-0.15 (0.39)	0.11 (0.53)	0.21 (0.28)
Median Age	-0.18 ** (0.08)	0.03 (0.13)	-0.28 ** (0.11)	-0.18 (0.29)	-0.13 (0.09)
Democratic Vote	-2.67 ** (0.69)	-1.53 (1.53)	-5.20 ** (0.96)	0.45 (4.64)	-0.65 (1.21)
Vote Margin	-0.53* (0.28)	-0.92 (0.61)	-1.03 ** (0.40)	3.5 (2.39)	-0.27 (0.50)
time	0.07 (0.05)	-0.03 (0.11)	0.14 ** (0.07)	-0.29 (0.36)	-0.02 (0.08)
Los Angeles 1998	1.18 ** (0.16)		2.32 ** (0.23)		
Election Operating Exp.	-0.13 ** (0.06)	-0.14 (0.14)	-0.27 ** (0.09)	0.94 ** (0.47)	0.18 (0.12)
Election Capital Exp.	-2.14 ** (0.37)	-3.14** (0.95)	-2.57 ** (0.60)	-11.56 (11.88)	-0.93* (0.54)
Constant	0.01 (3.05)	-4.59 (5.45)	-1.15 (4.10)	-14.27 (10.16)	5.74* (3.21)
Dispersion (ln(α))	-0.07 0.27	0.38 0.32	0.23 0.31		-0.65 0.37

N=342, 57 groups. Standard errors in parentheses. * Significance at 10% level, ** at 5% level. Random effects poisson model with Gaussian distributed random effects. Models without dispersion estimates showed no evidence of overdispersion — estimates are from Poisson regression.

Table 4: Random Effects Poisson Regression Estimates for Number of Fraud Cases Filed per County, 1994-1999 (With Per Capita Election Outlays)

	Total	Voting	Registration	Absentee	Other
% African American	11.43 ** (3.98)	12.14** (6.19)	12.81 ** (5.20)	3.79 (11.78)	4.32 (4.32)
% Hispanics	1.38 (1.86)	2.08 (3.31)	2.48 (2.44)	8.98 (6.51)	-0.26 (1.97)
% High School Graduates	9.47 ** (4.53)	2.4 (7.55)	15.73 ** (6.31)	23.44* (14.07)	-1.24 (5.11)
% Unemployed	3.25 (4.61)	-6.6 (8.84)	4.49 (6.41)	5.87 (14.94)	-6.53 (5.74)
Per capita income	0.04 ** (0.01)	0.06** (0.02)	0.04 ** (0.01)	-0.01 (0.04)	0.02 ** (0.01)
Total population	0.31 ** (0.13)	0.32* (0.19)	0.30* (0.17)	0.32* (0.19)	0.25 ** (0.13)
Population Density	-0.13 (0.26)	-0.14 (0.42)	-0.34 (0.38)	0.22 (0.50)	0.2 (0.29)
Median Age	-0.16* (0.08)	0.02 (0.13)	-0.22* (0.11)	-0.22 (0.31)	-0.14 (0.09)
Democratic Vote	-1.81 ** (0.68)	-0.31 (1.54)	-4.40 ** (0.96)	0.55 (4.44)	-0.57 (1.20)
Vote Margin	-0.1 (0.27)	-0.23 (0.60)	-0.61 (0.40)	2.67 (2.34)	-0.2 (0.47)
time	0.09* (0.05)	-0.03 (0.11)	0.18 ** (0.07)	-0.43 (0.36)	-0.03 (0.08)
Los Angeles 1998	1.19 ** (0.16)		2.36 ** (0.23)		
Election Operating Exp.	-0.18 ** (0.07)	-0.09 (0.13)	-0.35 ** (0.11)	0.1 (0.28)	-0.07 (0.10)
Election Capital Exp.	-1.14 ** (0.32)	-0.82 (0.57)	-2.26 ** (0.61)	-14.1 (11.95)	-0.02 (0.44)
Constant	-1.48 (3.06)	-5.52 (5.41)	-3.06 (3.97)	-15.44 (10.44)	5.16 (3.26)
Dispersion (ln(α))	-0.17 0.28	0.31 0.32	0.14 0.31		-0.59 0.35

N=342, 57 groups. Standard errors in parentheses. * Significance at 10% level, ** at 5% level. Random effects poisson model with Gaussian distributed random effects. Models without dispersion estimates showed no evidence of overdispersion — estimates are from Poisson regression.

Table 5: Marginal Effects for Number of Fraud Cases Filed per County, 1994-1999 (Using Total Election Outlays)

	Total	Voting	Registration	Absentee	Other
% African American	0.836	0.076	0.570	-0.002	0.034
% Hispanics	1.705	-0.134	0.414	0.023	0.049
% High School Graduates	2.150	-0.008	0.854	0.041	-0.105
% Unemployed	-0.826	-0.145	-0.379	0.008	-0.228
Per capita income	1.007	0.136	0.470	-0.005	0.113
Total population	1.773	0.089	0.778	-0.048	-0.070
Population Density	0.309	0.060	-0.015	0.001	0.126
Median Age	-2.130	-0.119	-1.173	-0.015	-0.319
Democratic Vote	-0.807	-0.021	-0.577	0.001	-0.057
Vote Margin	-0.205	-0.023	-0.115	0.008	-0.018
time	0.190	-0.020	0.171	-0.008	-0.016
Election Operating Exp.	-1.176	-0.049	-0.413	0.113	0.211
Election Capital Exp.	-0.318	-0.039	-0.174	-0.015	-0.034
Mean	0.985	0.080	0.432	0.008	0.260

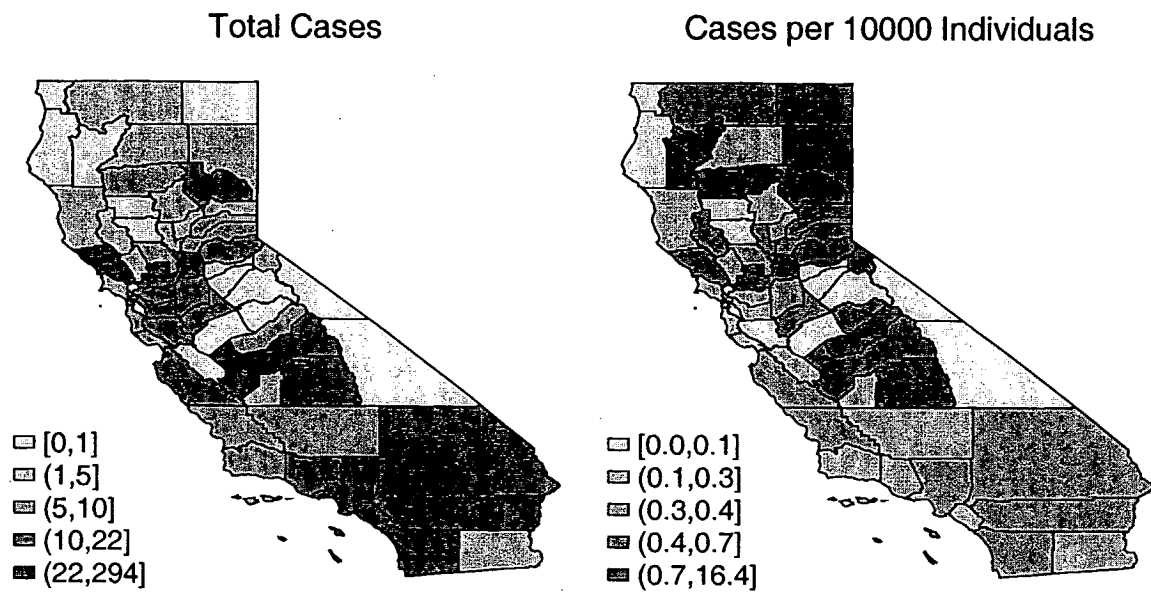
Based on estimates in Table 3. Marginal effects represent the change in the predicted value of the dependent variables when each independent variable is increased from one standard deviation below its mean to one standard deviation above its mean, holding all other variables fixed at their respective means.

Table 6: Random Effects Poisson Regression Estimates for Resolutions of Fraud Cases per County, 1994-1999

	Admins. Action	Conviction	Lack of Intent	No Action Taken	No Violation	Statute of Limitations
% American Africans	0.77 (4.44)	9.14 (5.61)	-0.74 (3.63)	16.66 ** (7.62)	-5.78 ** (2.59)	9.97 ** (3.72)
% Hispanics	-9.11 ** (3.21)	-4.17 (3.12)	-1.74 (1.97)	17.41 ** (5.33)	2.29 (1.50)	-2.4 (2.13)
% High School Graduates	-54.03 ** (11.89)	-14.99 (9.55)	-5.32 (6.23)	-6.54 (11.72)	5.49 (3.82)	-0.73 (5.66)
% Unemployed	-63.74 ** (14.93)	-26.36 ** (10.79)	-0.46 (6.06)	-6.48 (11.90)	2.84 (4.05)	2.61 (6.58)
Per capita income	0.09* (0.05)	-0.02 (0.02)	0.01 (0.01)	0.03 (0.03)	0.02* (0.01)	-0.03 ** (0.01)
Total population	-0.69 ** (0.15)	-0.06 (0.12)	0.20 ** (0.08)	-0.65 ** (0.20)	-0.02 (0.06)	-0.03 (0.09)
Population Density	-0.76 ** (0.37)	-0.03 (0.26)	-0.22 (0.21)	0.80 ** (0.34)	-0.06 (0.13)	0.35* (0.20)
Median Age	0.55 ** (0.17)	0.03 (0.15)	-0.13 (0.11)	0.79 ** (0.30)	-0.04 (0.08)	0.03 (0.10)
Democratic Vote	2.68 (2.12)	-1.74 (2.49)	-0.25 (1.40)	-1.99 (2.68)	0.81 (1.05)	-3.97 ** (1.48)
Vote Margin	-0.16 (1.24)	-1.19 (1.18)	-1.34 ** (0.59)	1.16 (1.44)	-1.10 ** (0.51)	-0.32 (0.66)
time	-0.89 ** (0.19)	0.07 (0.19)	0.07 (0.11)	0.62 ** (0.26)	-0.07 (0.08)	0.11 (0.11)
Election Operating Exp.	-0.33 ** (0.17)	0.25 (0.18)	0.16 (0.11)	-0.39 (0.40)	0.03 (0.09)	-0.03 (0.13)
Election Capital Exp.	3.30 ** (0.84)	-3.64 (2.30)	0.06 (0.52)	1.48* (0.85)	-0.85 (0.69)	-0.55 (0.67)
Exposure (ln Violations)	2.83 ** (0.25)	0.67 ** (0.17)	0.79 ** (0.10)	2.27 ** (0.27)	0.89 ** (0.08)	0.73 ** (0.10)
Constant	19.21 ** (6.39)	10.10* (5.60)	5.96* (3.24)	-34.92 ** (8.18)	-4.51* (2.40)	0.18 (3.79)
Dispersion (ln(α))					-5.57 (14.68)	-1.94 ** (0.84)

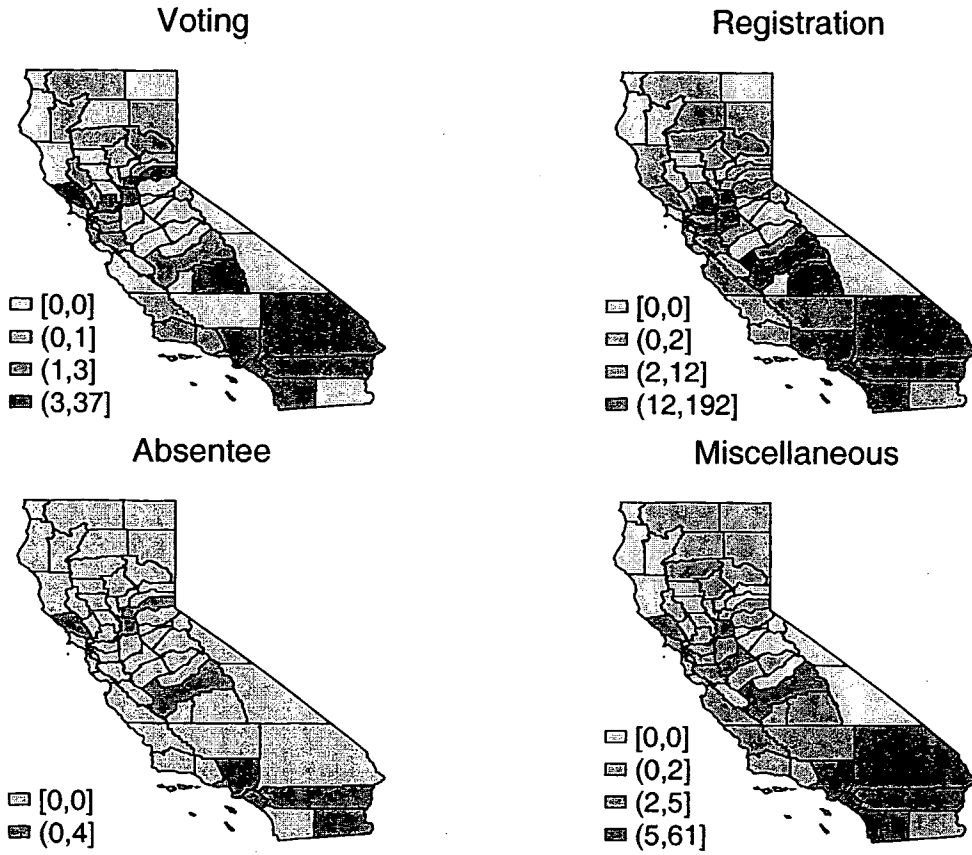
N=167, 48 groups. Standard errors in parentheses. * Significance at 10% level, ** at 5% level. Random effects poisson model with Gaussian distributed random effects. Models without dispersion estimates showed no evidence of overdispersion — estimates are from Poisson regression.

Figure 1: Total Electoral Fraud Violations per County, 1994-1999



Note.

Figure 2: Total Electoral Fraud Violations by Offense Category per County, 1994-1999



Note.

A Appendix

Table 7: Descriptive Statistics for Variables Used in Analysis

	Mean	SD	Min	Max
Violation Cases	3.01	9.61	0.00	131.00
Voter Fraud	0.49	1.78	0.00	18.00
Registration Fraud	1.72	7.90	0.00	124.00
Absentee Fraud	0.03	0.21	0.00	2.00
Miscellaneous Fraud	0.77	2.06	0.00	18.00
Administrative Action	0.36	2.91	0.00	49.00
Conviction	0.15	0.61	0.00	6.00
Lack of Intent	0.49	2.29	0.00	29.00
No Action Taken	0.38	5.22	0.00	97.00
No Violation	0.69	1.81	0.00	13.00
Statute of Limitations	0.47	1.49	0.00	14.00
% American Africans	0.04	0.04	0.00	0.16
% Hispanics	0.24	0.16	0.04	0.75
% High School Graduates	0.69	0.09	0.51	0.85
% Unemployed	0.09	0.05	0.02	0.29
Per capita income	21.07	11.47	0.00	52.76
Total population	0.56	1.30	0.00	9.79
Population Density	0.45	1.20	0.00	8.76
Median Age	36.12	4.60	29.00	44.60
Democratic Vote	0.44	0.13	0.21	0.80
Vote Margin	0.21	0.15	0.00	0.65
Time	2.50	1.71	0.00	5.00
Los Angeles, 1998	0.00	0.05	0.00	1.00

N=342.

**Administering Elections to Deter Fraud:
Applying Chain of Custody Procedures to Elections**

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1. Introduction

For anyone who has ever watched an episode of *CSI* or remembers the O.J. Simpson murder trial, the idea of a chain of custody is familiar. There is some item—a weapon, a blood droplet, a DNA sample—that is of interest. The challenge is to preserve this item so that it can be produced in court later in the same condition it was in at the crime scene. This is generally done by taking the item and recording its original condition—perhaps a photograph is taken or a written report describing the condition is made. Then, the item is secured in some container and sealed so that the item cannot be accessed without people knowing. Finally, each stage of this process is witnessed, often by various individuals signing reports, the seals, or logs that track the movements of the item of interest. When this process is followed correctly, at the end of the day both sides in the legal dispute do not question the authenticity of the item; the item is assumed to be the original. This chain of custody process is designed to ensure that a fraud is not perpetrated on the court—that the item produced in court is in fact the exact item found at the crime scene.

Such a process is common in the legal world and provides the item in question with evidentiary value; its provenance can be traced and confirmed. The beauty of this process is that it is also relatively simple to replicate in other settings; tracking and securing items through the use of seals, logs, and witnesses requires the establishment of processes and procedures but is not otherwise difficult to modify and replicate. However, as we discuss in this paper, this process and procedure has not been uniformly adopted across the various states for the security of voting systems. Many state laws assume a process without defining one. However, there are models for securing ballots and voting systems that provide a chain of custody for the ballots and machines and ensure that the votes produced at the end of the election are authentic.

This paper has five parts. First, we review the principle of chain of custody as it exists in a legal context and consider its application to elections. Second we consider the importance of standard operating procedures as mechanisms for standardizing certain operations within an organization. We then illustrate the chain of custody and standard operating procedure ideal by using two cases: the election law and regulations in the State of Georgia and the election processes in Travis County, Texas. Finally, we consider the most common gaps in state election laws that create potential problems for preserving the chain of custody of ballots in an election environment.

2. Chains of Custody

The concept of a “chain of custody” is a basic principle in the legal study of evidence. The following excerpt from *Evidence Law* provides a basic definition of the concept of a chain of custody:¹

Items that were actually involved in the transaction or occurrence that gave rise to the litigation are called ‘real evidence.’ ...Real evidence is authenticated by showing that the exhibit in court is the actual item from the transaction or event and that it has not undergone any significant change. ...‘Real evidence’ is frequently authenticated...by reference to its distinctive characteristics... [it] often can be authenticated by simple identification. Documents, for example, are probably the most common ‘real evidence’ and they are usually authenticated...by identification of the handwriting. Real evidence that is non-documentary is often authenticated...by distinctive characteristics or circumstances.

¹ Roger C. Park, David P. Leonard, and Steven H. Goldberg, *Evidence Law: A Student's Guide to the Law of Evidence as Applied in American Trials*. Thompson-West, 2004.

When the item of real evidence is not distinctive, or when its condition at the time of testing or trial is critical, a chain of custody is the most effective way to authenticate the exhibit. A perfect demonstration of the chain of custody would include testimony about every link in the chain, from the moment the item was picked up at the scene of the event to the time it was offered into evidence. Each person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it when in the witness' possession, and the condition in which it was received and the condition in which it was delivered to the next link in the chain. The witness would describe the precautions taken to ensure there was no change in the condition of the exhibit and no opportunity for someone not the in chain to have possession of the item.

Chains of custody are especially important for "fungible evidence, because these items have no unique characteristics."² One observer has noted that such fungible items should be kept in locked or sealed containers (e.g., boxes or envelopes) that are also signed by the custodians. This process ensures that the fungible items are neither contaminated nor misidentified.³ In addition, chains of custody are critical "if the condition of the object, not merely its identity, is the relevant issue."⁴ One key to the maintenance of a chain of custody is to be able to account for the item in question throughout its handling. There should be no major breaks in the chain of custody for any given item. To give an example of a problematic chain of custody, drugs in a narcotics case were excluded when six people handled three pills

² Paul C. Giannelli, *Understanding Evidence*, Lexis-Nexis, 2006.

³ Giannelli, 2006.

⁴ Giannelli, 2006.

over a nine-day period and there were no marks made on the envelope containing the pills to show how they had been handled nor were there marks on the pills to show they were the same pills that had been seized.⁵

Another key aspect in chains of custody is to be able to provide that there are routine set of procedures in the office—standard operating procedures—for the processing and handling of items. This may also include the use of documentary processes, such as the use of property receipts, to show how an item was handled in the chain of custody. The requirements of chains of custody require that the chain be kept diligently and adequately, but the chain does not have to be “infallible.” For example, the “mere possibility of [item] tampering [is an] insufficient basis for excluding evidence.”⁶ The Seventh Circuit has ruled that “evidence kept in official custody is presumed to be authentic absent specific evidence of tampering”⁷ and the First Circuit has noted that “the links in a chain of custody need not be welded together but, rather, may be more loosely connected...chain-of-custody evidence must be adequate—not infallible.”⁸ Two key aspects of evaluating the adequacy of a chain of custody are (1) ensuring that there has not been an “abuse of discretion” by the government in handling the item in question—that is, they followed basic chain of custody rules—and (2) determining that there has not been bad faith or some proof of tampering in the handling of the evidence. Absent these problems, there is a general presumption that the evidence in question has integrity.⁹

There are interesting similarities and differences in the importance of chains of custody in elections versus a legal setting. The standard for introducing evidence in a legal setting requires first that the chain of custody meet a certain minimum threshold. Once this threshold

⁵ State v. Reese, 56 Ohio App. 2d 278, 382 N.E. 2d 1193, 1194-1195.

⁶ Christopher B. Mueller and Laird C. Kirkpatrick, *Evidence*, 3rd ed., New York: Aspen Publishers, 2003, 1004. The case quote refers to a ruling in *United States v. Mora*, 845 F.2d 233, 237.

⁷ *United States v. Smith*, 70 Fed Appx. 359.

⁸ *United States v. Myers*, 294 F.3d 203.

⁹ See *Park et al*, 2004, 566, especially footnote 23.

is met, the jury can determine if any questions with the chain of custody should cause the weight of the evidence to be discounted. Damning evidence against a defendant that has a weak chain of custody might be considered much less damning when weighted in this manner.

In an election, the same legal standard has to be considered—what standard has to be met for the courts to determine that ballots challenged are legitimate—but there is also another standard that has to be considered. Specifically, does the custody of the election materials—especially the ballots and voting machines—meet a standard whereby the candidates and the voters are confident that the election outcome was fair. If the chain of custody is robust, then everyone can be confident, regardless of the outcome, that the ballots cast are the official ballots and the count is correct. If the chain of custody rules or procedures are weak or questionable, then the losing side may argue that the outcome is unjust. There is research evidence showing that losers are generally disposed to be less confident in election outcomes than are winners.

Weak procedures can serve to exacerbate the loss of confidence among those on the losing side in an election.¹⁰ Ballots are the type of fungible item that requires a high level of care for the authenticity of the item to be maintained. Moreover, the use of the secret ballot means that a voter cannot authenticate their own ballot later.¹¹ Because of this inability to validate a transaction later, a voter has to be confident that the security of the ballot box is high and that that security remains high throughout the election process—from when it is cast to when the election is certified and a winner chosen. Breaks in the chain can break the confidence of voters and candidates.

3. How Can Chains Be Broken?

¹⁰ See Alvarez, Hall, and Llewellyn 2006 for a review of this literature.

¹¹ Many states have laws, in fact, that invalidate any ballot that contains any sort of distinguishing or identifying symbol, word, or name written on it.

One of the major problems that election administrators face is what social scientists call a “principal-agent” problem, which two of us have recently written about (Alvarez and Hall 2006). Take a typical, but stylized, election administration situation. The chief election official in a reasonably-sized county is faced with running an election involving a thousand voting precincts. She must then find these thousand sites, and they will come from a wide variety of sources (schools, churches, businesses, and private residences), all of which are outside of her direct control. She will need to recruit perhaps four to six individuals to staff each of the thousand voting locations (thus needing four to six thousand people). She will also need to recruit dozens (maybe even a few hundred) individuals to get materials to each voting location before the election, to get the materials back from each voting location after the election, and to assist in election night and post-election canvass procedures.

In a typical employment situation, the employer structures the working relationship via some type of contract: the employer specifies the tasks to be done, the compensation for the work, and then sets up some sort of monitoring system to insure that the employee does the task efficiently and effectively. But, the employee has the incentive to “shirk” — that is, to do the job with the least amount of effort, which is counter to the employer’s goals. Herein lies the basic “principal-agent” problem, how can the employer set up this relationship to minimize shirking behavior, while also not incurring excessive compensation or monitoring costs?

As we argued in our recent work, election officials face this problem in a particularly severe way: they typically have few resources to adequately compensate the many individuals who they rely heavily on for the proper conduct of an election, ranging from the thousand individuals or entities in our example who are donating the space for each voting location, to the thousands involved in balloting and election logistics.¹² Furthermore, election officials

¹² (Alvarez and Hall 2006)

have few resources to devote to monitoring, especially given that the bulk of the effort of conducting an election occurs on a single day (Election Day), often in geographic locations, which cover many square miles.

The principal-agent problem thus has implications for the chain of custody issue, in a variety of ways. If election officials lack resources to adequately train the thousands involved in the conduct of an election, the simple lack of training may lead some or many of the workers to not understand appropriate chain of custody procedures. If election officials lack resources to compensate the election workers, this may lead the workers to either pay insufficient attention to maintaining the chain of custody, and in some cases, may lead election workers to deliberately violate the chain of custody as they engage in activities that are unrelated to their election work. If election officials cannot adequately monitor Election Day workers, again chain of custody procedures may be violated, either because election workers are deliberately shirking their duties or because a lack of training leads them to misunderstand the chain of custody and to the election workers making incorrect decisions about how to handle election materials that violate the chain of custody.

Note, also, that the principal-agency problem that election officials face can lead to serious chain of custody problems, even without any necessary attempt at political manipulation of an election, or any deliberate malfeasance. That is, poorly trained election workers, who lack supervision, can violate the chain of custody without any incentive or desire on their part to actually affect the outcome of an election, in any particular way.

We have recently seen a variety of real-world cases where the chain of custody issue has arisen in election administration, most likely due to poorly trained and supervised election workers. For example, in the spring primary in Cuyahoga County, Ohio, where we had access

to a detailed precinct incident reporting system, we found that more than 15% of precincts reported a problem with seals and locks.¹³ The report noted these reports in detail:

Incidents related to the seals on the voting machines, the printer canisters, and the bags in which post-election materials were to be returned to the election offices accounted for a small number of incidents. A total of 4.2 percent of all incidents were related to seals. Seals were reported broken on machines and canisters most often, with some precincts reporting that they could not seal all of their machines at the beginning of the election. The chain of custody of a voting machine and its ballots can be, in part, confirmed through the sealing and locking of the machine and the tracking of the seals and locks used. If after the election the authenticity of the seals and locks cannot be effectively known—or there are questions as to whether the machines were in fact even sealed and locked throughout the process—it raises questions about the balloting (both the electronic and the associated paper ballots) [ESI 2006, page 60].

Thus, in this one example we have quantitative data that gives us some perspective on how extensive such chain of custody issues can be.

Another type of chain of custody issue arose, again in the spring of 2006, in Cook County, Illinois. There the county was (like Cuyahoga) implementing a new set of voting technologies, and thus was also implementing many new procedures along with the new voting machines. However, the election officials there appear not to have foreseen that a previously-effective procedure, election-night transmission of precinct tallies from the voting locations to the election tally center, might be not work as planned with the new voting technologies. In brief, in what has been reported as having occurred in “dozens” of voting locations, for some

¹³ (ESI 2006)

reason the electronic transmission of precinct tallies on election night failed for the election workers. Reportedly, these problems arose either because the election worker could not merge the tallies from the two different voting systems in place in each voting location, or because the electronic transmission technology failed.¹⁴

But upon failure of the electronic transmission procedure or technology, however, election workers resorted to a variety of mechanisms to get tallies (and data cards from voting machines) to the central election counting location. Reports were that some election officials took cabs, and no doubt other means of public and private transportation to get the data cards and tallies to election headquarters. While the immediate coverage of these innovative means of tally and data card transmission focused on the delays they produced in the early election-night tallies, subsequent coverage focused on how this produced breakdown in the chain of custody in this election: while election workers were probably simply trying to do the right thing, in the absence of training and supervision in this contingency, they were transporting these important election materials in insecure ways. This second example provides additional insight into how easy it is that procedural or technological problems, in a situation where election administrators have little control over election workers, can produce breakdowns in the chain of custody.

3. Standard Operating Procedures

The maintenance of chains of custody is not magical but they do require having standard operating procedures for the handling of items. Standard operating procedures (SOPs) form the basis for many organizational activities and they may or may not be explicitly documented by an organization. As Graham Allison noted,

¹⁴ See <http://electionupdates.caltech.edu/2006/03/ballot-chain-of-custody-questions-in.html> for details and links to contemporary media coverage of these problems.

Organizations must be capable of performing actions in which the behavior of large numbers of individuals is carefully coordinated. Assuming performance requires clusters of rehearsed SOPs for producing specific actions...Each cluster comprises a "program" (in terms both of drama and computers) which the organization has available for dealing with a situation. The list of programs relevant to a type of activity....constitutes an organizational repertoire.... When properly triggered, organizations execute programs... The more complex the action and the greater the number of individuals involved, the more important are programs and repertoires as determinants of organizational behavior.¹⁵

Allison goes on to note the benefits of SOPs. These include the reduction of uncertainty regarding how to handle standard situations, an improvement in average organizational performance in completing tasks involving SOPs, and an improvement in coordination among organizational actors.

The development of such SOPs is typically done in an iterative process.¹⁶ At the inception of a new organization or of a complex enterprise within an existing organization, the organization can either borrow SOPs from a similar organization/enterprise, or it can develop a set of simple SOPs that allow the organization to operate. However, simple SOPs can leave an organization in the position of having routines and procedures that treat all activities equally. Instead, an organization needs to have more complex SOPs that prioritize and structure its activities. The key here is for the organization to have experience, the ability to learn what is most important, and the ability to develop SOPs that routinize these activities.

¹⁵ (Graham Allison 1969, 700)

¹⁶ (Johnson 1990)

Such routines minimize uncertainty and create a stable operating environment for the organization.

As was noted at the outset, SOPs do not have to be formalized. However, SOPs function most effectively when they are created within a legal framework. Such a legal framework provides the organization with a rationale and authorization to engage in the activity in question and to create a process for tackling the issue. Typically, statutory language provides the broad framework for the activity in question; through regulatory activity, the agency can develop detailed SOPs to govern its activities. This legal framework has several benefits for the development of SOPs. Such a framework provides legitimacy to the organization's actions; it is acting within a clear legal mandate. It also formalizes the requirements on the actors implementing the activity. The answer to the question "Why do we do it this way?" is clear; we do it this way because the law requires it. Importantly, this process also allows agencies to learn. The use of regulations allows an organization to change the rules as new experiences and changes in the environment suggest problems or limitations with the current SOPs.

4. Georgia Election Law and Chains of Custody

Shortly after the November 2000 election, the Georgia Secretary of State took a hard look at the performance of voting equipment throughout the state and determined that Georgia actually fared worse than Florida in the total number of undervoted races which appeared at the top of the ballot. In response to those findings steps were undertaken to unite all 159 of Georgia's counties in the use of a single statewide uniform system of voting. During the 2002 General Assembly session, legislation was enacted which provided for the use of Direct Electronic Recording electronic voting machines (DRE's). This legislation provided the broad framework for the future implementation of a system which had yet to be selected. This

enabling legislation provided for the manner in which DRE's must function, the required format of the ballot design, maintenance and storage requirements, and basic procedures designed for the tabulation of votes.

In May of 2002 Georgia made its vendor selection and began the process of implementing a uniform system of electronic voting. Prior to this date, Georgia had four types of voting systems which comprised a myriad of different types of equipment developed by a number of different vendors. Each type of system functioned in a different manner and while each of these systems had some sort of governing legislation it was a nearly impossible task to maintain current up-to-date legislation which provided effective oversight and controls in how each jurisdiction applied the use of its particular brand of voting equipment.

One of the challenges faced during this period was the task of not only implementing a uniform system of voting but also that of ensuring that all 159 counties used the system in a consistent manner. With the framework of enabling legislation now in place one of the critical next steps was to develop rules which further defined the use of the system with particular focus on the issues of security and transparency. These procedures were adopted as Rules of the State Election Board, rules which have the effect of law.

The main goal in developing these rules was to draft them in such a manner that there could be no question as to the intent and purpose of the rule, leaving no room for various interpretations or applications of the requirements. Another critical objective was to create a workable set of rules to which election officials could easily adapt. To that end, Georgia convened a number of its forward thinking election officials to assist in proposing and reviewing these rules. To date Georgia still brings election officials to the table for constructive dialogue and review of any newly proposed rules or rule revisions.

The original set of rules were adopted in 2002 and consisted of uniform definitions, detailed descriptions of required ballot design, storage, maintenance, logic and accuracy requirements, and tabulation procedures just to name a few. Each and every year since that time the rules have been tweaked and revised to ensure consistency and uniformity. Since the adoption of the first set of rules in 2002, subsequent revisions and additions have focused on voting system security and include levels of detail designed to deter election fraud at all levels of the process. These security rules have proven to be the most cumbersome and time consuming to administrate but at the same time have been demonstrably effective by adding a level of protection and transparency which is vital to ensuring an elections process which can be proven to be reliable and trustworthy.

Prior to the implementation of a statewide uniform system, chain of custody was mainly relegated to the individual counties who developed procedures which fit their own individual form of voting equipment. Today's rules are specific to one form of voting equipment and they are mandatory not optional. These rules include documented evidence of storage, such as mandatory logs noting the location and custody of each voting unit and tabulation equipment. Election Officials are also required to submit a written request to the State prior to relocating tabulation servers and each move must be approved and reviewed. Oaths must be administered to any person who has contact with the voting equipment if such person is not an employee of the county elections office. In addition the election official must maintain a log of all persons who are allowed access to the storage facility; this includes maintenance and emergency workers.

Much emphasis has been placed on the right of the public to observe all phases of the elections process. One such example is the rule regarding Logic and Accuracy. The original version of these rules, first adopted in 2002, have been revised to provide for greater

transparency and public oversight while at the same time striking a necessary balance to protect the equipment from anyone who may wish to attempt fraud or deception during the critical phase of programming and sealing each unit.

Tighter controls have also been placed upon the storage of voting equipment once units have been delivered to the polls. If secure storage space at the poll, with restricted access, is unavailable election officials must provide interlocking padlocked cables to secure voting units. Poll officials are not allowed to use any voting unit whose seal numbers do not match those which were documented publicly during the Logic and Accuracy process without first notifying the elections office of the discrepancy.

Not only have the requirements been tightened for the actual voting units themselves but also for every component of the voting system, including memory cards, voter access cards, unit keys and encoders. Poll officials and election technicians must sign a receipt for each item which is entrusted to them and upon return of the equipment they must account for each item. Any item not returned must be noted on a form specified by the Office of the Secretary of State and the form shall then be returned to the Secretary of State at the time of certification.

Chain of custody rules also extend to the use of DRE's for in person absentee voting. Even though these units remain in the control and possession of election officials at all times, specific rules have been adopted which call for documented evidence of use of each unit on a daily basis. For example, each day the election official is required to record the opening and closing public count totals on every unit. If at any time the opening number does not match that of the previous days closing, the Secretary of State must be notified immediately and that unit shall not be used until the discrepancy can be resolved to the satisfaction of the Secretary of State.

Counties who have strictly adhered to the Georgia Election Code and the Rules of the State Election Board have found that while the added controls can be time consuming and in some instances even costly to perform, the advantage far outweighs the difficulty. Election Officials have been called upon in court contested elections to validate the elections process. Through the presentation of detailed logs and forms which clearly demonstrate a documented chain of custody and standard uniform operating procedures these election officials consistently affirm the dedication exhibited by Georgia Elections Officials to prevent election fraud.

5. Chains of Custody in Travis County

The election officials in Travis County, Texas developed a chain of custody process for their election materials when they transitioned to new electronic voting equipment.¹⁷ Two events—the 2000 election contest in Florida and the events of 9/11—served to shape this effort. The goal of this effort was rather simple: “to make sure that [the] election was protected and the public could trust that it was safe, fare and accurate, no matter what happened [in Travis County] or anywhere in the world.”¹⁸ Achieving this goal required creating a process of understanding what it meant to hold an election in Travis County, identifying the threats that existed in this election process, and developing SOPs that mitigate against these threats.

The centerpiece of the model used in Travis County is “the egg,” shown in the Figure below. The egg is a metaphor for the election process; the center yoke is most fragile part of the election process, when ballots are being voted. The storage of machines between elections—which are at the top and bottom of the process—also is an area where there are threats to the system, but the overall threat is smaller. By identifying these threats

¹⁷ This section draws from Dana DeBouivoir, Travis County Clerk, “Method for Developing Security Procedures in a DRE Environment,” an Election Center Professional Practices Submission, 2005 as well as from a two-day visit to Travis County by two of the authors (Alvarez and Hall) in 2005.

¹⁸ DeBouivoir 2005, 1.

systematically, Travis County has been able to develop SOPs that fit their election operations and mitigate against the specific threats that they face. Many of the threats that they have addressed are relatively low-risk threats but are ones that could be devastating to an election and can be addressed with relatively low-cost solutions. For example, the absentee ballots in Travis County are opened in a trailer outside the main election office. This is designed to ensure that any problem with the mail—such as someone putting anthrax or something that resembles anthrax—into a letter will not contaminate the entire election facility and undermine the ability to count ballots and operate the election.

The efforts in Travis County have centered around three types of activities: transparency, testing, and security. These activities are all key part of an efficient and effective voting process, as identified by the international election community. The Administration and Cost of Elections (ACE) Project – a collaboration of IFES, an international nonprofit organization that supports the building of democratic societies; the International Institute for Democracy and Electoral Assistance (IDEA); and the United Nations Department of Economic and Social Affairs (UNDESA)—has identified eight principles for effective vote counting. The underlying normative theory underlying this effort is: “to establish and maintain public confidence in the electoral process, vote counting systems and procedures should incorporate the fundamental principles of vote counting in a democratic election.”¹⁹ Achieving this requires that elections should (1) be transparent, (2) be secure, (3) be professionally run, (4) provide accurate results, (5) maintain voter ballot secrecy, (6) provide timely results, (7) have clear responsibility and accountability throughout the counting process, and (8) provide an equitable playing field to all election participants.

¹⁹ See <http://www.aceproject.org/main/english/vc/vc20.htm>

In Travis County, these various principles are achieved through specific SOPs. Take the issue of physical security. The county has an array of SOPs designed to promote a secure election environment. At the most basic level, there are procedures that govern who can have access to specific parts of the election offices. The public entry area is open to everyone. A next layer of the building is open only to election personnel who have specific keys. Still other parts of the facility are restricted to a smaller number of personnel. Finally, there is the area where the ballots and voting machines used in an actual election are stored. These areas cannot be opened by election officials—only the sheriff department can open them. However, the sheriff department cannot get to the room where these materials are located without being accompanied by an election official with access to the space where these items are stored. This two-key, two-person access rule creates a much higher level of security for the materials than would exist if a single individual could access these materials.

A second related issue is the testing of voting machines. The testing process requires that there be an extensive process for conducting logic and accuracy testing. Once an election is created, it is then tested by teams of election personnel, who vote the ballots and then ensure that the tabulation process works effectively. The County is also able to do a “hash code” test, where they can compare the software they are loading on the voting machines with the software that was certified and is on file with the National Institute of Standards and Technology (NIST). Such testing allows the county to ensure that the version of the software that is loaded onto the voting machines and is used in the election is the certified version of the software.

The final issue is transparency. Travis County addresses this by making all key activities in the election process, such as the logic and accuracy testing of machines or the tabulation process, open to the public. Moreover, designated party officials specifically witness

these activities, and are required to complete a form stating the activity that they have witnessed. In the event of a dispute, the County has witnesses and documentation that show who witnessed these key events and when, which provides documentation of a chain of custody of the election process. These documents are then stored within the physical security of the election office, again promoting the chain of custody of these documents.

6. Implications for Best Practice

Effective chain of custody rules provide all of the actors in the election process—candidates, parties, and voters alike—with confidence that the integrity of the voting process and the ballots produced in that process has been maintained. Maintaining the chain of custody will not completely eliminate the possibility for election fraud or election snafus; it will certainly minimize the changes that fraud or snafus can arise, and should help election officials and other interested parties determine where any malfeasance or other problems arose. After the election, the election official should be in a position to show to any interested party where the ballots or related election materials were in the process and who had custody over these items throughout all steps of the process. Outside observers should be able to trace the whereabouts of all election materials, before, during and after the election — and be able to replicate tabulations of election materials and ballots. There should never be a question regarding how ballots were stored or handled in such a situation because the election official will have put into place a process that accounts for how such handling and storage will be done.

The chain of custody process does presume that the election official will think through the voting process from start to finish so that there are no breaks in the chain. In the examples provided above of voting in Cuyahoga County and Cook County, the problems associated with the chain of custody in the voting process occurred because the election officials had not attempted to implement the chain of custody rules for the new voting equipment prior to

holding the election. Instead, the election officials either implemented old rules without considering how the new technology interacted with the new rules or implemented new rules without simulating how such rules would work in practice. Such problems strongly suggest that election officials had not trained poll workers clearly and carefully regarding how to implement the new rules. (If such training had been done, problems with the chain of custody would likely have been identified). Given preliminary evidence that has found that the voter-poll worker interaction is important to the confidence that the voter has in the fairness of the election process, such training is important for direct participants in the voting process to be confident that the election was conducted properly.²⁰

In our thinking, election administrators should proceed in two ways to develop and implement appropriate chain of custody procedures. The first is that election officials themselves should implement an audit of the procedures in their own jurisdictions, and determine exactly what procedures they have in place now to insure that they have a complete accounting in any election of the exact whereabouts of all election materials, and that there has been appropriate supervision of all election materials before, during and after an election. The results of these custody audits should then allow election administrators the opportunity to implement improvements in their procedures, and to better produce contingency plans for when these procedures go awry.

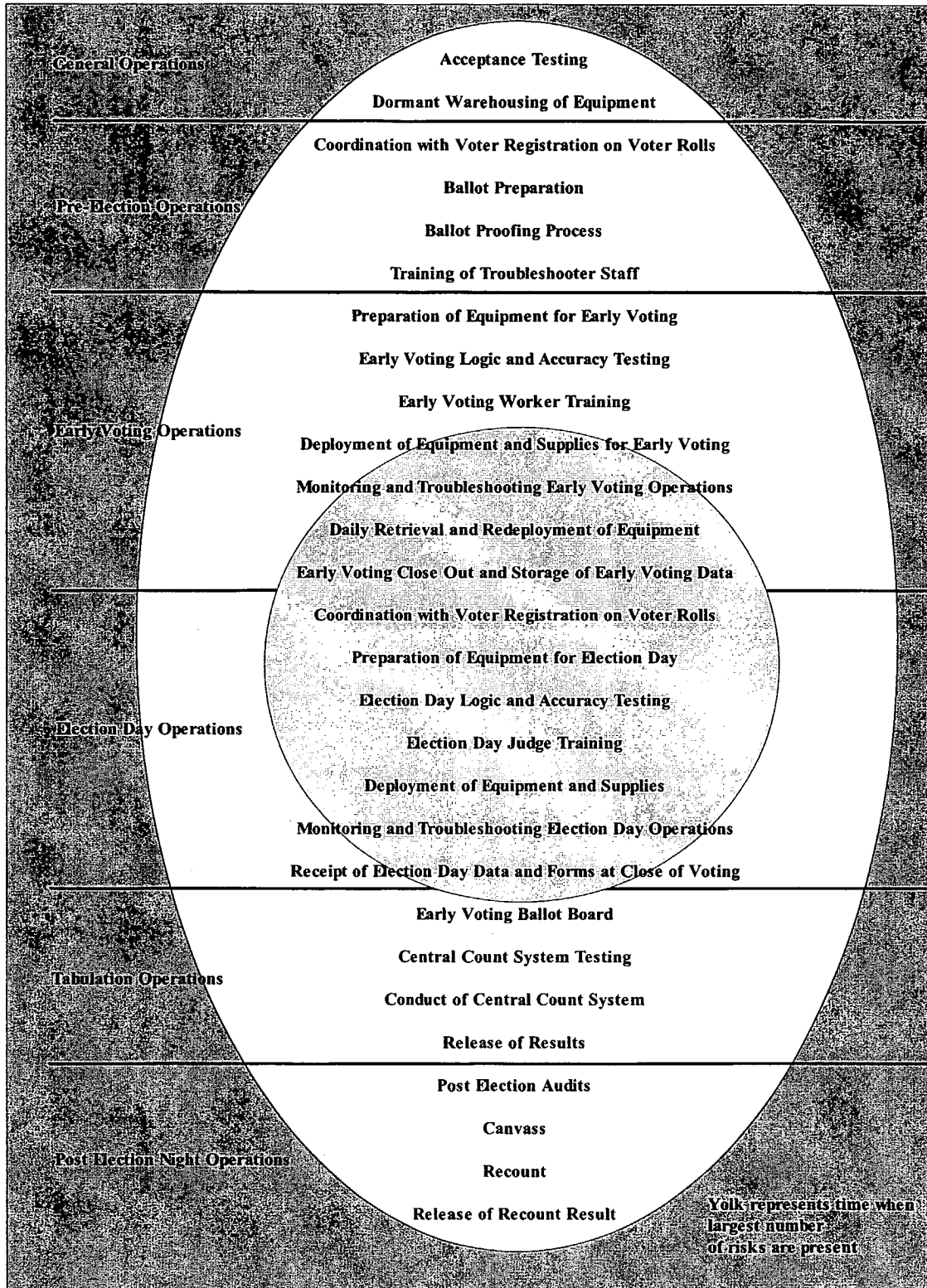
Second, the election official community, perhaps under the auspices of the Election Assistance Commission or another similar entity, should be to study the chain of custody procedures currently in place across all election jurisdictions in the United States, and after such a survey has been completed, suggest best practices that election officials can use as models for their own jurisdictions. Similarly, such best practice studies should be done

²⁰ Thad Hall, Quin Monson, Kelly Patterson, "The Human Dimension of Elections: How Poll Workers Shape Public Confidence in Elections," Unpublished Manuscript.

internationally, and lessons that can be learned (both positive and negative) from the international experience should be documented so that election administrators can learn from the experiences of others.

In the end, maintaining a thorough and appropriate chain of custody of election materials should be one of the primary mechanisms that election officials can use to prevent election fraud. In the event fraud is alleged, if there are strong controls and documentation of custody in place in a jurisdiction, forensic study of the controls and documentation may shed substantial light on whether fraud did occur and might help investigators identify the perpetrators. Furthermore, maintaining the custody of all election materials in an appropriate and controlled way should help election officials as they seek to demonstrate to their primary clients—voters, politicians, and the media—that the election process in their jurisdiction has integrity and that all concerned should be confident in the outcome of their administrative efforts.

Travis County Risk Assessment Process



Election Forensics: The Second-digit Benford's Law Test and
Recent American Presidential Elections *

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Abstract

Election Forensics: The Second-digit Benford's Law Test and Recent American Presidential Elections

While the technology to conduct elections continues to be imperfect, it is useful to investigate methods for detecting problems that may occur. A method that seems to have many good properties is to test whether the second digits of reported vote counts occur with the frequencies specified by Benford's Law. I illustrate use of this test by applying it to precinct-level votes reported in recent American presidential elections. The test is significant for votes reported from some notorious places. But the test is not sensitive to distortions we know significantly affected many votes. In particular, the test does not indicate problems for Florida in 2000. Regarding Ohio in 2004, the test does not overturn previous judgments that manipulation of reported vote totals did not determine the election outcome, but it does suggest there were significant problems in the state. The test is worth taking seriously as a statistical test for election fraud.

Arguably we are not much closer than we were one hundred years ago to understanding how to administer elections that not only are secure and fair but are widely believed to be secure and fair. As long as there have been elections there have been election scandals, and certainly throughout the history of the United States (Gumbel 2005). Notoriously, serious defects in election administration produced the wrong outcome in the 2000 American election for president (Wand, Shotts, Sekhon, Mebane, Herron, and Brady 2001; Mebane 2004b). Responses to the 2000 election controversy have in some ways created as many problems as they have solved. In particular, the events of 2000 sparked a rush to replace older mechanical voting technologies with machines based on electronic computers. Some states made such changes on their own, notably Florida (MacManus 2004), while others were prompted to change by provisions of the Help America Vote Act of 2002 that made use of punchcard ballots and lever machines illegal and provided funds to help pay for their replacement.

Debates about the accuracy and security of different voting technologies have continued up to the present. In 1934, Joseph Harris wrote about a primary defect of paper ballots: “The counting of paper ballots, often lasting far into the night, and made by tired and frequently incompetent persons, is highly conducive to mistakes and frauds. Many election officers and men in public life have realized the inherent defects of this procedure and have sought to remedy it” (Harris 1934, 261). But in 2006, Aviel Rubin lamented the insecurity of a wholly electronic system being used in Maryland: “All of the votes from our entire precinct were right there in the palm of my hand. I could have substituted those five [memory] cards with five identical but bogus cards from my pocket, changing all the ballots, because Diebold did not protect the data with appropriate cryptographic measures.” (Rubin 2006, 256). It seems unlikely that technological developments alone will solve the problems and resolve the questions many have about election administration, at least not in the foreseeable future.

While the technology to conduct elections continues to be imperfect, it is useful to investigate methods for detecting problems that may occur. The class of such methods I refer to as *election forensics* are based on statistical tools and are intended to examine elections after the fact. Election forensics focus on the recorded votes, asking whether there are significant anomalies. Do the votes relate to covariates in ways we should expect, or are some votes outliers (Mebane and Sekhon 2004)? Are there other regularities the votes should exhibit? The analysis by Wand et al.

(2001) of the consequences of the butterfly ballot in the 2000 presidential election features both of these kinds of analysis. That study finds that the vote for Buchanan in Palm Beach County was a significant outlier, that the vote for Buchanan on election day ballots in Palm Beach County did not relate to the vote on absentee ballots in the same way as it did in other Florida counties, and that the vote for Buchanan did not track the vote for other Reform Party candidates running in Palm Beach County.

Of course the most challenging ambition for election forensics is to be able to detect election fraud. An examination merely of recorded votes and their correlates can never by itself prove that regularities or irregularities the recorded votes may exhibit are the result of fraudulent intentions. But allegations of fraud may identify specific methods purportedly used to perpetrate the fraud, and the forensic analysis may be able to check for traces of those methods. Such an analysis may help reduce suspicions that election results are fraudulent. A study of votes cast in Ohio in the presidential election of 2004 commissioned by the Democratic National Committee documents many problems with the way the election was administered, but it does not find evidence to support charges that George W. Bush won only because tens of thousands of votes that were cast in favor of John Kerry were instead counted as votes for Bush (Mebane and Herron 2005).

The ideal method for election forensics would be one that depends neither on special assumptions about the particular political configurations contesting the election nor on any particular theory about how the election was conducted. Ruled out, for instance, would be ideas about the coalitions supporting a particular party or candidate. In general we should expect a method that is based on particular theories to be more powerful than a method that eschews such foundations, at least if the theories are correct. But any particular theory is likely also to be controversial. A diagnosis of election fraud—or of its absence—that depends on such theorizing may only be as convincing as is the theory it depends on.

An ideal method for election forensics would also be one that could be applied routinely, perhaps even automatically, without requiring special expertise or sophisticated technical judgment. Such a method might be a foundation for routine election audits. For instance, election officials might apply a simple test to publicly available information and then perform some kind of intensive manual inspection of places or equipment that performed poorly on the test. All precincts might be subject to manual recounts, for example, with the subset chosen for

recounting selected at random but with selection probabilities that depend on the outcome of the routine test.

While such an ideal method may well not exist, in this paper I want to illustrate the use of one possible candidate. A method that may come close to satisfying our ideal set of requirements is to test whether the second digits of reported vote counts occur with the frequencies specified by Benford's Law (Raimi 1976; Hill 1995). In Mebane (2006) I study this second-digit Benford's Law (2BL) test for vote counts. I identify a pair of flexible mechanisms that may generally characterize vote counts and that satisfy the 2BL distribution in a wide range of circumstances. I show that the 2BL test is sensitive to many patterns of vote count manipulation, including patterns that would occur in some kinds of election fraud. I argue that while the 2BL test may be generally suitable for precinct-level data, it is not useful for vote counts at the level of individual voting machines.

The 2BL test is not precisely theory free, and its suitability for a wide variety of electoral contexts has yet to be demonstrated. But it does fulfill the goal to free tests for election fraud from being bound to a particular idea about the substance of the campaigns or about the grounds for voters' decisions. The 2BL test uses only the vote counts themselves. No covariates are involved, and no statistical models need to be estimated. Given precinct-level vote count data, the test is very quick to compute (the hard part is obtaining the precinct data). The test results are not sharply diagnostic: Mebane (2006) shows the test can be triggered when votes are not being manipulated at all, and even if manipulation is occurring the test cannot indicate whether the manipulation is due to fraudulent actions.

The relationship between the 2BL test and manual recounts is unclear. While the 2BL test is far from perfect, there are also limits on the kinds of fraud a manual recount may detect. Harris (1934) discusses many kinds of fraud, but there is a basic distinction between two broad classes. One class of frauds involve miscounting the ballots. For example, Harris writes, "The old form of voting fraud—that of repeating—has largely disappeared. It is safer and cheaper to have the election officers steal the election. This may be done by turning in an election return which is not based upon an actual count of the ballots, and does not at all correspond to the votes cast" (Harris 1934, 262). The other class of frauds involves falsifying ballots: "Another method of stealing an election is to stuff the ballot box with marked ballots, writing in the poll books the

names of voters who failed to vote or who have died or moved away” (Harris 1934, 262). A routine recount may uncover a fraud of the first kind, but it would do nothing to reveal a fraud of the second kind. But the 2BL test may be sensitive to either kind of fraud. A statistical test, such as the 2BL test, and a program of manual recounts may reinforce one another but they are not redundant.

This potential capacity for the 2BL test to signal frauds that a recount cannot catch is of course one of the strongest arguments in its favor during a time, such as now, when many jurisdictions are using electronic voting machines that do not produce a reliable audit trail, so that useful recounts are impossible. The Diebold system in Maryland that Rubin (2006, 256) writes about is one example. There is very little reason to believe such systems are secure. Rubin’s worry about memory cards being swapped is not the most serious potential problem. If malicious software is installed on the machines, as demonstrated by Feldman, Halderman, and Felten (2006), then all the vote counts and every available electronic record may be falsified. Such falsification may be done in ways that would escape detection by the 2BL test. Neither the 2BL test nor any other statistical test is a panacea.

I illustrate use of the 2BL test by applying it to some of the precinct-level votes reported in recent American presidential elections. Because the controversies attending some of these election outcomes have been examined using other tools, this kind of survey will one hopes help build intuition about what the 2BL test can and cannot do. After briefly describing how to perform the 2BL test, I return to Florida, 2000, to see whether the test flags any of the problems that are amply well documented to have happened there. Notwithstanding Florida’s comprehensive reform of election administration after 2000, problems occurred in some places—e.g., in Miami-Dade and Broward counties during the 2002 gubernatorial election (New York Times 2002, 2003)—and allegations arose regarding suspected manipulation of the presidential votes in 2004. So I look at data from the 2004 election in Florida. Next I consider whether 2BL test results support the conclusions reached by Mebane and Herron (2005) about the 2004 election in Ohio. After that I take a look at 2BL test results for presidential votes from across the U.S. in 2000 and 2004.

The Second-digit Benford's Law Test for Vote Counts

The 2BL test for vote counts in J precincts uses the distribution of second digits shown in Table 1. Let q_{B_2i} denote the expected relative frequency with which the second digit is i . These q_{B_2i} values are the values shown for each digit in Table 1. Let d_{2i} be the number of times the second digit is i among the J precincts being considered, and let $d_2 = \sum_{i=0}^9 d_{2i}$ denote the total number of second digits. If some precincts have vote counts less than 10, so those small counts lack a second digit, then $d_2 < J$. The statistic I use for a 2BL test is the Pearson chi-squared statistic:

$$X_{B_2}^2 = \sum_{i=0}^9 \frac{(d_{2i} - d_2 q_{B_2i})^2}{d_2 q_{B_2i}}.$$

These statistics may be compared to the chi-squared distribution with 9 degrees of freedom (χ_9^2), which has a critical value of 16.9 for a .05-level test.

*** Table 1 about here ***

In general we will not be examining only one set of precincts or one set of vote counts. We may be interested in the sets of precincts in different counties or different electoral districts. We may want to look at the votes cast for different candidates, for different offices or for different ballot items. To get a simple omnibus test result, one could pool all the different vote counts together. But especially in the case where the test rejects the hypothesis that the second digits of all the vote counts follow the 2BL distribution, it will be more perspicuous to test each natural subset of precincts separately. Doing so may allow one to identify for which set of precincts the test is signaling a problem. So the votes recorded for a presidential candidate in all the precincts in a county may be considered a set and tested together, but each county is treated separately.

When computing the 2BL test for multiple sets of precincts, we need to adjust any assessment of statistical significance for the fact that we are looking at multiple tests. The method I use to do this is to adjust the test level applied to hypothesis tests for the false discovery rate (FDR) (Benjamini and Hochberg 1995). Let $t = 1, \dots, T$ index the T independent sets of precincts being tested. For instance, if we were testing the precincts in a state separately for each county, T might denote the number of counties in the state. Let the significance probability of the test statistic for each set be denoted S_t . In our case this probability is the upper tail probability of the

χ^2_9 distribution. Sort the values S_t from all T sets from smallest to largest. Let $S_{(t)}$ denote these ordered values, with $S_{(1)}$ being the smallest. For a chosen test level α (e.g., $\alpha = .05$), let d be the smallest value such that $S_{(d+1)} > (d+1)\alpha/T$. This number d is the number of tests rejected by the FDR criterion. If the second digits of the vote counts in all of the sets do follow the 2BL distribution, then we should observe $d = 0$.

Florida 2000 and 2004

For the votes recorded for president in 2000, I have usable data for precincts in 34 of Florida's 67 counties. A few counties have too few precincts to support a useful analysis (e.g., Baker County has eight precincts plus a total for the absentee ballots). I use only counties that have at least ten precincts. But for other counties I simply do not have data. The counties I analyze include the largest Florida counties and most of the most controversial ones.¹

I compute the 2BL test for the votes recorded for George W. Bush and for Al Gore. I include the totals reported for absentee ballots. I treat the absentee totals as if they come from a separate precinct, sometimes as if they come from more than one if the totals are reported for multiple absentee aggregations. I treat each county's precincts as a separate set, and I also treat separately the Bush and Gore vote totals. For 34 counties and two candidates we have $T = 68$ separate test statistics. Adjusting for the FDR gives 28.7 as the critical value the 2BL statistic must exceed to signal a significant departure for the 2BL distribution.

None of the 2BL test statistics comes close to exceeding that FDR-aware critical value. The largest statistic is $X^2_{B_2} = 22.7$ for the vote for Gore in Gilchrist County. Four other statistics are larger than the single-test critical value of 16.9—one statistic is for votes recorded for Bush and three are for votes recorded for Gore. None of those counties (Bradford, Manatee, Pinellas and St. Lucie) is among those associated with the biggest controversies in 2000. Notably, both Duval and Palm Beach counties have small statistic values—in both, $X^2_{B_2}$ is just larger than 5 for Gore and slightly larger than 11 for Bush—even though in both counties high proportions of ballots were spoiled due to overvotes.

¹For 27 counties I obtained data from Dave Leip (<http://www.uselectionatlas.org>): Bay, Bradford, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Flagler, Hillsborough, Lee, Leon, Marion, Martin, Miami-Dade, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Seminole and Volusia. I downloaded data for Collier, Gilchrist, Gulf, Hernando, Manatee and Monroe counties from the counties' Board of Elections websites. Data for Escambia County were captured by Dave Rusin.

For the major party presidential votes recorded in Florida in 2000, then, the 2BL test does not signal any significant problems. Clearly the test is not responding to some major distortions that happened in some of the counties. Neither the overvotes nor the undervotes that plagued voters in the state cause the test to trigger.

Let's fast forward, then, to 2004.

By 2004, all of Florida's counties used either precinct-tabulated optical scan or electronic touch-screen voting machine technology. While these and other changes significantly improved election administration and reduced the frequency of errors (MacManus 2004), allegations nonetheless arose that vote totals had been manipulated using both modalities. Allegedly the scanners that tabulated the paper ballots were hacked, so that suspiciously many registered Democrats were recorded as voting for Bush (Washington Post 2004). These allegations largely evaporated in light of the finding that registered Democrats had long been voting for the Republican presidential nominee in the referent parts of Florida (Mebane 2004a). Moreover, careful comparisons between parts of the state that used different kinds of voting technology but were otherwise similar fail to turn up significant differences in voting patterns (Sekhon 2004; Wand 2004). Finally, a manual reinspection of the ballots in three of the supposedly affected counties finds no signs of manipulation (Miami Herald 2004). At the other end there were allegations that some counties that used electronic voting machines recorded a surprisingly large number of votes for Bush (Zetter 2004). The statistical analysis supporting these allegations was widely discredited as unsound, but nonetheless the suspicions they abetted remained in the air (e.g. Miller 2005).

For computing the 2BL test in Florida in 2004, I have usable precinct data from 50 counties.² I compute the 2BL test for the votes recorded for Bush and for Kerry. I include the totals reported for absentee ballots and for early voting, treating these totals as if they are from separate precincts as given in the reported data. For 50 counties and two candidates we have $T = 100$ separate test statistics, which implies an FDR-aware critical value for the 2BL statistic of 29.7.

Once again, none of the 2BL test statistics is larger than the FDR-aware critical value. One

²I obtained data for all 50 counties from Dave Leip. Added to the set of counties analyzed for 2000 are Alachua, Calhoun, Citrus, Dixie, Gadsden, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Lake, Levy, Nassau, Okaloosa, Sarasota, Sumter, Suwannee, Taylor, Wakulla and Walton counties. Missing for 2004 are Hernando, Monroe, Osceola, Polk, St. Lucie and Volusia counties.

value comes close. For the vote for Bush in Manatee County, $X_{B_2}^2 = 28.5$. The next largest value is $X_{B_2}^2 = 21.4$, for the vote for Bush in Collier County. In all there are eight statistics larger than the single-test critical value of 16.9—three statistics are for votes recorded for Bush and five are for votes recorded for Kerry. Because we are looking at so many different tests, however, these single-test results are not a compelling indication of departures from the 2BL distribution. For the major party presidential votes recorded at the precinct level in Florida in 2004, the 2BL test does not signal any significant problems.

Ohio 2004

When measured in terms of controversies and challenges, clearly the most important state in the 2004 American presidential election was Ohio. The state's electoral votes were pivotal in determining the Electoral College winner, and indeed the votes from the state were challenged in Congress when the electoral votes were counted (New York Times 2005). That challenge was prompted in part by a report that documented extensive and serious difficulties voters in the state experienced due to partisan and poor election administration (House Judiciary Committee Democratic Staff 2005). The Democratic National Committee (DNC) sponsored a study to further document and diagnose what happened in Ohio (Voting Rights Institute 2005).

One of the principal findings of the DNC study was that an examination of precinct vote totals from across the state produces “strong evidence against the claim that widespread fraud systematically misallocated votes from Kerry to Bush” (Mebane and Herron 2005, 2). Specifically this claim refers to the results of matching precincts and wards that did not change boundaries between 2002 and 2004, and then robustly estimating an “overdispersed binomial regression model that has the proportion voting for Kerry depending on the proportion voting for the Democratic candidate for governor (Tim Hagan) in the 2002 election” (Mebane and Herron 2005, 13–14). Using $D2002$ to represent the proportion voting for Hagan (versus Republican candidate Bob Taft) and $\text{logit}(p) = \log(p/(1 - p))$ to denote the log-odds function, the model uses the following linear predictor:

$$Z_i = d_0 + d_1 \text{logit}(D2002_i) . \tag{1}$$

Mebane and Herron state, “If the vote for Kerry were the same as the vote for Hagan except uniformly higher, then we would have $d_0 > 0$ and $d_1 = 1$ ” (2005, 14). The stated parameter values are almost but not quite what they find. In Table 2 I reproduce the parameter estimates they report (Mebane and Herron 2005, 77, Table 30). The estimates for d_0 are positive, and “the estimate for d_1 is not substantially different from 1.0 in either the precinct analysis or the ward analysis” (Mebane and Herron 2005, 14). But careful examination shows the difference between the estimate for d_1 and the value 1.0 to be statistically significant. Does this small but significant difference point to a big hole in Mebane and Herron’s substantive conclusion?

*** Table 2 about here ***

Mebane and Herron’s explanation for equation (1) is a bit terse and does not fully articulate the rationale for the parameter values they focus on. Before I consider what the 2BL test may suggest about the matter, let me try to explain their model more explicitly.

First let’s think about the votes for Hagan and for Taft in the 2002 gubernatorial election. Suppose for simplicity that the differences in support for Hagan and Taft across precincts can be largely explained in terms of a single variable x —call this “precinct net party strength”—so that the number of votes expected for each candidate in precinct i is well described by the model

$$E(\text{number for Hagen}_i) = n_i \exp(a + bx_i)$$

$$E(\text{number for Taft}_i) = n_i \exp(c + dx_i).$$

Here n_i is a measure of the number of potential voters in precinct i , a , b , c and d are constants with $\text{sign}(b) = -\text{sign}(d)$, and x_i varies from precinct to precinct. This variable x does not perfectly capture the support for each candidate, so the actual number of votes each receives differs somewhat from the expected values. But given the value of x , the proportion of votes expected to go to Hagen is

$$E(D2002_i) = \frac{\exp(a + bx_i)}{\exp(a + bx_i) + \exp(c + dx_i)} = \frac{1}{1 + \exp[-(A + Bx_i)]},$$

where $A = a - c$ represents the difference between the candidates’ overall base levels of support and $B = b - d$ represents the net degree to which their support varies across precincts in relation

to x . Applying the logit function to this expectation recovers the linear predictor we would use in a binomial model if we could observe x , namely $\text{logit}[E(D2002_i)] = A + Bx_i$.

If the vote for Kerry were the same as the vote for Hagan and the vote for Bush were the same as the vote for Taft, then the same model would apply to Kerry's share of the votes as applies to Hagan's. In that case we might hope that our imagined model for $E(D2002_i)$ does not depart too far from the observable values $D2002_i$, so that $\text{logit}(D2002_i) \approx A + Bx_i$ is a good approximation. Since we are not committing to any particular definition for the unobservable variable x , the idea that the approximation is a good one should be easy to accept. But then it follows that if Kerry's vote share were the same as Hagan's, then the linear predictor in the model for Kerry's vote share should be the same as in the model for Hagan's vote share. Hence in equation (1) we would have $d_0 = 0$ and $d_1 = 1$. That is, using $D2004$ to represent the proportion voting for Kerry instead of Bush, we would have

$$E(D2004_i) = \frac{1}{1 + \exp[-(A + Bx_i)]} \approx \frac{1}{1 + \exp[-\text{logit}(D2002_i)]}.$$

In saying that Kerry's support may be "uniformly higher" than Hagan's, the idea is that the difference between the overall base levels of support for Kerry and Bush may be more favorable to Kerry than the corresponding difference between Hagan and Taft is to Hagan. This may happen even while Kerry's and Bush's support varies across precincts in relation to x in the same way as does Hagan's and Taft's. That is, if we use G to denote the difference between Kerry's and Bush's base levels of support and H to denote the net degree to which their support varies in relation to x , so that

$$E(D2004_i) = \frac{1}{1 + \exp[-(G + Hx_i)]},$$

then it may be that $G > A$ while $H = B$. In this case we would have

$$E(D2004_i) \approx \frac{1}{1 + \exp\{-[G - A + \text{logit}(D2002_i)]\}},$$

which is to say, in equation (1), $d_0 = G - A > 0$ and $d_1 = 1$.

Of course, both Kerry and Bush received more votes than, respectively, Hagan and Taft,

which is to say that overall voter turnout was higher in 2004 than in 2002. The increase in turnout reflects not only the difference that generally occurs between midterm and presidential election years, but also the intensive mobilization efforts undertaken in Ohio in 2004 by the candidates, by the political parties by and other groups. It is possible, but of course not necessary, that the mobilization worked in such a way that each candidate was able to increase turnout more in precincts where his party's base support was already stronger. In terms of a simple model expressing the support for Kerry or Bush in terms of the notional 2002 precinct net party strength variable x , the number of votes for each candidate in each precinct might be related to x_i through coefficients u and v , with $\text{sign}(u) = -\text{sign}(v)$ and $H = u - v$. Intense mobilization that was more effective in precincts where a party was already strong would mean that $|u| > |b|$ and $|v| > |d|$, in which case $H/B > 1$.

In this case, in the linear predictor of equation (1) we would no longer expect $d_1 = 1$. That is,

$$\begin{aligned} E(D2004_i) &= \frac{1}{1 + \exp[-(G + Hx_i)]} \\ &= \frac{1}{1 + \exp\{-[G - (H/B)A + (H/B)(A + Bx_i)]\}} \\ &\approx \frac{1}{1 + \exp\{-[G - (H/B)A + (H/B)\text{logit}(D2002_i)]\}} \end{aligned}$$

So in general in equation (1) we have $d_1 = H/B$ and $d_0 = G - (H/B)A$. If the parties in 2004 tended to mobilize more effectively in precincts where they were already strong in 2002, then we should see $d_1 > 1$.

The force of this more explicit motivation for equation (1), then, is to support a claim that the estimated values for d_1 that are significantly larger than 1.0 reflect the tremendous voter mobilization efforts undertaken on behalf of the candidates. If Bush tended to recruit new voters more effectively in precincts where he was already strong, or if Kerry tended to add voters more in places where he was already strong, then $d_1 > 1$ is what we should expect.

Evidently the analysis that refers to equation (1) depends on a relatively elaborate skein of modelling, even though the ideas it expresses are fairly simple. A serious critique of the model could lead one rapidly into some intricate issues. For instance, is the implicit reference to a single "precinct net party strength" dimension truly compelling if we are thinking about the variation in

support for Kerry and Bush over all 5,384 precincts (spread over 47 counties) being considered?

And even if we accept the simple framework of the model, do the results constitute a convincing case that there was not significant fraud? For instance, Mark Lindeman took the data used to produce the estimates reported in Table 2 and applied the following algorithm: “in approximately 10% of precincts, switch some uniform % of votes between 10% and 20% (or half of Kerry’s share, whichever is less) from Kerry to Bush” (Lindeman 2006). Using such manipulated data to estimate the model, Lindeman reports obtaining results very similar to the ones reported in Table 2: “no change in slope (of course the intercept decreased), essentially no change in the number of zero weights (18), a substantial increase in sigma” (2006). Leaving aside the important question of whether it was feasible in Ohio to switch a fraction of the votes in a random sample of precincts selected from across the state, the implication remains that there are conceivable patterns of fraud that the approach used by Mebane and Herron (2005), based on estimating equation (1), would fail to detect.

A pattern of vote manipulation such as Lindeman imagines may not be detectable by any kind of statistical analysis, but still it is worthwhile to see whether the 2BL test builds confidence in Mebane and Herron’s (2005) analysis or adds to skepticism about it.

To compute the 2BL test, I use the data collected as part of the DNC study for all Ohio precincts. To enhance comparability with the data analyzed by Mebane and Herron (2005), I exclude separately reported absentee vote counts. I compute the 2BL test for the votes recorded for Bush and for Kerry. For 88 Ohio counties and two candidates we have $T = 176$ separate test statistics, which implies an FDR-aware critical value for the 2BL statistic of 31.1.

Now, at last, we find a 2BL test statistic that is larger than the FDR-aware critical value. Of the 176 statistics, one is greater than 31.1. This is the statistic for the vote for Kerry in Summit County, which is $X_{B_2}^2 = 42.7$. The next largest value is $X_{B_2}^2 = 25.2$, for the vote for Kerry in Scioto county. In all there are 21 statistics larger than the single-test critical value of 16.9—nine statistics are for votes recorded for Bush and twelve are for votes recorded for Kerry. Three counties have statistics greater than 16.9 for both candidates’ votes, namely, Cuyahoga, Paulding and Summit counties.

These results do not in a strict sense call into question the conclusions Mebane and Herron (2005) reach, at least as far as the analysis based on estimating equation (1) is concerned.

Summit is not one of the counties that had constant precinct boundaries from 2002 to 2004, so precincts from Summit County were not included in the collection of precincts used to estimate equation (1). But the high proportion of the statistics that are greater than the critical value for a single test may indicate that there was vote manipulation that the earlier analysis failed to detect. Having set a single-test level of $\alpha = .05$, we might expect about five percent of the statistics to exceed the corresponding critical value. But about twelve percent ($21/176 = .119$) of the statistics exceed that value. Of the eighteen counties that have such a statistic, seven are not among the counties that had constant precinct boundaries. Nonetheless, finding that 13 of the 94 statistics that do come from such counties are larger than the single-test critical value is not especially reassuring. Since none of these 13 statistics is close to the FDR-aware critical value—for 94 tests this would be 29.5—the situation with the constant-boundary counties is one where the test signal has not been turned on but it is not clear that it is firmly off.

Presidential Votes across the United States in 2000 and 2004

We have looked at 2BL test statistics from Florida in 2000 and 2004 and from Ohio in 2004, and we have found only one that is large once we take into account the fact that we are considering many such statistics. Are significant 2BL test results in general rare? If so, it might mean either that election fraud that involves manipulation of the votes is genuinely rare, or that the 2BL test is just not sufficiently sensitive. Or perhaps it is simply that despite all the controversy attending the voting in Florida and Ohio in recent elections, in fact those states are exceptional in having relatively little of the kinds of vote shifting that the 2BL test in principle is able to detect.

Perhaps in other places—or in other notorious places—more large 2BL test statistics will appear.

To get some perspective on this, I analyze precinct data reporting votes for president across the U.S. in 2000 and 2004. Again I compute the 2BL test for the votes recorded for Bush and for Kerry. Precinct data are not readily available from every state, nor necessarily from every county in states for which some data are obtainable. I use data obtained from Dave Leip—for 35 states in 2000 and for 42 states in 2004—supplemented with other information.³ I include only counties that have at least ten precincts. Except for the data from Ohio in 2004, I include totals that are

³Data for Florida in 2000 and Ohio in 2004 are as described above. For Pennsylvania in 2004 I used data obtained from the Pennsylvania State Election Commission (in a file named PA-2004G-Presidential.xls). I downloaded data for Cook County, IL, in 2004 from Cook County and Chicago election board websites.

reported for absentee ballots as separate precincts. Overall, the analysis uses data from 1683 counties and 129,144 precincts in 2000 and from 1671 counties and 140,373 precincts in 2004.⁴ Doing the FDR adjustment for the 2BL test statistics taken over the whole country in each year—i.e., $T = 3366$ and $T = 3342$ —gives FDR-aware critical values of about 38.4.

From the boxplot display of the distribution of the 2BL test statistics shown in Figure 1, one can see that there are not many statistics as large as that global FDR-aware critical value. Indeed, in all there are six counties that have 2BL statistics larger than 38.4: Los Angeles, CA, and Cook, IL, in both 2000 and 2004; DuPage, IL, and Hamilton, OH, in 2000; and Summit, OH, and Davis, UT, in 2004. The largest statistics in both years occur for Los Angeles: the statistic for the votes for Gore is $X_{B_2}^2 = 54.8$, and for the votes for Kerry it is $X_{B_2}^2 = 70.2$.

*** Figure 1 about here ***

The omnibus FDR-aware critical value of 38.4 is lofty indeed. More realistically—but less skeptically—we might consider each county together only with the other counties in the same state. Such a perspective would be relevant, for instance, if each state’s election officials were to use the 2BL test to screen the election results from their state. In this case it is reasonable to determine the FDR-adjusted critical value for each state by taking into account only the number of test statistics that may be computed for that state. That is, T equals the number of counties in the state for which there is usable data, multiplied by the number of candidates for whose vote totals we are computing the test.

In 1934, Harris presented case studies detailing election frauds in four cities: Philadelphia, Chicago, Pittsburgh and Cleveland. He wrote, “Recent investigations have brought to light election scandals in the particular cities covered, but it would be a mistake to assume that other cities are free of election frauds” (Harris 1934, 320). Nearly seventy years later, three of these cities again are marked as worrisome. Of course the county containing Chicago (Cook, IL) has already been flagged as having significant 2BL test statistics even when the omnibus FDR adjustment is used.

Table 3, which shows the results of applying the state-specific FDR adjustment, includes

⁴The states with at least one county in the analysis in 2000 are AK, AL, AR, AZ, CA, DC, DE, FL, HI, IA, ID, IL, IN, KS, LA, ME, MI, MN, MT, NC, ND, NH, NJ, NY, OH, PA, RI, SC, SD, TN, VA, VT, WA, WI and WY. For 2004 the states with at least one county in the analysis are AK, AL, AR, AZ, CA, CO, DC, DE, FL, GA, HI, IA, ID, IL, IN, KS, LA, MD, ME, MI, MN, MO, MT, NC, ND, NH, NJ, NM, NV, NY, OH, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WI and WY.

among the counties with significantly large 2BL test statistics in 2000 not only Cook, IL, and adjacent counties DuPage and Lake, IL, but also Philadelphia, PA, and Summit, OH, which is adjacent to Cleveland.⁵ Cook, DuPage and Summit carry through into 2004, but the 2BL statistics for Philadelphia are not quite as large for that year. In 2004, Philadelphia has $X_{B_2}^2 = 21.8$ and $X_{B_2}^2 = 23.4$ respectively for Kerry's and Bush's vote totals. The other counties that appear in this list are a mix of urban and rural places.

*** Table 3 about here ***

Over the whole country, the frequency of large 2BL test statistics does not greatly exceed the nominally expected values. There are 230 2BL test statistics greater than the single-test critical value in 2000, and there are 224 test statistics in 2004 that are that large. These counts imply proportions of large statistics not much greater than the single-test level of $\alpha = .05$ would suggest. We have $230/3366 = .068$ in 2000 and $224/3342 = .067$ in 2004. Even more then, perhaps, does the much higher proportion of nominally large 2BL statistics found for Ohio 2004 stand out.

Discussion

The good news is that, as measured by the 2BL test, signs of election fraud in recent American presidential votes seem to be rare. Several of the places that turn up with significantly large 2BL test statistics have been notorious for a century or more. That the 2BL test finds these places suggests it is probably on to something. These results using data from actual American elections tend to reinforce the simulation results of Mebane (2006) that show the 2BL test can spot many patterns of manipulation in vote counts.

The 2BL test is strikingly insensitive to some kinds of distortions that we know significantly affected many votes. The most interesting case here is Florida, 2000. Notwithstanding the well established fact that tens of thousands of votes were lost to undervotes and overvotes throughout the state, the 2BL test does not signal any significant problems with the precinct vote totals. Perhaps the test would have indicated problems if we had 2000 precinct data from all of Florida's counties. But the current analysis does include the largest counties and most of the most controversial ones. The test finds nothing untoward about those places.

⁵Pittsburgh escapes inclusion. Allegheny County has $X_{B_2}^2 = 21.2$ for the votes for Gore but 2BL statistics less than 16.9 for Bush in 2000 and for both Bush and Kerry in 2004.

The 2BL test gives a mixed message about Ohio, 2004. We can clearly reject the hypothesis that precinct vote counts throughout the state follow the 2BL distribution. The 2BL test statistic for Summit County is significantly large even when we take the FDR fully into account. Also, suspiciously many counties have 2BL test statistics that exceed the critical value we would use if we were looking at only one test. The 2BL test results do not overturn previous judgments that manipulation of reported vote totals did not determine the election outcome in Ohio, but neither do they completely dissipate the foul odor of suspicion that continues to hang over the state's results.

On the whole, this look at recent presidential election results through the lens of the 2BL test seems to me to enhance the case that it is worth taking seriously as a statistical test for election fraud. The 2BL test cannot detect all kinds of fraud, and significant 2BL test results may occur even when vote counts are in no way fraudulent. But, considering the results from Florida in 2000, the test seems not to be confused by some kinds of distortions in elections that do not involve manipulating the vote totals. Further investigations of the test's performance are clearly warranted.

References

- Benjamini, Yoav and Yosef Hochberg. 1995. "Controlling the False Discovery Rate: A Practical and Powerful Approach to Multiple Testing." *Journal of the Royal Statistical Society, Series B* 57 (1): 289-300.
- Feldman, Ariel J, J. Alex Halderman, and Edward W. Felten. 2006. "Security Analysis of the Diebold AccuVote-TS Voting Machine." URL <http://itpolicy.princeton.edu/voting> (accessed September 13, 2006).
- Gumbel, Andrew. 2005. *Steal This Vote*. New York: Nation Books.
- Harris, Joseph P. 1934. *Election Administration in the United States*. Washington, DC: Brookings Institution.
- Hill, Theodore P. 1995. "A Statistical Derivation of the Significant-digit Law." *Statistical Science* 10: 354-363.
- House Judiciary Committee Democratic Staff. 2005. "Preserving Democracy: What Went Wrong in Ohio." URL http://www.house.gov/judiciary_democrats/ohiostatusrept1505.pdf.
- Lindeman, Mark. 2006. "multinomRob result." Personal communication (email), August 20, 2006.
- MacManus, Susan A. 2004. "Goodbye Chads, Butterfly Ballots, Overvotes and Recount Ruckuses! Election Reform in Florida: 2000-2003." In Daniel J Palazzolo and James W Ceaser, editors, *Election Reform: Politics and Policy*. Lanham, MD: Lexington Books. Pages 377-58.
- Mebane, Walter R., Jr. 2004a. "Communications regarding optical voting machines in Florida, 2004." URLs <http://macht.arts.cornell.edu/wrm1/commondreams/commondreams.html> and <http://macht.arts.cornell.edu/wrm1/ustogether/ustogether.html>.
- Mebane, Walter R., Jr. 2004b. "The Wrong Man is President! Overvotes in the 2000 Presidential Election in Florida." *Perspectives on Politics* 2 (Sep.): 525-535.
- Mebane, Walter R., Jr. 2006. "Election Forensics: Vote Counts and Benford's Law." Paper prepared for the 2006 Summer Meeting of the Political Methodology Society, UC-Davis, July 20-22.

- Mebane, Walter R., Jr. and Michael C. Herron. 2005. "Ohio 2004 Election: Turnout, Residual Votes and Votes in Precincts and Wards." In Democratic National Committee Voting Rights Institute, editor, *Democracy at Risk: The 2004 Election in Ohio*. Washington, D.C.: Democratic National Committee.
- Mebane, Walter R., Jr. and Jasjeet S. Sekhon. 2004. "Robust Estimation and Outlier Detection for Overdispersed Multinomial Models of Count Data." *American Journal of Political Science* 48 (Apr.): 392-411.
- Miami Herald. 2004. "No Flaw is Found in Bush's State Win." *Miami Herald*. November 28.
- Miller, Mark Crispin. 2005. *Foiled Again*. New York: Basic Books.
- New York Times. 2002. "Again, Sunshine State Is in Dark a Day After the Vote." *New York Times*. September 12.
- New York Times. 2003. "Order Soundly Defeats Chaos as Florida County Goes to Polls." *New York Times*. March 12.
- New York Times. 2005. "Congress Ratifies Bush Victory After a Rare Challenge." *New York Times*. January 7.
- Raimi, Ralph A. 1976. "The First Digit Problem." *American Mathematical Monthly* 83 (7): 521-538.
- Rubin, Aviel D. 2006. *Brave New Ballot*. New York: Morgan Road Books.
- Sekhon, Jasjeet S. 2004. "The 2004 Florida Optical Voting Machine Controversy: A Causal Analysis Using Matching." URL <http://sekhon.berkeley.edu/papers/SekhonOpticalMatch.pdf>.
- Voting Rights Institute, Democratic National Committee. 2005. *Democracy at Risk: The 2004 Election in Ohio*. Washington, D.C.: Democratic National Committee.
- Wand, Jonathan, Kenneth Shotts, Jasjeet S. Sekhon, Walter R. Mebane, Jr., Michael Herron, and Henry E. Brady. 2001. "The Butterfly Did It: The Aberrant Vote for Buchanan in Palm Beach County, Florida." *American Political Science Review* 95 (Dec.): 793-810.

Wand, Jonathan N. 2004. "Evaluating the Impact of Voting Technology on the Tabulation of Voter Preferences: The 2004 Presidential Election in Florida." URL <http://wand.stanford.edu/elections/us/FL2004/WandFlorida2004.pdf>.

Washington Post. 2004. "Latest Conspiracy Theory—Kerry Won—Hits the Ether." *Washington Post*. November 10.

Zetter, Kim. 2004. "Researchers: Florida Vote Fishy." *Wired*. URL <http://www.wired.com/news/evote/0,2645,65757,00.html> (November 18).

Table 1: Frequency of Second Digits according to Benford's Law

0	1	2	3	4	5	6	7	8	9
.120	.114	.109	.104	.100	.097	.093	.090	.088	.085

Table 2: Vote for Kerry versus Bush: 2002 Gubernatorial Vote Regressor

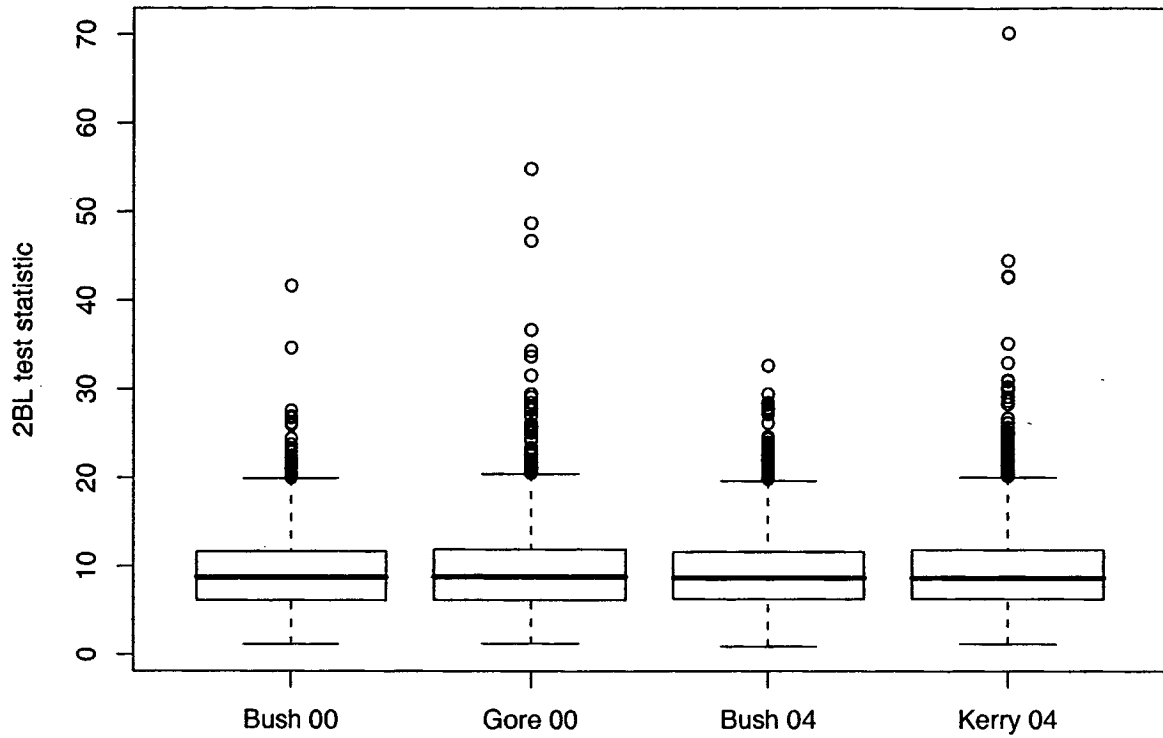
Variable	Precincts			Wards		
	Coef.	SE	<i>t</i> -ratio	Coef.	SE	<i>t</i> -ratio
(Intercept)	0.456	0.00589	77.5	0.64	0.0224	28.6
Logit(Democratic Vote in 2002)	1.040	0.00627	166.0	1.04	0.0266	39.1

Notes: Robust (tanh) overdispersed binomial regression estimates. For each precinct or ward, the dependent variable counts the number of votes for Kerry versus the number of votes for Bush. Precincts: LQD $\sigma = 2.98$; tanh $\sigma = 2.87$; $n = 5,384$; 17 outliers. Wards: LQD $\sigma = 9.09$; tanh $\sigma = 8.91$; $n = 357$; no outliers.

Table 3: Counties with Significant 2BL Tests using State-specific FDR Adjustment

County	2000				
	J	Gore votes		Bush votes	
		d_2	$X_{B_2}^2$	d_2	$X_{B_2}^2$
Los Angeles, CA	5,045	5,011	54.8	4,930	20.3
Kent, DE	61	61	9.0	61	22.2
Latah, ID	34	31	36.7	34	3.8
Cook, IL	5,179	5,097	46.7	4,145	24.4
Dupage, IL	714	714	28.0	714	41.6
Lake, IL	403	403	33.7	402	16.1
Passaic, NJ	295	295	27.7	294	5.6
Hamilton, OH	1,025	1,020	48.7	988	8.9
Hancock, OH	67	67	34.3	67	9.9
Summit, OH	624	624	31.6	612	11.6
Philadelphia, PA	1,681	1,680	29.5	1,249	34.7
King, WA	2,683	2,665	27.0	2,641	8.9
County	2004				
	J	Kerry votes		Bush votes	
		d_2	$X_{B_2}^2$	d_2	$X_{B_2}^2$
Los Angeles, CA	4,984	4,951	70.2	4,929	12.4
Orange, CA	1,985	1,887	26.2	1,904	32.6
Jefferson, CO	324	323	30.0	323	10.4
Kootenai, ID	75	75	30.9	75	12.1
Cook, IL	4,562	4,561	44.5	4,026	27.8
DuPage, IL	732	732	35.2	732	9.1
Clay, MO	76	76	28.4	76	4.0
Summit, OH	475	475	42.7	474	21.0
Davis, UT	213	212	42.6	213	6.0
Utah, UT	247	241	9.2	246	27.6
Benton, WA	177	168	29.2	173	14.8

Figure 1: Precinct-level US 2000 and 2004 Presidential Vote 2BL Test Statistics by County



Note: Each boxplot shows the distribution of the 2BL statistics for a party's section-level vote counts over the 300 districts.



CALTECH/MIT VOTING TECHNOLOGY PROJECT

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Definitions of Corruption

- Hasen RL. 2000. "Vote buying." *Calif. Law Rev.* 88:1323–71.
- Karlan P. 1994. "Not by money but by virtue won? Vote trafficking and the voting rights system." *Va. Law Rev.* 80:1455–75.
- Kochin MS, Kochin LA. 1998. "When is buying votes wrong?" *Public Choice* 97:645–62.
- Rose-Ackerman S. 1999. *Corruption and Government: Causes, Consequences, and Reform.* New York: Cambridge Univ. Press.

General Election Fraud

- Di Franco, A., Petro, A., Vladimirov, V., and Shear, E. "Tiny Systematic Vote Manipulations Can Swing Elections." Yale University Department of Computer Science, Tech. Rep. YALEU/DCS/TR-1285; <ftp.cs.yale.edu/pub/TR/tr1285.pdf>.
- Heywood, Paul, ed. *Political Corruption.* London: Blackwell, 1997.
- Lehoucq FE. 2002. "Can parties police themselves? Electoral governance and democratization." *Int. Polit. Sci. Rev.* 23:29–46.
- Lehoucq FE. 2002. "When do parties buy votes? Theoretical and empirical perspectives on electoral corruption." Presented at Annu. Meet. Am. Polit. Sci. Assoc., 98th, Boston, MA, Aug. 28–Sep. 1 and at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. 2002. <http://mit.edu/cis/pdf/Lehoucq.pdf>.
- Lehoucq, Fabrice. "Electoral Fraud: Causes, Types, and Consequences." *Annual Review of Political Science.* 2003. 6:233–56.
- Mebane, Walter R., Jr., Jasjeet S. Sekhon, and Jonathan Wand. "Detecting and Correcting Election Irregularities." Under Review. 2004. <http://wand.stanford.edu/research/detecting.pdf>.
- Schaffer, Frederic Charles. 2002. "What is Vote Buying - Empirical Evidence." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. http://mit.edu/cis/pdf/Schaffer_2.pdf.
- Schedler, Andreas. 2002. "What is Vote Buying." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. http://mit.edu/cis/pdf/Schedler_2.pdf.
- Sutter, Daniel. "Detecting and Correcting Election Fraud." *Eastern Economic Journal.* Summer 2003.

Websites with References

- Keefer, Michael. "Evidence of Fraud in the 2004 U.S. Presidential Election: A Reader." Center for Research on Globalization. 2005. <http://globalresearch.ca/articles/KEE412A.html>
 - "A database of articles and reports evaluating the integrity of the 2004 US Presidential Election."

- Sekhon, Jasjeet. "Jasjeet Sekhon's Analysis of Voting Irregularities Webpage." 2004. <http://elections.berkeley.edu>.
- The Social Science Research Council (SSRC) National Research Commission on Elections and Voting (NRCEV). "Website on Election Irregularities." 2005. <http://elections.ssrc.org/research/electionirregularities/>
 - "Research and Analysis Regarding Claims of Irregularities and Fraud Leading up to and During the 2004 U.S. Presidential Election"
- Wand, Jonathan. "Detecting and Correcting Election Irregularities." 2004. <http://wand.stanford.edu/elections/>.
 - "The following are research papers focused on evaluating elections for the purpose of detecting and correcting problems in electoral administration and voting technologies."

Looks at Recent Election Fraud in the United States

- Alvarez, R. Michael, "How Widespread is Voting Fraud," Unpublished paper, September 2002.
- Commission on Federal Election Reform. "Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform," September 2005, <http://www.american.edu/ia/cfer/>.
- Fund, John, *Stealing Elections: How Voter Fraud Threatens Our Democracy* (San Francisco: Encounter Books, 2004).
- Gumbel, Andrew. *Steal This Vote*. 2005. New York: Nation Books.
- Gundlach, James H. "A Statistical Analysis of Possible Electronic Ballot Box Stuffing: The Case of Baldwin County Alabama Governor's Race in 2002." Presented at the Annual Meetings of the Alabama Political Science Association, Troy, Alabama, April 11, 2003. <http://www.auburn.edu/~gundljh/Baldwin.pdf>.
- *Harvard Law Review*. "Developments in the Law – Voting and Democracy" (see section IV. "Deducting Illegal Votes in Contested Elections.") Feb. 2006. Vol. 119, No. 4.
- Hasen, Richard L. "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 *Washington and Lee Law Review* 937 (2005).
- Issacharoff, Samuel, Pamela S. Karlan, and Richard H. Pildes. 2001. *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*. Foundation Press.
- MacManus, Susan A. 2003. "Goodbye Chads, Butterfly Ballots, Overvotes and Recount Ruckuses! Election Reform in Florida: 2000-2003." Paper presented at the conference on Election Reform: Politics and Policy, National Press Club, Washington, D.C., May 29, 2003. <http://macht.arts.cornell.edu/wrm1/macmanus.doc>.
- Marshall, J. Stanley and Mark S. Pritchett. 2003. "The Election Reforms of 2002: Did They Work?" *The Journal of the James Madison Institute* (Winter): 4-9. <http://www.jamesmadison.org/pdf/materials/24.pdf#page=4>.

- Minnite, Lori, and David Callahan. "Securing the Vote: An Analysis of Election Fraud." Demos: A Network for Ideas and Actions. 2003. http://www.demos.org/pubs/EDR_-_Securing_the_Vote.pdf.
- National Commission on Federal Electoral Reform. 2002. *To Assure Pride and Confidence in the Electoral Process*. Washington, DC: Brookings Inst. 385 pp.
- Richey, Warren. 1998. "Florida Makes a Move to Rein in Voter Fraud," *Christian Science Monitor*, 4 May. Retrieved from www.csmonitor.com/durable/1998/05/04/p4s1.htm.
- Sabato, Larry J., and Glenn R. Simpson. *Dirty Little Secrets: The Persistence of Corruption in American Politics*. 1996. New York: Times Books.
- *Texas Review of Law & Politics*. "Securing the Integrity of American Elections: The Need for Change." Vol 9 (2): Spring 2005.
- United States Code, annotated volume. 42 U.S.C. § 1973i(c) and 42 U.S.C. § 241 (2005).
 - Cases of voter fraud prosecuted under federal statutes
- U.S. Congress. "How to Make Over One Million Votes Disappear: Electoral Sleight of Hand in the 2000 Presidential Election." House Committee on the Judiciary. August 20, 2001. http://www.house.gov/judiciary_democrats/electionreport.pdf.
- U.S. General Accounting Office, "Elections: Perspectives on Activities and Challenges Across the Nation," Report to Congressional Requesters (October 2001), GAO-02-3: 75. <http://www.gao.gov/new.items/d023.pdf>.

Historical Fraud in the United States

- Argersinger, P. H. "New Perspectives on Election Fraud in the Gilded Age." *Political Science Quarterly*, Winter 1985, 100, 669-87.
- Argersinger P. 1992. *Structure, Process and Party: Essays in American Political History*. Armonk, NY: Sharpe. 219 pp.
- Baum D. 1991. "Pinpointing apparent fraud in the 1861 Texas secession referendum." *J. Int. Hist.* 22:201-21.
- Baum, Dale, and James L. Hailey. "Lyndon Johnson's Victory in the 1948 Texas Senate Race: A Reappraisal." *Political Science Quarterly*, Vol. 109, No. 4 (Autumn 1994), pp. 595-613
- Bensel RL. 2002. *The American Ballot Box: Law, Identity, and Voting, 1850-1900*. Unpublished manuscript.
- Benson, G. C. S. *Political Corruption in America*. Lexington MA: Lexington Books, 1978.
- Burnham, Walter Dean. 1974. "Theory and Voting Research: Some Reflections on Converse's 'Change in the American Electorate.'" *American Political Science Review*. 68: 1002-1023.
- Burnham, Walter Dean. 1974. "Rejoinder to 'Comments' by Philip Converse and Jerrold Rusk." *American Political Science Review*. 68: 1050-1057.
- Campbell, Tracy. "Motherhood, Apple Pie, and Election Fraud." *The Chronicle of Higher Education*. Dec. 10, 2004.

- Campbell, Tracy. *Deliver the Vote : A History of Election Fraud, an American Political Tradition-1742-2004*. 2005. Carroll & Graf.
- Carter J. 1992. *Turning Point: a Candidate, a State, and a Nation Come of Age*. New York: Times Books. 273 pp.
- Converse, Philip E. 1974. "Comment on Burnham's "Theory and Voting Research."" *American Political Science Review*. 68:1024-1027.
- Cox GW, Kousser JM. 1981. "Turnout and rural corruption: New York as a test case." *Am. J. Polit. Sci.* 25:646-63.
- Dayna Cunningham, "Who Are to Be Electors? A Reflection on the History of Voter Registration in the U.S.," *Yale Law and Policy Review* 9(2) (1991): 383.
- Garber M, Frank A. 1990. *Contested Elections and Recounts*. 2 vols. Washington, DC: Gov. Print. Off.
- Gist G. 1961. "Progressive reform in a rural community: the Adams County vote-fraud case." *Miss. Valley Hist. Rev.* 48:60-78.
- Goldberg, R. "Election Fraud: An American Vice," in *Elections American Style*, edited by A. J. Reichley. Washington, DC: Brookings Institution, 1987.
- King RF. 2001. "Counting the votes: South Carolina's stolen election of 1876." *J. Interdiscip. Hist.* 32:169-91.
- Kousser JM. 1974. *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*. New Haven, CT: Yale Univ. Press.
- Mayfield, Loomis. "Voting Fraud in Early Twentieth-Century Pittsburgh." *Journal of Interdisciplinary History*, Vol. 24, No. 1 (Summer, 1993), pp. 59-84.
- Morris, Roy Jr. *Fraud of the Century: Rutherford B. Hayes, Samuel Tilden, and the Stolen Election of 1876*. 2003. New York: Simon and Schuster.
- Perman M. 2001. *Struggle for Mastery: Disfranchisement of the South, 1888-1908*. Chapel Hill: Univ. North Carol. Press.
- Powell LN. 1989. "Correcting for fraud: a quantitative reassessment of the Mississippi ratification election of 1868." *J. South. Hist.* 5:633-58.
- Reynolds, John F. "A Symbiotic Relationship: Vote Fraud and Electoral Reform in the Gilded Age." *Social Science History*, Vol. 17, No. 2 (Summer, 1993), pp. 227-251.
- Rowell, Chester H. *A historical and legal digest of all the contested election cases in the House of Representatives of the United States from the First to the Fifty-Sixth Congress, 1789-1901*. 1976. Westport, CT: Greenwood Press. First published 1901 by the U.S. House.
- Rusk, Jerrold G. 1974. "Comment: The American Electoral Universe: Speculation and Evidence." *American Political Science Review*. 68: 1028-1049.

Fraud outside of the United States

- Anderson ML. 2000. *Practicing Democracy: Elections and Political Culture in Imperial Germany*. Princeton, NJ: Princeton Univ. Press. 483 pp. (on Germany)
- Annino A, ed. 1995. *Historia de las elecciones en Iberoamérica, Siglo XIX*. Buenos Aires: FCE. 481pp.
- Aparicio R. 2002. "La magnitud de la manipulación del voto en las elecciones federales del año 2000." *Perfiles Latinoam.* 20:79-100.

- Aziz-Nassif A. 1987. "Chihuahua y los límites de la democracia electoral." *Revista Mexicana de Sociología* 49:159–226.
- Basadre J. 1980. *Elecciones y centralismo en el Perú: Apuntes para un esquema histórico*. Lima: Univ. del Pacífico. 173 pp.
- Botana N. 1979. *El orden conservador: la política Argentina entre 1880–1916*. Buenos Aires: Ed. Sudamericana. 345 pp.
- Calderón-Alzati E, Cazés D. 1996. *Las elecciones presidenciales de 1994*. México, DF: La Jornada/CIICH, UNAM. 257 pp.
- Callahan W. 2000. *Pollwatching, Elections and Civil Society in Southeast Asia*. Burlington, VT: Ashgate. 218 pp.
- Callahan, William A. "The Ideology of Vote Buying and the Democratic Deferral of Political Reform." <http://mit.edu/cis/pdf/Callahan.pdf>. Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. 2002.
- Callahan W, McCargo D. 1996. "Vote-buying in Thailand's northeast." *Asian Surv.* 26:376–92.
- Carothers, Thomas. "The Rise of Election Monitoring: The Observers Observed." *Journal of Democracy*, Vol. 8, No. 3, July 1997, pp. 17–31.
- Cazés D, and 843 coauthors. 1996. *Memorial de las elecciones de 1994: testimonios de observadores*. México, DF: La Jornada/CIICH, UNAM. 422 pp.
- Charnay JP. 1964. *Les scrutins politiques en France de 1815 á 1962: contestations et invalidations*. Paris: Cah. De la Fond. Nat. Des Sci. Polit. 281 pp.
- Cornelius, Wayne A. 2002. "Mobilized Voting in the 2000 Elections: The Changing Efficacy of Vote-Buying and Coercion in Mexican Electoral Politics." University of California at San Diego, Center for U.S. - Mexican Studies. Manuscript.
- Dardé C. 1996. "Fraud and passivity of the electorate in Spain, 1875–1923." In *Elections Before Democracy*, ed. E Posada-Carbó, pp. 201–23. New York: St. Martin's.
- Desposato, Scott W. "How Vote Buying Shapes the Political Arena, Brazil." <http://mit.edu/cis/pdf/Desposato.pdf>. Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. 2002.
- Domínguez JI, McCann JA. 1996. *Democratizing Mexico: Public Opinion and Electoral Choices*. Baltimore, MD: Johns Hopkins Univ. Press. 269 pp.
- Eisenstadt TA. 1998. *Courting democracy in Mexico: party strategies, electoral institution-building, and political opening*. PhD thesis. Univ. Calif., San Diego. 379 pp.
- Eisenstadt TA. 1999. "Weak electoral institutions or legacies of social conflict? Modeling causes of Mexico's local post-electoral mobilizations, 1989–1998." Presented at Annu. Meet. Am. Polit. Sci. Assoc., 95th, Atlanta, GA.
- Eisenstadt TA. 2002. "Measuring electoral court failure in Mexico." *Int. Polit. Sci. Rev.* 23:47–68.
- Fairbairn B. 1990. "Authority vs. democracy: Prussian officials in the German elections of 1898 and 1903." *Hist. J.* 33:811–38.
- Fairbairn B. 1997. *Democracy in the Undemocratic State: the German Reichstag Elections of 1898 and 1903*. Toronto: Univ. Toronto Press. 328 pp.
- Ferrero RA. 1983. "Los fraudes electorales." *Todoes Hist.* 197:48–64.

- Filippov , Mikhail, and Peter C. Ordeshook. 1997. "Who Stole What in Russia's December 1993 Elections." *Demokratizatsiya*. Vol. 5, No. 1 (Winter 1997), pp. 36-52.
- Gómez-Tagle S. 1988. "Conflictos y contradicciones en el sistema electoral mexicano." *Estud. Sociol.* 6:3–38.
- Graham R. 1990. *Politics and Patronage in Nineteenth Century Brazil*. Stanford, CA: Stanford Univ. Press 382 pp.
- Grofman B, Lee SC, Winckler EA, Woodall B, eds. 1999. *Elections in Japan, Korea, and Taiwan under the Single Non-Transferable Vote: the Comparative Study of an Embedded Institution*. Ann Arbor: Univ. Mich. Press. 390 pp.
- Hanham HJ. 1959. *Elections and Party Management: Politics in the Time of Disraeli and Gladstone*. London: Longmans. 468 pp.
- Herron, Erik S., and Paul E. Johnson, " 'It Doesn't Matter Who Votes, But Who Counts the Votes: Assessing Fraud in Ukraine's 2002 Parliamentary Elections.'" An earlier version presented at the Midwest Political Science Association Conference, April 2003. <http://www.ku.edu/~herron/elections/papers/fraud.pdf>.
- Hicken, Allen D. "The Market for Votes in Thailand." <http://mit.edu/cis/pdf/Hicken.pdf>. Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. 2002.
- Hicken AD. 2002. *Parties, pork and policy: policymaking in developing democracies*. PhD thesis. Univ. Calif., San Diego.
- Hoppen KT. 1984. *Elections, Politics and Society in Ireland, 1832–1885*. Oxford, UK: Clarendon. 569 pp.
- Hoppen, Theodore K. 1996. "Roads to Democracy: Electioneering and Corruption in Nineteenth-Century England and Ireland." *History* 81, 264.
- International Republican Institute. 2002. "Ukraine Election Marred by Systematic Manipulation Despite Improvements in Election Laws." Available online at: <http://www.iri.org/countries.asp?id=1231443221>.
- Knaub, Gilbert. 1970. *Typologie juridique de la fraude électorale en France*. Paris: Dalloz.
- Kornblith, Miriam. 2002. "The Politics of Vote Trading in Venezuela." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. <http://mit.edu/cis/pdf/Kornblith.pdf>.
- Lehoucq FE, Molina I. 2002. *Stuffing the Ballot Box: Fraud, Electoral Reform, and Democratization in Costa Rica*. New York: Cambridge Univ. Press. 277 pp.
- Malamud C, ed. 2000. *Legitimidad, representación y alternancia en España y América Latina: las reformas electorales (1880–1930)*. México, DF: FCE. 318 pp.
- McCann JA, Domínguez JI. 1998. "Mexicans react to electoral fraud and political corruption: an assessment of public opinion voting behavior." *Elec. Stud.* 17:483–503.
- McDonald RH. 1967. "Electoral fraud and regime controls in Latin America." *West.Polit. Q.* 20:694–708.
- Middlebrook KJ, ed. 1998. *Electoral Observation and Democratic Transitions in Latin America*. La Jolla, CA: Cent. US-Mexican Stud., Univ. Calif., San Diego.
- Mikhailov, Valentin V. 1999. "Kolichestvo demokratii: Analiz vyborov Prezidenta RF 1996 g, v regionakh." *Armageddon* 3:134-153.

- Mikhailov, Valentin V. (ed.) 2000. *Osobaya zona: Vybory v Tatarstane*. Ulyanovsk: Kazan Branch of the International Assembly for the Protection of Rights.
- Molina I, Lehoucq FE. 1999. "Political competition and electoral fraud: a Latin American case study." *J. Interdiscip. Hist.* 30:199–234.
- Molinar-Horcasitas J. 1991. *El tiempo de la legitimidad: elecciones, autoritarismo y democracia en México*. México, DF: Cal y Arena. 265 pp.
- Mücke U. 2001. "Elections and political participation in nineteenth century Peru: the 1871/1872 presidential campaign." *J. Latin Am. Stud.* 33:311–46.
- Myagkov, Mikhail, and Peter C. Ordeshook. 2001. "The Trail of Votes in Russia's 1999 Duma and 2000 Presidential Elections." *Communist and Post-Communist Studies*. 34:353-370.
- Myagkov, M., and A. Soyarin, "Irregularities in the 1993 Russian Elections: Preliminary Analysis." Working Paper, California Institute of Technology, 1995.
- Myagkov, M. and Sobyarin, A. December 1993 "Elections in Russia: Fraud or Irregularities?" Paper presented at Public Choice Society Meetings, 1995.
- Oberst RC, Weilage A. 1990. "Quantitative tests of electoral fraud: the 1982 Sri Lankan referendum." *Corrupt. Ref.* 5:49–62.
- O'Gorman F. 1989. *Voters, Patrons and Parties: The Unreformed Electoral System of Hanoverian England, 1734–1832*. Oxford, UK: Oxford Univ. Press. 445 pp.
- O'Leary C. 1962. *The Elimination of Corrupt Practices in British Elections, 1868–1911*. Oxford, UK: Clarendon. 253 pp.
- Pastor R. 1999. "The role of electoral administration in democratic transitions: implications for policy and research." *Democratization* 6:1–27.
- Posada-Carbó E. 1994. "Elections and civil wars in nineteenth-century Colombia: the 1875 presidential campaign." *J. Latin Am. Stud.* 26:621–49.
- Posada-Carbó E, ed. 1996. *Elections Before Democracy*. New York: St. Martin's.
- Posada-Carbó E. 1997. "Limits to power: elections under the conservative hegemony in Colombia, 1886–1930." *Hispan. Am. Hist. Rev.* 77:245–79.
- Posada-Carbó E. 2000. "Electoral juggling: a comparative history of the corruption of the suffrage in Latin America, 1830–1930." *J. Latin Am. Stud.* 32:611–44.
- Renzato G. 1991. "La forja de la soberanía nacional: las elecciones en los sistemas liberales italiano y español." *Ayer* 3:115–38.
- Rigger, Shelly Elizabeth. 1994. "Machine Politics in the New Taiwan: Institutional Reform and Electoral Strategy in the Republic of China on Taiwan." Ph.D. Dissertation, Harvard University.
- Rigger S. 2002. "Weighing a shadow: toward a technique for estimating the effects of vote-buying in Taiwan." Presented at Trading Political Rights: The Comparative Politics of Vote-Buying, Mass. Inst. Technol., Cambridge, MA. <http://mit.edu/cis/pdf/Rigger.pdf>.
- Sabato H, ed. 1999. *Ciudadanía política y formación de las naciones: perspectivas históricas de América Latina*. México, DF:FCE. 449 pp.
- Sabato H. 2001. *The Many and the Few: Political Participation in Republican Buenos Aires*. Stanford, CA: Stanford Univ. Press (2001).
- Sambrucetti SIR. 1980. "El fraude electoral en 1886." *Bol. Inst. Hist. Argent. y Am. "Dr. Emilio Ravgnon"* 16:415–82.

- Schaffer F. 1998. *Democracy in Translation: Understanding Politics in an Unfamiliar Culture*. Ithaca, NY: Cornell Univ. Press. 168 pp.
- Schaffer F. 2001. "Clean elections and the 'great unwashed': electoral reform and the class divide in the Philippines." Presented at Annu. Meet. Am. Pol. Sci. Assoc., 97th, San Francisco, CA. <http://www.sss.ias.edu/publications/papers/paper21.pdf>.
- Schaffer, Frederic Charles. 2002. "Disciplinary Reactions: Alienation and the Reform of Vote Buying in the Philippines." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. <http://mit.edu/cis/pdf/Schaffer.pdf>.
- Schaffer, Frederic Charles. 2002. "Might Cleaning Up Elections Keep People Away from the Polls? Historical and Comparative Perspectives." *International Political Science Review* 23, 1 (January): 69-84.
- Schedler A. 1999. "Percepciones públicas de fraude electoral en México. *Perfiles Latinoam.*" 14:103-27.
- Schedler A. 2002. "Citizens resent clientelism: on the moral economy of vote trading in México." Presented at Annu. Meet. Am. Polit. Sci. Assoc., 98th, Boston, MA.
- Schedler A. 2002. "The menu of manipulation." *J. Democracy* 13:36-50.
- Schedler, Andreas. 2002. "My Vote? Not for Sale: How Mexican Citizens View Electoral Clientelism." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. <http://mit.edu/cis/pdf/Schedler.pdf>.
- Seymour C. 1915. *Electoral Reform in England and Wales: The Development and Operation of the Parliamentary Franchise, 1832-1885*. New Haven, CT: Yale Univ. Press. 564 pp.
- Sloan JW. 1970. "Electoral fraud and social change: the Guatemalan example." *Sci. Soc.* 34:78-91.
- Sobyenin, A. A. and V. G. Sukhovolskiy. 1995. "Demokratiya, ogranichennaya falsifikatsiyami: vybory i referendumy v Rossii v 1991-1993 gg." Moscow: Project Group for Human Rights.
- Tjarks GOE. 1963. "Las elecciones salteñas de 1876 (un estudio de fraude electoral)." *Anuariode Historia* 1:417-75.
- Trejo G, Aguilar-Rivera JA. 2002. "Etnicidad y consolidación democrática: la organización de las elecciones en las regiones indígenas de México." In *Los Dilemas de la democracia en México*, ed. A Hémond, D Recondo, pp. 195-224. México, DF: CEMCA and IFE.
- Tusell J. 1970. "Para la sociología política de la España contemporánea: el impacto de la ley de 1907 en el comportamiento electoral." *Hispania* 30:571-631.
- Tusell J. 1991. "El sufragio universal en España (1891-1936): un balance historiográfico." *Ayer* 3:13-62.
- Valenzuela, J Samuel. 2002. "Futile or Effective, The Rights Gifts to Voters in the Second Round of the Chilean Presidential Election of January 2000." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. <http://mit.edu/cis/pdf/Valenzuela.pdf>.
- Varela Ortega J. 2001. *Los amigos políticos: partidos, elecciones y caciquismo en la restauración, 1875-1900*. Madrid: Marcial Pons/Junta de Castilla y León, Consejería de Educación y Cultura. 568 pp.

- Varela-Ortega J, ed. 2001. *El poder de la influencia: geografía del caciquismo en España (1875–1923)*. Madrid: Marcial Pons/CEPC. 776 pp.
- Wand, Jonathan, Jasjeet S. Sekhon, and Walter R. Mebane, Jr. 2001. "A Comparative Analysis of Multinomial Voting Irregularities: Canada 2000." In *Proceedings of the American Statistical Society*.
- Wantchekon, Leonard. "Electoral Clientelism and Voting Behavior - A Field Experiment in Benin." Prepared for delivery at Trading Political Rights: The Comparative Politics of Vote Buying conference, MIT. 2002.
<http://mit.edu/cis/pdf/Wantchekon.pdf>.

Miscellaneous

- Allen, H. W. and Allen, K. W. "Vote Fraud and Data Availability," in *Analyzing Electoral History*, edited by J. M. Clubb, W. H. Flanigan, and N. H. Zingale. Beverly Hills: Sage Publications, 1981.
- Desposato, Scott. 2004. "How Vote Buying Shapes the Legislative Arena," in *Vote Buying: Who, What, When, and How?* Edited by Frederic Schaeffer and Andreas Schedler. Forthcoming.
- Elklit, J. and Svensson, P. "What Makes an Election Free and Fair?" *Journal of Democracy*, July 1997, 32-46.
- Garber, L. and Cowan, G. "The Virtues of Parallel Vote Tabulations." *Journal of Democracy*, April 1993, 95-107.
- Gueniffey P. 1993. *Le nombre et la raison: la Révolution franc, aise et les élections*. Paris: Ecole des Hautes Études en Ciencias Sociales. 559 pp.
- Pastor, Robert A. "Mediating Elections." *Journal of Democracy*, Vol. 9, No. 1, Jan. 1998.
- Schaffer, Frederic Charles, ed. 2006. *Elections for Sale: The Causes and Consequence of Vote Buying*. Boulder, CO and London: Lynne Rienner Publishers.
- Scott, James C. 1972. *Comparative Political Corruption*. Englewood Cliffs, NJ: Prentice Hall.

CORRUPTION OF THE ELECTION PROCESS UNDER U.S. FEDERAL LAW

- Craig C. Donsanto¹

A. HISTORICAL BACKGROUND

Federal concern over the integrity of the franchise has historically had two distinct areas of focus. The first, to ensure elections that are free from corruption for the general public, is the subject of this chapter. The second, to ensure there is no discrimination against minorities at the ballot box involves entirely different constitutional and federal interests, and is supervised by the Justice Department's Civil Rights Division.

Federal interest in the integrity of the franchise was first manifested immediately after the Civil War. Between 1868 and 1870, Congress passed the Enforcement Acts, which served as the basis for federal activism in prosecuting corruption of the franchise until most of them were repealed in the 1890s. See *Ex parte Coy*, 127 U.S. 731 (1888); *Ex parte Yarborough*, 110 U.S. 651 (1884); *Ex parte Siebold*, 100 U.S. 371 (1880).

Many of the Enforcement Acts had broad jurisdictional predicates that allowed them to be applied to a wide variety of corrupt election practices as long as a federal candidate was on the ballot. In *Coy*, the Supreme Court held that Congress had authority under the Constitution's Necessary and Proper Clause to regulate any activity during a mixed federal/state election that

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exposed the federal election to potential harm, whether that harm materialized or not. *Coy* is still applicable law. *United States v. Carmichael*, 685 F.2d 903, 908 (4th Cir. 1982), *cert. denied*, 459 U.S. 1202 (1983); *United States v. Mason*, 673 F.2d 737, 739 (4th Cir. 1982); *United States v. Malmay*, 671 F.2d 869, 874-75 (5th Cir. 1982); *United States v. Bowman*, 636 F.2d 1003, 1001 (5th Cir. 1981); *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994); *United States v. McCrainie*, 169 F.3d 723 (11th Cir. 1999).

After Reconstruction, federal activism in election matters retrenched. The repeal of most of the Enforcement Acts eliminated the statutory tools that had encouraged federal activism in election fraud matters. Two surviving provisions of these Acts, now embodied in 18 U.S.C. §§ 241 and 242, covered only intentional deprivations of rights guaranteed directly by the Constitution or federal law. The courts during this period held that the Constitution directly conferred a right to vote only for federal officers, and that conduct aimed at corrupting nonfederal contests was not prosecutable in federal courts. See *United States v. Gradwell*, 243 U.S. 476 (1917); *Guinn v. United States*, 238 U.S. 347 (1915). Federal attention to election fraud was further limited by case law holding that primary elections were not part of the official election process, *Newberry v. United States*, 256 U.S. 232 (1918), and by cases like *United States v. Bathgate*, 246 U.S. 220 (1918), that read the entire subject of vote buying out of federal criminal law, even when it was directed at federal contests.

In 1941, the Supreme Court reversed direction, overturning *Newberry*. The Court recognized that primary elections are an integral part of the process by which candidates are elected to office. *United States v. Classic*, 313 U.S. 299 (1941). *Classic* changed the judicial attitude toward federal intervention in election matters and ushered in a new period of federal activism. Federal courts now regard the right to vote in a fairly conducted election as a constitutionally protected feature of United States citizenship. *Reynolds v. Sims*, 377 U.S. 533 (1964).

In 1973, the use of Section 241 to address election fraud began to expand. *United States v. Anderson*, 481 F.2d 685 (4th Cir. 1973), *aff'd on other grounds*, 417 U.S. 211 (1974). Since then, this statute has been successfully applied to prosecute certain types of local election fraud. *United States v. Howard*, 774 F.2d 838 (7th Cir. 1985); *United States v. Olinger*, 759 F.2d 1293 (7th Cir.), *cert. denied*, 474 U.S. 839 (1985); *United States v. Stollings*, 501 F.2d 954 (4th Cir. 1974); *United States v. Wadena*, 152 F.3d 831 (8th Cir. 1998).²

² As indicated in the cited cases, Section 241 has been used to prosecute election fraud that affects the vote for federal officials, as well as vote fraud directed at nonfederal candidates that involves the corruption of public officials – most often election officers – acting under color of law, *i.e.*, ballot-box stuffing schemes. This latter type of scheme will be referred to in this paper as a “public scheme.” A scheme that does not involve the necessary participation of corrupt officials acting under color of law but that affects the tabulation of votes for federal

The mail fraud statute, 18 U.S.C. § 1341, was used successfully for decades to reach local election fraud, under the theory that such schemes defrauded citizens of their right to fair and honest elections. *United States v. Clapps*, 732 F.2d 1148 (3d Cir.), *cert. denied*, 469 U.S. 1085 (1984); *United States v. States*, 488 F.2d 761 (8th Cir. 1973), *cert. denied*, 417 U.S. 909 (1974). However, this mail fraud theory has been barred since 1987 when the Supreme Court held that Section 1341 did not apply to schemes to defraud someone of intangible rights (such as the right to honest elections). *McNally v. United States*, 483 U.S. 350 (1987). Congress responded to *McNally* the following year by enacting a provision which specifically defined Section 1341 to include schemes to defraud someone of “honest services.” 18 U.S.C. § 1346. Accordingly, Section 1346 may not have restored use of Section 1341 for most election crimes, unless they involved the element of “honest services.”

Finally, over the past forty years Congress has enacted new criminal laws with broad jurisdictional bases to combat false registrations, vote buying, multiple voting, and fraudulent voting in elections in which a federal candidate is on the ballot. 42 U.S.C. §§ 1973i(c), 1973i(e), 1973gg-10. These statutes rest on Congress’s power to regulate federal elections (U.S. Const. art. I, § 4) and on its power under the Necessary and Proper Clause (U.S. Const. art. I, § 8, cl. 18) to enact laws to protect the federal election process from the potential of corruption. The federal jurisdictional predicate underlying these statutes is satisfied as long as either the name of a federal candidate is on the ballot or the fraud involves corruption of the voter registration process in a state where one registers to vote simultaneously for federal as well as other offices. *Bowman, Malmay, Mason, supra*; *United States v. Garcia*, 719 F.2d 99 (5th Cir. 1983); *United States v. Slone*, 411 F.3d 643 (6th Cir. 2005); *United States v. Olinger*, 759 F.2d 1293 (7th Cir.), *cert. denied*, 474 U.S. 839 (1985); *United States v. Howard*, 774 F.2d 838 (7th Cir. 1985); *United States v. McCrainie*, 169 F.3d 723 (11th Cir. 1999); *United States v. Barker*, 514 F.2d 1077 (7th Cir. 1975); *United States v. Cianciulli*, 482 F. Supp. 585 (E.D. Pa. 1979).

B. WHAT IS ELECTION FRAUD?

1. In General

Election fraud involves a substantive irregularity relating to the voting act – such as bribery, intimidation, or forgery – which has the potential to taint the election itself. During the past century and a half, Congress and the federal courts have articulated the following constitutional principles concerning the right to vote in the United States. Any activity intended to interfere corruptly with any of these principles may be actionable as a federal crime:

- All qualified citizens are eligible to vote.

candidates will be referred to as a “private scheme.”

- All qualified voters have the right to have their votes counted fairly and honestly.
- Invalid ballots dilute the worth of valid ballots and therefore will not be counted.
- Every qualified voter has the right to make a personal and independent election decision.
- Qualified voters may opt not to participate in an election.
- Voting shall not be influenced by bribery or intimidation.

Simply put, then, election fraud³ is conduct intended to corrupt:

- the process by which ballots are obtained, marked, or tabulated,
- the process by which election results are canvassed and certified, or
- the process by which voters are registered.

On the other hand, schemes that involve corruption of other political processes (*i.e.*, political campaigning, circulation of nominating petitions, etc.) do not normally serve as the basis for a federal election crime.

2. Conduct that Constitutes Federal Election Fraud⁴

The following activities provide a basis for federal prosecution under the statutes referenced in each category:

- Paying voters to register to vote, or to participate in elections, in which a federal candidate is on the ballot (42 U.S.C. § 1973i(c), 18 U.S.C. § 597), or through the use of the mails in those states in which vote buying is a “bribery” offense (18 U.S.C. § 1952), as well as in federal elections⁵ in those states in which purchased registrations or votes are voidable under applicable state election law (42 U.S.C. § 1973gg-10).

³ Whether any of these types of election fraud schemes are actionable under federal criminal law is discussed below.

⁴ As used throughout this paper, the terms “federal election fraud” and “election fraud” mean fraud relating to an election in which a federal criminal statute applies. As will be discussed below, this term is not limited to frauds aimed at federal elections.

⁵ For purposes of this paper, the term “federal election” means an election in which the name of a federal candidate is on the ballot, regardless of whether there is proof that the fraud caused a vote to be cast for the federal candidate. A “nonfederal election” is one in which no federal candidate was on the ballot.

- Preventing voters from participating in elections in which a federal candidate is on the ballot, or when done “under color of law” in *any* election, federal or nonfederal (18 U.S.C. §§ 241, 242).
- Voting for individuals in federal elections who do not personally participate in, and assent to, the voting act attributed to them, or impersonating voters or casting ballots in the names of voters who do not vote in federal elections (42 U.S.C. §§ 1973i(c), 1973i(e), 1973gg-10).
- Intimidating voters through physical duress in any type of election (18 U.S.C. § 245(b)(1)(A)), or through physical or economic threats in connection with their registering to vote or their voting in federal elections (42 U.S.C. § 1973gg-10), or their vote for a federal candidate (18 U.S.C. § 594). If the victim is a federal employee, intimidation in connection with *any* election, federal or nonfederal, is covered (18 U.S.C. § 610).
- Malfeasance by election officials acting “under color of law” by performing such acts as diluting valid ballots with invalid ones (ballot-box stuffing), rendering false tabulations of votes, or preventing valid voter registrations or votes from being given effect in *any* election, federal or nonfederal (18 U.S.C. §§ 241, 242), as well as in elections in which federal candidates are on the ballot (42 U.S.C. §§ 1973i(c), 1973i(e), 1973gg-10).
- Submitting fictitious names on voter registration rolls and thereby qualifying the ostensible voters to vote in federal elections (42 U.S.C. §§ 1973i(c), 1973gg-10).⁶
- Knowingly procuring eligibility to vote for federal office by persons who are not entitled to vote under applicable state law, notably persons who have committed serious crimes (approximately 40 states) (42 U.S.C. §§ 1973i(c), 1973gg-10), and persons who are not United States citizens (currently all states) (42 U.S.C. §§ 1973i(c), 1973gg-10; 18 U.S.C. §§ 1015(f), 611).
- Knowingly making a false claim of United States citizenship in order to register to vote or to vote in any election (18 U.S.C. § 1015(f)), or falsely and willfully claiming U.S. citizenship for, *inter alia*, registering or voting in any election (18 U.S.C. § 911).

⁶ With respect to fraudulent voter registrations, election registration is “unitary” in all 50 states in the sense that a person registers only once to become eligible to cast ballots for both federal and nonfederal candidates. Therefore false information given to establish eligibility to register to vote is actionable federally regardless of the type of election that motivated the subjects to act. *See, e.g., United States v. Cianciulli*, 482 F. Supp. 585 (E.D. Pa. 1979).

- Providing false information concerning a person's name, address, or period of residence in a voting district in order to establish that person's eligibility to register or to vote in a federal election (42 U.S.C. §§ 1973i(c), 1973gg-10).
- Causing the production of voter registrations that qualify alleged voters to vote for federal candidates, or the production of ballots in federal elections, that the actor knows are materially defective under applicable state law (42 U.S.C. § 1973gg-10).
- Using the United States mails, or interstate wire facilities, to obtain the salary and emoluments of an elected official through any of the activities mentioned above (18 U.S.C. §§ 1341, 1343). At the time this paper was written this so-called "salary theory" of mail and wire fraud had not yet received wide judicial support. Indeed, in *United States v. Turner*, ___ F.3d ___ (6th Cir. 2006) the Sixth Circuit expressly rejected its application to schemes aimed at corrupting elections.⁷
- Ordering, keeping, or having under one's authority or control any troops or armed men at any polling place in *any* election, federal or nonfederal. The actor must be an active civilian or military officer or employee of the United States government (18 U.S.C. § 592).

3. Conduct that Does Not Constitute Federal Election Fraud

Various types of conduct that might adversely affect the election of a federal candidate may not constitute federal election crimes, despite what in many instances may be their reprehensible character. For example, a federal election crime does not normally involve irregularities relating to: 1) issuing inaccurate campaign literature, 2) campaigning too close to the polls, 3) manipulating the process by which a candidate obtains the withdrawal of an opponent, and, 4) failing to comply with state-mandated voting procedures (by election officers). Also, "facilitation payments," that is things of value given to voters to make it easier for the voter to cast a ballot but that are not intended to stimulate or reward the voting act itself (*e.g.*, a ride to the polls, a stamp to mail in an absentee ballot) do not ordinarily involve a federal crime.

4. Conditions Conducive to Election Fraud

Most election fraud is aimed at corrupting elections for local offices, which control or influence patronage positions. Election fraud schemes are thus often linked to such other crimes

⁷ Title 18, 18 U.S.C. § 1346, likely did not restore the mail and wire statutes to all election fraud schemes because its "intangible rights" concept is confined to schemes that involve a "deprivation of honest services," a motive not usually found in election fraud schemes. In *United States v. Turner*, ___ F.3d ___ (6th cir. 2006) the Sixth Circuit expressly held that Section 1346 does not apply to schemes to corrupt elections. Thus, absent a public scheme or other deprivation of honest services by a public officer such as an election official or someone else acting under color of law, the utility of the mail and wire fraud statutes to address election fraud is currently questionable at best.

as protection of illegal activities, corruption of local governmental processes, and patronage abuses.

Election fraud does not normally occur in jurisdictions where one political faction enjoys widespread support among the electorate, because in such a situation it is usually unnecessary or impractical to resort to election fraud in order to control local public offices.⁸ Instead, election fraud occurs most frequently when there are fairly equal political factions, and when the stakes involved in who controls public offices are weighty – as is often the case where patronage jobs are a major source of employment, or where illicit activities are being protected from law enforcement scrutiny. In sum, election fraud is most likely to occur in electoral jurisdictions where there is close factional competition for an elected position that matters.

5. Voter Participation Versus Nonvoter Participation Cases

As a practical matter, election frauds fall into two basic categories: those in which individual voters do not participate in the fraud, and those in which they do. The investigative approach and prosecutive potential are different for each type of case.

a) Election frauds not involving the participation of voters

The first category involves cases when voters do not participate, in any way, in the voting act attributed to them. These cases include ballot-box stuffing cases, ghost voting cases, and “nursing home” frauds.⁹ All such matters are potential federal crimes. Proof of these crimes depends largely on evidence generated by the voting process, or on handwriting exemplars taken from persons who had access to voting equipment and thus the opportunity to misuse it. Some of the more common ways these crimes are committed include:

- Placing fictitious names on the voter rolls. This “deadwood” allows for fraudulent ballots, which can be used to stuff the ballot box.
- Casting bogus votes in the names of persons who did not vote.
- Obtaining and marking absentee ballots without the active input of the voters involved. Absentee ballots are particularly susceptible to fraudulent abuse because, by definition, they are marked and cast outside the presence of election officials.

⁸ Election fraud may occur at the local level in districts controlled by one political faction in order to affect a contested election in a larger jurisdiction. For example, a corrupt mayor assured of his own reelection may nevertheless engage in election fraud for the purpose of affecting a state-wide election that is perceived to be close.

⁹ An example of a nursing home fraud is *United States v. Odom*, 736 F.2d 104 (4th Cir. 1984), that involved a scheme by local law enforcement officials and others to vote the absentee ballots of mentally incompetent residents of a nursing home.

- Falsifying vote tallies.

b) Election frauds involving the participation of voters

The second category of election frauds includes cases in which the voters do participate, at least to some extent, in the voting acts attributed to them. Common examples include:

- Vote buying schemes,
- Absentee ballot frauds,
- Voter intimidation schemes,
- Migratory-voting (or floating-voter) schemes, and
- Voter “assistance” frauds, in which the wishes of the voters are ignored or not sought.

Successful prosecution of these cases usually requires the cooperation and testimony of the voters whose ballots were corrupted. This requirement presents several difficulties. An initial problem is that the voters themselves may be technically guilty of participating in the scheme. However, because these voters can often be considered victims, federal prosecutors may consider declining to prosecute them in exchange for truthful cooperation against organizers of such schemes.

The second difficulty encountered in cases where voters participate is that the voter’s presence alone may suggest that he or she “consented” to the defendant’s conduct (marking the ballot, taking the ballot, choosing the candidates, etc.). Compare *United States v. Salisbury*, 983 F.2d 1369 (6th Cir. 1993) (leaving unanswered the question whether a voter who signs a ballot envelope at the defendant’s instruction but is not allowed to choose the candidates has consented to having the defendant mark his or her ballot), with *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994) (finding that voters who merely signed ballots subsequently marked by the defendant were not expressing their own electoral preferences).

While the presence of the ostensible voter when another marks his or her ballot does not negate whatever crime might be occurring, it thus may increase the difficulty of proving the crime. This difficulty is compounded because those who commit this type of crime generally target vulnerable members of society, such as persons who are uneducated, socially disadvantaged, or with little means of livelihood – precisely the types of people who are likely targets for manipulation or intimidation. Therefore, in cases where the voter is present when another person marks his or her ballot, the evidence should show that the defendant either procured the voter’s ballot through means that were themselves corrupt (such as bribery or threats), or that the defendant marked the voter’s ballot without the voter’s consent or input. See *United States v. Boards*, 10 F.3d 587 (8th Cir. 1993); *Salisbury*; *Cole*.

C. JURISDICTIONAL SUMMARY

Under the Constitution, the states retain broad jurisdiction over the elective process. When the federal government enters the field of elections, it does so to address specific federal interests, such as: 1) the protection of the voting rights of racial, ethnic, or language-minorities, a specific Constitutional protection, 2) the registration of voters to vote in federal elections; 3) the standardization and procurement of voting equipment purchased with federal funds; 4) the protection of the federal election process against corruption; 5) the protection of the voting process from corruption accomplished under color of law; and 6) the oversight of noncitizen and other voting by ineligible.

Most federal election crime statutes do not apply to all elections. Several apply only to elections in which federal candidates are on the ballot, and a few require proof that the fraud was either intended to influence a federal contest or that a federal contest was affected by the fraud.

For federal jurisdictional purposes, there are two fundamental types of elections in which federal election crimes may occur: federal elections, in which the ballot includes the name of one or more candidates running for federal office; and nonfederal elections, in which only the names of local or state candidates are on the ballot. Elections in which the ballot includes the names of both federal and nonfederal candidates, often referred to as “mixed” elections, are “federal elections” for the purpose of the federal election crime statutes.

1. Statutes Applicable to Nonfederal Elections

Several federal criminal statutes apply to purely nonfederal elections. Principal among these are:

- 42 U.S.C. § 1973i(c), § 1973gg-10, and 18 U.S.C. § 1015(f) - any fraud that is aimed at the process by which voters are registered, notably those to furnish materially false information to election registrars;
- 18 U.S.C. §§ 241 and 242 - any scheme that involves the necessary participation of public officials, usually election officers or notaries, “acting under color of law,” which is actionable under as a derogation of the “one person, one vote” principle of the 14th Amendment, *i.e.*, “public schemes;”¹⁰
- 18 U.S.C. § 245(b)(1)(A) - physical threats or reprisals against candidates, voters, poll watchers, or election officials;
- 18 U.S.C. § 592 - “armed men” stationed at the polls;

¹⁰ Federal prosecutors should also evaluate whether a public scheme involves a deprivation of honest services. 18 U.S.C. §§ 1341, 1343, 1346.

- 18 U.S.C. § 609 - coercion of voting among the military;
- 18 U.S.C. § 610 - coerced political activity by federal employees;
- 18 U.S.C. § 911 - fraudulent assertion of United States citizenship;
- 18 U.S.C. § 1341 - schemes involving the United States mails to corrupt elections that are predicted on the post-*McNally* “salary” or “pecuniary loss” theories (discussed *infra*), note however that this theory of mail fraud was recently rejected as applied to election fraud cases in *United States v. Turner* ___ F.3d ___ (6th Cir. 2006); and
- 18 U.S.C. § 1952 - schemes to use the mails in furtherance of vote buying activities in states that treat vote buying as bribery.

The statutes listed above also apply to elections in which a federal candidate is on the ballot.

2. Statutes Applicable to Federal Elections

The following additional statutes apply to federal (including “mixed”) elections, but not to purely nonfederal elections:¹¹

- 18 U.S.C. § 594 - intimidation of voters;
- 18 U.S.C. § 597 - payments to persons to vote, or to refrain from voting, for a federal candidate;
- 18 U.S.C. § 608(b) - vote buying and false registration under the Uniformed and Overseas Citizens Absentee Voting Act;
- 18 U.S.C. § 611 - voting by aliens;
- 42 U.S.C. § 1973i(c) - payments for registering to vote or voting, fraudulent registrations, and conspiracies to encourage illegal voting;
- 42 U.S.C. § 1973i(e) - multiple voting;
- 42 U.S.C. § 1973gg-10(1) - voter intimidation; and

¹¹ The presence of the name of a federal candidate on a ballot is sufficient to obtain federal jurisdiction.

- 42 U.S.C. § 1973gg-10(2) - fraudulent voting or registering.

D. STATUTES¹²

1. Conspiracy Against Rights: 18 U.S.C. § 241

Section 241 makes it unlawful for two or more persons to “conspire to injure, oppress, threaten, or intimidate any person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States.” Violations are punishable by imprisonment for up to ten years or, if death results, for any term of years or for life.

The Supreme Court long ago recognized that the right to vote for federal offices is among the rights secured by Article I, Sections 2 and 4, of the Constitution, and hence is protected by Section 241. *United States v. Classic*, 313 U.S. 299 (1941); *Ex parte Yarborough*, 110 U.S. 651 (1884). Although the statute was enacted just after the Civil War to address efforts to deprive the newly emancipated slaves of the basic rights of citizenship, such as the right to vote, it has been interpreted to include any effort to derogate any right that flows from the Constitution or from federal law.

Section 241 has been an important statutory tool in election crime prosecutions. Originally held to apply only to schemes to corrupt elections for federal office, it has recently been successfully applied to nonfederal elections as well, provided that state action was a necessary feature of the fraud. This state action requirement can be met not only by the participation of poll officials, but by activities of persons who clothe themselves with the appearance of state authority, *e.g.*, with uniforms, credentials, and badges. *Williams v. United States*, 341 U.S. 97 (1951).

Section 241 embraces conspiracies to stuff a ballot box with forged ballots, *United States v. Saylor*, 322 U.S. 385 (1944); *United States v. Mosley*, 238 U.S. 383 (1915); to impersonate qualified voters, *Crolich v. United States*, 196 F.2d 879 (5th Cir.), *cert. denied*, 344 U.S. 830 (1952); to alter legal ballots, *United States v. Powell*, 81 F. Supp. 288 (E.D. Mo. 1948); to fail to count votes and to alter votes counted, *Ryan v. United States*, 99 F.2d 864 (8th Cir. 1938), *cert. denied*, 306 U.S. 635 (1939); *Walker v. United States*, 93 F.2d 383 (8th Cir. 1937), *cert. denied*, 303 U.S. 644 (1938); to prevent the official count of ballots in primary elections, *Classic*; to destroy ballots, *United States v. Townsley*, 843 F.2d 1070 (8th Cir. 1988); to destroy voter registration applications, *United States v. Haynes*, 977 F.2d 583 (6th Cir. 1992) (table) (available at 1992 WL 296782); to illegally register voters and cast absentee ballots in their names, *United States v. Weston*, 417 F.2d 181 (4th Cir. 1969), *cert. denied*, 396 U.S. 1062 (1970); *United States*

¹² The text of the statutes discussed below is printed in Appendix A. Each statute carries, in addition to the prison term noted, fines applicable under 18 U.S.C. § 3571.

v. Morado, 454 F.2d 167 (5th Cir.), *cert. denied*, 406 U.S. 917 (1972); *Fields v. United States*, 228 F.2d 544 (4th Cir. 1955), *cert. denied*, 350 U.S. 982 (1956); and to injure, threaten, or intimidate a voter in the exercise of his right to vote, *Wilkins v. United States*, 376 F.2d 552 (5th Cir.), *cert. denied*, 389 U.S. 964 (1967).

Recently, Section 241 was used, along with telephone harassment charges under Section 223 of Title 47, to prosecute a scheme to jam telephone lines for a get-out-the-vote service that was done for the purpose of preventing voters from accessing that service in order to obtain rides to the polls in the 2002 general elections. *United States v. Tobin*, No. 04-216-01 (SM), 2005 WL 3199672 (D.N.N. Nov. 30, 2005) (convictions on conspiracy and aiding and abetting telephone harassment). While the defendant was acquitted on the 241 count, the Criminal Division continues to believe that the statute should be considered when addressing schemes to thwart voting in federal elections.

Section 241 does not require that the conspiracy be successful, *United States v. Bradberry*, 517 F.2d 498 (7th Cir. 1975), nor need there be proof of an overt act. *Williams v. United States*, 179 F.2d 644 (5th Cir. 1950), *aff'd on other grounds*, 341 U.S. 70 (1951); *Morado*. Section 241 reaches conduct affecting the integrity of the federal election process as a whole, and does not require fraudulent action with respect to any particular voter. *United States v. Nathan*, 238 F.2d 401 (7th Cir. 1956), *cert. denied*, 353 U.S. 910 (1957).

On the other hand, Section 241 does not reach schemes to corrupt the balloting process through voter bribery, *United States v. Bathgate*, 246 U.S. 220 (1918), even schemes that involve poll officers to ensure that the bribed voters mark their ballots as they were paid to do, *United States v. McLean*, 808 F.2d 1044 (4th Cir. 1987) (noting, however, that Section 241 may apply where vote buying occurs in conjunction with other corrupt practices, such as ballot-box stuffing).

Section 241 prohibits only conspiracies to interfere with rights flowing directly from the Constitution or federal statutes. This element has led to considerable judicial speculation over the extent to which the Constitution protects the right to vote for candidates running for nonfederal offices. *Oregon v. Mitchell*, 400 U.S. 112 (1970); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Blitz v. United States*, 153 U.S. 308 (1894); *In re Coy*, 127 U.S. 731 (1888); *Ex parte Siebold*, 100 U.S. 371 (1880). *See also Duncan v. Poythress*, 657 F.2d 691 (5th Cir. 1981), *cert. dismissed*, 459 U.S. 1012 (1982). While *dicta* in *Reynolds* casts the parameters of the federally protected right to vote in extremely broad terms, in a ballot fraud case ten years later the Supreme Court specifically refused to decide whether the federally secured franchise extended to nonfederal contests. *Anderson v. United States*, 417 U.S. 211 (1974).

The use of Section 241 in election fraud cases has generally been confined to two types of situations: "public schemes" and "private schemes."

A public scheme is one that involves the necessary participation of a public official acting under the color of law. In election fraud cases, this public official is usually an election

officer using his office to dilute valid ballots with invalid ballots or to otherwise corrupt an honest vote tally in derogation of the equal protection and due process clauses of the 14th Amendment. See, e.g. *United States v. Anderson*, 482 F.2d 685 (4th Cir. 1973, *aff'd on other grounds*, 417 U.S. 211 (1974)); *United States v. Stollings*, 501 F.2d 954 (4th Cir. 1974); *United States v. Olinger*, 759 F.2d 1293 (7th Cir.), *cert. denied*, 474 U.S. 839 (1985); *United States v. Howard*, 774 F.2d 838 (7th Cir. 1985); *United States v. Townsley*, 843 F.2d 1070 (8th Cir. 1988); *United States v. Haynes*, 977 F.2d 583 (6th Cir. 1992) (table) (available at 1992 WL 296782). Another case involving a public scheme turned on the necessary participation of a notary public who falsely notarized forged voter signatures on absentee ballot materials in an Indian tribal election. *United States v. Wadena*, 152 F.3d 831 (8th Cir. 1998), *cert. denied*, 526 U.S. 1050 (1999).

A private scheme is a pattern of conduct that does not involve the necessary participation of a public official acting under color of law, but one that can be shown factually to have adversely affected the ability of qualified voters to vote in elections in which federal candidates were on the ballot. Examples of private schemes include: 1) voting fraudulent ballots in mixed elections, and 2) thwarting get-out-the-vote or ride-to-the-polls activities of political factions or parties through such methods as jamming telephone lines or vandalizing motor vehicles.

Public schemes may be prosecuted under Section 241 regardless of the nature of the election with respect to which the conspiracy occurs, *i.e.*, elections with or without a federal candidate. On the other hand, private schemes can be prosecuted under Section 241 only when the objective of the conspiracy was to corrupt a federal election or when the scheme can be shown to have affected, directly or indirectly, the vote count for a federal candidate, *e.g.*, when fraudulent ballots were cast for an entire party ticket that included a federal office.

2. Deprivation of Rights under Color of Law: 18 U.S.C. § 242

Section 242, also enacted as a post-Civil War statute, makes it unlawful for anyone acting under color of law, statute, ordinance, regulation, or custom to willfully deprive a person of any right, privilege, or immunity secured or protected by the Constitution or laws of the United States. Violations are misdemeanors unless bodily injury occurs, in which case the penalty is ten years, or unless death results, in which case imprisonment may be for any term of years or for life.

Prosecutions under Section 242 need not show the existence of a conspiracy. However, the defendants must have acted illegally “under color of law”, *i.e.*, the case must involve a public scheme, as discussed above. This element does not require that the defendant be a *de jure* officer or a government official; it is sufficient if he or she jointly acted with state agents in committing the offense, *United States v. Price*, 383 U.S. 787 (1966), or if his or her actions were made possible by the fact that they were clothed with the authority of state law, *United States v. Williams*, 341 U.S. 97 (1951); *United States v. Classic*, 313 U.S. 299 (1941).

Because a Section 242 violation can be a substantive offense for election fraud conspiracies prosecutable under Section 241, the cases cited in the discussion of Section 241 apply to Section 242.

**3. False Information in, and Payments for, Registering and Voting:
42 U.S.C. § 1973i(c)**

Section 1973i(c) makes it unlawful, in an election in which a federal candidate is on the ballot, to knowingly and willfully 1) give false information as to name, address, or period of residence to an election official for the purpose of establishing one's eligibility to register or to vote; 2) pay, offer to pay, or accept payment for registering to vote or for voting; or 3) conspire with another person to vote illegally. Violations are punishable by imprisonment for up to five years.

a) The basis for federal jurisdiction¹³

Congress added Section 1973i(c) to the 1965 Voting Rights Act to ensure the integrity of the balloting process in the context of an expanded franchise. In so doing, Congress intended that Section 1973i(c) have a broad reach. In fact, the original version of Section 1973i(c) would have applied to all elections. However, constitutional concerns were raised during Congressional debate on the bill and the provision's scope was narrowed to elections including a federal contest. Section 1973i(c) rests on Congress's power to regulate federal elections and on the Necessary and Proper Clause. U.S. Const. art. I, § 4, art. I § 8, cl. 18. *United States v. Slone*, 411 F.3d 643 (6th Cir. 2005); *United States v. Bowman*, 636 F.2d 1003 (5th Cir. 1981); *United States v. Malmy*, 671 F.2d 869 (5th Cir. 1982); *United States v. Carmichael*, 685 F.2d 903 (4th Cir. 1982), *cert. denied*, 459 U.S. 1202 (1983); *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994); *United States v. McCranie*, 169 F.3d 723 (11th Cir. 1999); and *United States v. Cianciulli*, 482 F. Supp. 585 (E.D. Pa. 1979).

Section 1973i(c) has been held to protect two distinct aspects of a federal election: the actual results of the election, and the integrity of the process of electing federal officials. *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994). In *Cole*, the Court held that federal jurisdiction is satisfied so long as a single federal candidate is on the ballot – even if the federal candidate is unopposed – because fraud in a mixed election automatically has an impact on the integrity of the election. *See also United States v. McCrainie*, 169 F.3d 723 (11th Cir. 1999), and *United*

¹³ The discussion presented here concerning the basis for federal jurisdiction under Section 1973i(c) applies equally to its companion statute, 42 U.S.C. § 1973i(e), which addresses multiple voting. This is because the federal jurisdictional predicate is phrased precisely the same way in both statutes.

States v. Slone, 411 F.3d 643 (6th Cir. 2005), both of which followed *Cole* and achieved the same result.

Section 1973i(c) is particularly useful for two reasons: 1) it eliminates the unresolved issue of the scope of the constitutional right to vote in matters not involving racial discrimination, and 2) it eliminates the need to prove that a given pattern of corrupt conduct had an actual impact on a federal election. It is sufficient under Section 1973i(c) that a pattern of corrupt conduct took place during a mixed election; in that situation it is presumed that the fraud will expose the federal race to potential harm. *Slone*, *Cole*, *supra*; *United States v. Olinger*, 759 F.2d 1293 (7th Cir.), *cert. denied*, 474 U.S. 839 (1985); *United States v. Saenz*, 747 F.2d 930 (5th Cir. 1984), *cert. denied*, 473 U.S. 906 (1985); *United States v. Garcia*, 719 F.2d 99 (5th Cir. 1983); *United States v. Carmichael*, 685 F.2d 903 (4th Cir. 1982), *cert. denied*, 459 U.S. 1202 (1983); *United States v. Mason*, 673 F.2d 737 (4th Cir. 1982); *United States v. Malmay*, 671 F.2d 869 (5th Cir. 1982); *United States v. Bowman*, 636 F.2d 1003 (5th Cir. 1981); *United States v. Sayre*, 522 F. Supp. 973 (W.D. Mo. 1981); *United States v. Simms*, 508 F. Supp. 1179 (W.D. La. 1979).

Cases arising under this statute that involve corruption of the process by which individuals register, as distinguished from the circumstances under which they vote, present a different federal jurisdictional issue that is easily satisfied. This is because voter registration in every state is “unitary” in the sense that one registers to vote only once in order to become eligible to vote for all candidates on the ballot - local, state, and federal. Although a state could choose to maintain separate registration lists for federal and nonfederal elections, at the time this paper was written no state had chosen to do so. Consequently, any corrupt act that impacts on the voter registration process and that can be reached under 42 U.S.C. § 1973i(c) satisfies this federal jurisdictional requirement. An excellent discussion of this issue is contained in *United States v. Cianciulli*, 462 F. Supp. 585 (E.D. Pa. 1979).

b) False information to an election official

The “false information” provision of Section 1973i(c) prohibits any person from furnishing certain false data to an election official to establish eligibility to register or vote. The statute applies to three types of information: name, address, and period of residence in the voting district. False information concerning other factors (such as citizenship, felon status, and mental competence) are not covered by this provision.¹⁴

As just discussed, registration to vote is “unitary,” *i.e.*, a single registration qualifies the applicant to cast ballots for all elections. Thus, the jurisdictional requirement that the false information was used to establish eligibility to vote in a federal election is satisfied automatically

¹⁴ Such matters might, however, be charged as conspiracies to encourage illegal voting under the conspiracy clause of Section 1973i(c), as citizenship offenses under, *inter alia*, 18 U.S.C. §§ 911 and 1015(f), or under the broad “false information” provision of 42 U.S.C. § 1973gg-10. These statutes will be discussed below.

wherever a false statement is made to get one's name on the registration rolls. *United States v. Barker*, 514 F.2d 1077 (7th Cir. 1975); *Cianciulli, supra*.

On the other hand, when the false data is furnished to poll officials for the purpose of enabling a voter to cast a ballot in a particular election (as when one voter attempts to impersonate another), it must be shown that a federal candidate was being voted upon at the time. In such situations, the evidence should show that the course of fraudulent conduct could have jeopardized the integrity of the federal race, or, at a minimum, that the name of a federal candidate was on the ballot. *Carmichael, Bowman, Malmay, McCrainie, supra*. See, e.g., *In re Coy*, 127 U.S. 731 (1888).

In *United States v. Boards*, 10 F.3d 587 (8th Cir. 1993), the Eighth Circuit confirmed the broad reach of the "false information" provision of Section 1973i(c). The defendants in this case, and their unidentified coconspirators, had obtained and marked the absentee ballots of other registered voters by forging the voters' names on ballot applications and directing that the ballots be sent to a post office box without the voters' knowledge. The District Court granted post-verdict judgments of acquittal as to those counts in which the defendant's role was limited to fraudulently completing an application for an absentee ballot, based on its conclusions that: 1) the statute did not extend to ballot applications, 2) the statute did not cover giving false information as to the names of real voters (as opposed to fictitious names), and 3) the defendants could not be convicted for completing the applications when others actually voted using ballots.

The Court of Appeals rejected each of these narrow interpretations of Section 1973i(c). It held that an application for a ballot falls within the broad definition of "vote" in the Voting Rights Act, "because an absentee voter must first apply for an absentee ballot as a 'prerequisite to voting.'" *United States v. Boards*, 10 F.3d at 589 (quoting 42 U.S.C. § 1973 (c)(1)). The Court also held that by using the names of real registered voters on the applications, the defendants "[gave] false information as to [their] name[s]" within the meaning of Section 1973i(c).¹⁵ *Id.* Finally, the Court held that one of the defendants, whose role was limited to completing absentee ballot applications for ballots that others used to fraudulently vote, was liable under 18 U.S.C. § 2 as an aider and abettor.

In *United States v. Smith*, 231 F.3d 800 (11th Cir. 2000), the Court of Appeals for the 11th Circuit held that each forgery of a voter's name on a ballot document or on an application for a ballot constituted a separate offense under the "false information as to name" clause of Section 1973i(c).

Section 1973i(c)'s false information clause is particularly useful when the evidence shows that a voters's signature (name) was forged on an election-related document, e.g.: 1) when

¹⁵ The Eighth Circuit observed, "[b]ecause only registered voters are eligible to apply for and vote absentee ballots, the use of real registered voters' names was essential to the scheme to obtain and vote absentee ballots" *Boards* at 589.

signatures on poll lists are forged by election officials who are stuffing a ballot box, 2) when a voter's signature on an application for an absent ballot is forged, or 3) when bogus voter registration documents are fabricated in order to get names on voter registries.

c) Commercialization of the vote

The clause of Section 1973i(c) that prohibits "vote buying" does so in broad terms, covering any payment made or offered to a would-be voter "to vote or for voting" in an election where the name of a federal candidate appears on the ballot, as well as payments made to induce unregistered persons to register.¹⁶ Section 1973i(c) applies as long as a pattern of vote buying exposes a federal election to potential corruption, even though it cannot be shown that the threat materialized.

This aspect of Section 1973i(c) is directed at eliminating pecuniary considerations from the voting process. *Garcia; Mason; Malmay; Bowman, supra*. The statute rests on the premises that potential voters can choose not to vote; that those who choose to vote have a right not to have the voting process diluted with ballots that have been procured through bribery; and that the selection of the nation's leaders should not degenerate into a spending contest, with the victor being the candidate who can pay the most voters. *See also United States v. Blanton*, 77 F. Supp. 812, 816 (E.D. Mo. 1948).

The bribe may be anything having monetary value, including cash, liquor, lottery chances, and welfare benefits such as food stamps. *Garcia*, 719 F.2d at 102. However, offering free rides to the polls or providing employees paid leave while they vote are not prohibited. *United States v. Lewin*, 467 F.2d 1132 (7th Cir. 1972). Such things are given to make it easier for people to vote, not to induce them to do so. This distinction is important. For an offer or a payment to violate Section 1973i(c) it must have been intended to induce or reward the voter for engaging in one or more acts necessary to cast a ballot. Section 1973i(c) does *not* prohibit offering or giving things having theoretical pecuniary value, such as a ride to the polls or time off from work, to individuals who have already made up their minds to vote solely to facilitate their doing so.

Moreover, payments made for some purpose other than to induce or reward voting activity, such as remuneration for campaign work, do not violate this statute. *See Canales v. United States*, 744 F.2d 413 (5th Cir. 1984), *cert. denied*, 473 U.S. 906 (1985). Similarly, Section 1973i(c) does not apply to payments made to signature-gatherers for voter registrations

¹⁶ The federal criminal code contains another vote-buying statute, 18 U.S.C. § 597, which has a narrower scope and provides for lesser penalties than Section 1973i(c). Section 597 prohibits making or offering to make an expenditure to any person to vote or withhold his or her vote for a federal candidate. Nonwillful violations of Section 597 are one-year misdemeanors; willful violations are two-year felonies. Sections 597 and 1973i(c) are distinct offenses, since each requires proof of an element that the other does not. *Whalen v. United States*, 445 U.S. 684 (1980); *Blockburger v. United States*, 284 U.S. 299 (1932). Section 597 requires that the payment be made to influence a federal election; Section 1973i(c) requires that the defendant acted "knowingly and willfully."

such individuals may obtain, a practice sometimes referred to as “bounty hunting.” However, such payments become actionable under Section 1973i(c) if they are shared with the person being registered.¹⁷

Finally, Section 1973i(c) does not require that the offer or payment be made with a specific intent to influence a federal contest. It is sufficient that the name of a federal candidate appeared on the ballot in the election where the payment or offer of payment occurred. *Slone* (payments to influence the vote for a county judge executive); *Garcia* (providing food stamps to influence the vote for candidates running for county judge and county commissioner); *United States v. Thompson*, 615 F.2d 329 (5th Cir. 1980), *Carmichael, Mason, Sayre* (payments to influence votes for candidates running for sheriff or other local offices); *Simms* (payments to vote for a state judicial post); *Malmay* (payments to vote for school board member); *United States v. Odom*, 858 F.2d 664 (11th Cir. 1988) (payments for votes for a state representative); *United States v. Campbell*, 845 F.2d 782 (8th Cir. 1988), *cert. denied*, 488 U.S. 965 (1989) (payments to benefit a candidate for county judge); *United States v. Daugherty*, 952 F.2d 969 (8th Cir. 1991) (payments to vote for a number of local candidates); *McCrainie* (payments to influence election for sheriff where the name of an unopposed federal candidate appeared on the ballot).

d) Conspiracy to cause illegal voting

The second clause of Section 1973i(c) criminalizes conspiracies to encourage “illegal voting.” The phrase “illegal voting” is not defined in the statute. On its face it encompasses unlawful conduct in connection with voting. Violations of this provision are felonies.

¹⁷ Federal prosecutors who encounter bounty hunting activity may see evidence that organizations that pay bounty hunters per piece victimize by the submission of voter registrations with forged signatures and fictitious information. Federal prosecutors should consider prosecuting bounty hunters who knowingly gather false registrations and also prosecute organizations that pay bounty hunters and forward registrations to election officials knowing they are false.

The “illegal voting” clause of Section 1973i(c) has potential application to those who undertake to cause others to register or vote in conscious derogation of state or federal laws. *Cianciulli*, 482 F. Supp. at 616 (noting that this clause would prohibit “vot[ing] illegally in an improper election district”). For example, all states require voters to be United States citizens, and most states disenfranchise people who have been convicted of certain crimes, who are mentally incompetent, or who possess other disabilities that may warrant restriction of the right to vote. This provision requires that the voters participate in the conspiracy.¹⁸

The conspiracy provision of Section 1973i(c) applies only to the statute’s “illegal voting” clause. *Olinger*, 759 F.2d at 1298-1300. Conspiracies arising under the other clauses of Section 1973i(c) (that is, those involving vote buying or fraudulent registration) should be charged under the general federal conspiracy statute, 18 U.S.C. § 371.

4. Voting More than Once: 42 U.S.C. § 1973i(e)

Section 1973i(e), enacted as part of the 1975 amendments to the Voting Rights Act of 1965, makes it a crime to vote “more than once” in any election in which a federal candidate is on the ballot. Violations are punishable by imprisonment for up to five years.

The federal jurisdictional basis for this statute is identical to that for 42 U.S.C. § 1973i(c), which is discussed in detail in the previous item.

Section 1973i(e) is most useful as a statutory weapon against frauds which do not involve the participation of voters in the balloting acts attributed to them. Examples of such frauds are schemes to cast ballots in the names of voters who were deceased or absent, *United States v. Olinger*, 759 F.2d 1293 (7th Cir.), *cert. denied*, 474 U.S. 839 (1985); schemes to exploit the infirmities of the mentally handicapped by casting ballots in their names. *United States v. Odom*, 736 F.2d 104 (4th Cir. 1984); and schemes to cast absentee ballots in the names of voters who did not participate in and consent to the marking of their ballots by the offender. *United States v. Smith*, 231 F.3d 800 (11th Cir. 2000).

Most cases prosecuted under the multiple voting statute have involved defendants who physically marked ballots outside the presence of the voters in whose names they were cast – in other words, without the voters’ participation or knowledge. The statute may also be applied successfully to schemes when the voters are present but do not participate in any way, or otherwise consent to the defendant’s assistance, in the voting process.

¹⁸ False statements involving any fact which is material to registering or voting under state law may also be prosecuted under 42 U.S.C. § 1973gg-10, as will be discussed below.

However, when the scheme involves “assisting” voters who are present and who also marginally participate in the process, such as by signing a ballot document, prosecuting the case under Section 1973i(e) may present difficulties. For instance, in *United States v. Salisbury*, 983 F.2d 1369 (6th Cir. 1993), the defendant got voters to sign their absentee ballot forms and then instructed them how to mark their ballots, generally without allowing them to choose the candidates – and in some cases even to know the identity of the candidates on the ballot. In a few cases the defendant also personally marked others’ ballots. The Sixth Circuit held that the concept “votes more than once” in Section 1973i(e) was unconstitutionally vague as applied to these facts. Because the phrase “votes more than once” was not defined in the statute, the Court found the phrase did not clearly apply when the defendant did not physically mark another’s ballot. The Court further held that, even if the defendant did mark another’s ballot, it wasn’t clear this was an act of “voting” by the defendant if the defendant got the ostensible voters to demonstrate “consent” by signing their names to the accompanying ballot forms. *Salisbury* at 1379.¹⁹

¹⁹ The *Salisbury* Court noted that in *United States v. Hogue*, 812 F.2d 1568 (11th Cir. 1987), the jury was instructed that illegal voting under Section 1973i(e) included marking another person’s ballot without his or her “express or implied consent,” but found that, based on the facts of *Salisbury*, the jury should also have been given definitions of “vote” and “consent.” *Salisbury* at 1377.

A year after *Salisbury*, the Seventh Circuit took a different approach, with the benefit of more detailed jury instructions. *United States v. Cole*, 41 F.3d 303 (7th Cir. 1994). In both cases, the defendants had marked absentee ballots of other persons after getting the voters to sign their ballot documents. The Seventh Circuit rejected the Sixth Circuit's contention that the term "vote" was unconstitutionally vague, finding that the term was broadly and adequately defined in the Voting Rights Act itself, 42 U.S.C. § 1973 (c)(1), and this statutory definition was supported by both the dictionary and commonly understood meaning of the word. The Court held that the facts established a clear violation by the defendant of the multiple voting prohibition in Section 1973i(c).²⁰

In addition to their conflicting holdings, the *Salisbury* and *Cole* opinions differ in their approach to so-called voter "assistance" cases. *Salisbury* focused on the issue of voter consent – that is, whether the voters had, by their conduct, in some way "consented" to having the defendant mark, or help them mark, their own ballots. *Cole*, on the other hand, focused on whether it was the voter or the defendant who actually expressed candidate preferences.

In a more recent case, the Eleventh Circuit followed the rationale in *Cole* with respect to a scheme to obtain and cast ballots for indigent voters without their knowledge or consent. *Smith, supra*. The Court even went so far as to note that, in its view, a Section 1973i(e) offense could lie regardless of whether the voter had consented to another's marking his ballot. *Smith* at 816, fn. 20.

While the approach taken in *Cole* and *Smith* is, from a prosecutor's perspective, preferable to *Salisbury*'s, the latter's discussion of the issue of possible voter "consent" remains important, since facts suggesting the possibility of consent may weaken the evidence of fraud. Taken together, these three cases suggest the following approach to voter "assistance" frauds:

- The use of Section 1973i(e) most clearly applies to cases of "ballot theft." Examples of such situations are when the defendant marked the ballots of others without their input; when voters did not knowingly consent to the defendant's participation in their voting transactions; when the voters' electoral preferences were disregarded; or when the defendant marked the ballots of voters who lacked the mental capacity to vote or to consent to the defendant's activities.
- Jury instructions for a Section 1973i(e) indictment should amplify the key term "votes more than once" in the context of the particular case, and specifically define the terms "vote," and, where appropriate, "consent" and "implied consent." See 42 U.S.C. § 1973 (c)(1) (containing an extremely broad definition of "vote") and *United*

²⁰ "Ordinary people can conclude that the absentee voters were not expressing their wills or preferences, i.e., that *Cole* was using the absentee voters' ballots to vote his will and preferences." *Cole* at 308.

States v. Boards, 10 F.3d 587, 589 (8th Cir. 1993) (holding that this definition encompasses applying for an absentee ballot).

Thus, while the clearest use of Section 1973i(e) is to prosecute pure ballot forgery schemes, the statute can also apply to other types of schemes when voters are manipulated, misled, or otherwise deprived of their votes. *See Cole* at 310-311 (witness believed the defendant was merely registering her to vote, not helping her vote). Schemes to steal the votes of the elderly, infirm, or economically disadvantaged may constitute multiple voting, especially if there is a clear absence of meaningful voter participation. Because of their vulnerability, these persons are frequent targets of ballot schemes, and often do not even know that their ballots have been stolen or their voting choices ignored. Furthermore, if they have been intimidated, they are generally reluctant to say so.

There is a significant evidentiary difference between voter intimidation and multiple voting that suggests that the multiple voting statute may often become the preferred charging statute for voter “assistance” frauds. Voter intimidation requires proof of a difficult element: the existence of physical or economic intimidation that is intended by the defendant and felt by the victim. In contrast, the key element in a multiple voting offense is whether the defendant voted the ballot of another person without consulting with that person or taking into account his or her electoral preferences.

In conclusion, if the facts show manipulation of “vulnerable victims” as referenced in the United States Sentencing Guidelines for the purpose of obtaining control over the victims’ ballot choices, the use of Section 1973i(e) as a prosecutive theory should always be considered.

5. Voter Intimidation

Voter intimidation schemes are the functional opposite of voter bribery schemes. In the case of voter bribery, voting activity is stimulated by offering or giving something of value to individuals to induce them to vote or reward them for having voted. The goal of voter intimidation, on the other hand, is to deter or influence voting activity through threats to deprive voters of something they already have, such as jobs, government benefits, or, in extreme cases, their personal safety. Another distinction between voter bribery and intimidation is that bribery generates concrete evidence: the bribe itself (generally money). Intimidation, on the other hand, is amorphous and largely subjective in nature, and lacks such concrete evidence.

Voter intimidation is an assault against both the individual and society, warranting prompt and effective redress by the criminal justice system. Yet a number of factors make it difficult to prosecute. The intimidation is likely to be both subtle and without witnesses. Furthermore, voters who have been intimidated are not merely victims; it is their testimony that proves the crime. These voters must testify, publicly and in an adversarial proceeding, against

the very person who intimidated them. Obtaining this crucial testimony must be done carefully and respectfully.²¹

The crime of voter “intimidation” normally requires evidence of threats, duress, economic coercion, or some other aggravating factor that tends to improperly induce conduct on the part of the victim. If such evidence is lacking, an alternative prosecutive theory may apply to the facts, such as multiple voting in violation of 42 U.S.C. § 1973i(e). Indeed, in certain cases the concepts of “intimidation” and voting “more than once” may overlap and even merge. For example, a scheme that targets the votes of persons who are mentally handicapped, economically depressed, or socially vulnerable may involve elements of both crimes. Because of their vulnerability, these persons are often easily manipulated – without the need for inducements, threats, or duress. In such cases, the use of Section 1973i(e) as a prosecutive theory should be considered. *See United States v. Odom*, 736 F.2d 104 (4th Cir. 1984).

The main federal criminal statutes that can apply to voter intimidation are: 18 U.S.C. §§ 241, 242, 245(b)(1)(A), 594, and two statutes enacted in 1993, 18 U.S.C. § 610 and 42 U.S.C. § 1973gg-10(1). Each of these statutes is discussed below.

a) Intimidation in voting and registering to vote: 42 U.S.C. § 1973gg-10(1)

²¹ Federal prosecutors should take advantage and be mindful of Department resources and policies regarding the rights of victims and the sensitivities regarding their use as witnesses by consulting with their victim-witness coordinator in their office or division.

Congress enacted the National Voter Registration Act (NVRA), 42 U.S.C. §§ 1973gg-1973gg-10, in 1993. The principal purpose of this legislation was to require that the states provide prospective voters with uniform and convenient means by which to register for the federal franchise. In response to concerns that relaxing registration requirements might lead to an increase in election fraud, the NVRA also included a new series of election crimes, one of which prohibited knowingly and willfully intimidating or coercing²² prospective voters for registering to vote, or for voting, in any election for federal office.²³ 42 U.S.C. § 1973gg-10(1). Violators are subject to imprisonment for up to five years.

b) Intimidation of voters: 18 U.S.C. § 594

Section 594 prohibits intimidating, threatening, or coercing anyone, or attempting to do so, for the purpose of interfering with an individual's right to vote or not vote in any election held solely or in part to elect a federal candidate. The statute does not apply to primaries. Violations are one-year misdemeanors.

The operative words in Section 594 are "intimidates," "threatens," and "coerces." The *scienter* element requires proof that the actor intended to force voters to act against their will by placing them in fear of losing something of value. The feared loss may be something tangible, such as money or economic benefits, or intangible, such as liberty or safety.

²² For guidance in determining what constitutes "intimidation" or "coercion" under this statute, *see* the discussion of 18 U.S.C. § 594 below. Voter "intimidation" accomplished through conduct not covered by this statute or Section 594 may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.

²³ The jurisdictional element for Section 1973gg-10(1) is "in any election for Federal office." This is slightly different phraseology than used in Sections 1973i(c) and i(e), as discussed above. In matters involving intimidation in connection with voter *registration*, this jurisdictional element is satisfied in every case because voter registration is unitary in all 50 states: *i.e.*, one registers to vote only once to become eligible to vote for federal as well as nonfederal candidates. However, when the intimidation occurs in connection with *voting*, the jurisdictional situation may not be as clear. Absent case law to the contrary, federal prosecutors should consider the position that "an election for Federal office" means any election in which a federal candidate is on the ballot.

Section 594 was enacted as part of the original 1939 Hatch Act, which aimed at prohibiting the blatant economic coercion used during the 1930s to force federal employees and recipients of federal relief benefits to perform political work and to vote for and contribute to the candidates supported by their supervisors. The congressional debates on the Hatch Act show that Congress intended Section 594 to apply when persons were placed in fear of losing something of value for the purpose of extracting involuntary political activities. 84 Cong. Rec. 9596-611 (1939). Although the impetus for the passage of Section 594 was Congress's concern over the use of threats of economic loss to induce political activity, the statute also applies to conduct which interferes, or attempts to interfere, with an individual's right to vote by placing him or her in fear of suffering other kinds of tangible and intangible losses. It thus criminalizes conduct intended to force prospective voters to vote against their preferences, or refrain from voting, through activity reasonably calculated to instill some form of fear in them.²⁴

c) Coercion of political activity: 18 U.S.C. § 610

Section 610 was enacted as part of the 1993 Hatch Act Reform Amendments to provide increased protection against political manipulation of federal employees in the Executive Branch.²⁵ It prohibits intimidating or coercing a federal employee to induce or discourage "any political activity" by the employee. Violators are subject to imprisonment for up to three years. This statute is discussed in detail in Chapter Three, which addresses patronage crimes.

Although the class of persons covered by Section 610 is limited to federal employees, the conduct covered by this new statute is broad: it reaches political activity that relates to any public office or election, whether federal, state, or local. The phrase "political activity" in Section 610 expressly includes, but is not limited to, "voting or refusing to vote for any

²⁴ The civil counterparts to Section 594, 42 U.S.C. §§ 1971(b) and 1973i(b), may also be used to combat nonviolent voter intimidation. See, e.g., *United States v. North Carolina Republican*, No. 91-161-Civ-5F (E.D.N.C., consent decree entered Feb. 27, 1992) (consent order entered against political organizations for mailing to thousands of minority voters postcards that contained false voting information and a threat of prosecution).

²⁵ A similar statute addresses political intimidation within the military. 18 U.S.C. § 609. It prohibits officers of the United States Armed Forces from misusing military authority to coerce members of the military to vote for a federal, state, or local candidate. Violations are five-year felonies. In addition, 18 U.S.C. § 593 makes it a five-year felony for a member of the military to interfere with a voter in any general or special election, and 18 U.S.C. § 596 makes it a misdemeanor to poll members of the armed forces regarding candidate preferences.

candidate or measure,” “making or refusing to make any political contribution,” and “working or refusing to work on behalf of any candidate.”

**d) Conspiracy against rights and deprivation of constitutional rights:
18 U.S.C. § 241 and § 242**

Section 241 makes it a ten-year felony to “conspire to injure, oppress, threaten, or intimidate any person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States” – including the right to vote. The statute, which is discussed in detail above, has potential application in two forms of voter intimidation: a conspiracy to prevent persons whom the subjects knew were qualified voters from entering the polls to vote in an election when a federal candidate is on the ballot, and a conspiracy to misuse state authority to prevent qualified voters from voting for any candidate in any election.

Section 241 has been successfully used to prosecute intimidation in connection with political activities. *Wilkins v. United States*, 376 F.2d 552 (5th Cir.) (*en banc*), *cert. denied*, 389 U.S. 964 (1967). *Wilkins* involved both violence and clear racial animus. It arose out of the shooting of a participant in the 1965 Selma-to-Montgomery voting rights march. The marchers had intended to present to the Governor of Alabama a petition for redress of grievances, including denial of their right to vote. The Fifth Circuit held that those marching to protest denial of their voting rights were exercising “an attribute of national citizenship, guaranteed by the United States,” and that shooting one of the marchers therefore violated Section 241. *Wilkins*, 376 F.2d at 561.

Section 242, as also discussed above, makes it a misdemeanor for any person to act “under color of any law, statute, ordinance, regulation, or custom,” knowingly and willfully to deprive any person in a state, territory, or district of a right guaranteed by the Constitution or federal law. For all practical purposes, this statute embodies the substantive offense for a Section 241 conspiracy and it therefore can apply to voter intimidation.

It is the Criminal Division’s position that Sections 241 and 242 may be used to prosecute schemes the object of which was to intimidate voters in federal elections through threats of physical or economic duress, or to prevent otherwise lawfully qualified voters from getting to the polls in elections where federal candidates are on the ballot. Examples of the latter include intentionally jamming telephone lines to disrupt a political party’s get-out-the-vote or “ride-to-the-polls” efforts, and schemes to vandalize motor vehicles a political faction or party intended to use to get voters to the polls.

e) Federally protected activities: 18 U.S.C. § 245(b)(1)(A)

The Civil Rights Act of 1968 contains a broad provision that addresses violence intended to intimidate voting in any election in this country. 18 U.S.C. § 245(b)(1)(A). This provision applies without regard to the presence of racial or ethnic factors.

Section 245(b)(1)(A) makes it illegal to use or threaten to use physical force to intimidate individuals from, among other things, “voting or qualifying to vote.” It reaches threats to use physical force against a victim because the victim has exercised his or her franchise, or to prevent the victim from doing so. Violations are misdemeanors if no bodily injury results, and ten-year felonies if it does; if death results, the penalty is life imprisonment.

Prosecutions under Section 245 require written authorization by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a specifically designated Assistant Attorney General, who must certify that federal prosecution of the matter is “in the public interest and necessary to secure substantial justice.” § 245(a)(1). This approval requirement was imposed in response to federalism issues that many Members of Congress believed were inherent in a statute giving the federal government prosecutive jurisdiction over what otherwise would be mere assault and battery cases. *See* 1968 U.S.C.C.A.N. 1837-67 (Judiciary Committee Report on H.R. 2516). In making the required certification under Section 245(b)(1)(A), the standard to be applied by the Attorney General is whether the facts of the particular matter are such that the appropriate state law enforcement authorities should, but either cannot or will not, effectively enforce the applicable state law, thereby creating an overriding need for federal intervention. 1968 U.S.C.C.A.N. 1845-48 (Judiciary Committee Report on H.R. 2516).

6. Fraudulent Registering and Voting: 42 U.S.C. § 1973gg-10(2)

This provision was enacted as part of the National Voter Registration Act of 1993 (NVRA). As discussed above, Congress enacted the NVRA to ease voter registration requirements throughout the country. The major goal of this legislation was to promote the exercise of the franchise by replacing diverse state voter registration requirements with uniform and more convenient registration options, such as registration by mail, when applying for a driver’s license, and at various government agencies.

In addition, the NVRA sought to protect the integrity of the electoral process and the accuracy of the country’s voter registration rolls. To further this goal, a new criminal statute was enacted that specifically addressed two common forms of electoral corruption: intimidation of voters (42 U.S.C. § 1973gg-10(1), discussed above), and fraudulent registration and voting (42 U.S.C. § 1973gg-10(2)). Violations of this statute are punishable by imprisonment for up to five years.

The NVRA’s criminal statute resulted from law enforcement concerns expressed during congressional debates on the proposed law. Opponents and supporters of the NVRA alike recognized that relaxing requirements for registering to vote had the unavoidable potential to increase the occurrence of election crime by making it easier for the unscrupulous to pack registration rolls with fraudulent applications and ballots.

The constitutional basis of the NVRA is Congress's broad power to regulate the election of federal officials. NVRA's criminal provision reflects this federal focus, and is limited to conduct that occurs "in any election to Federal office." The phrasing of this jurisdictional element differs somewhat from the jurisdictional language used by Congress in earlier election fraud statutes, which required only that the name of a federal candidate be on the ballot.²⁶ While the Department believes that the jurisdictional language used in Section 1973gg-10 was included to achieve the same result as the jurisdictional element for Sections 1973i(c) and i(e), prosecutors and investigators wishing to proceed under Section 1973gg-10 should be sensitive to the differences in its jurisdictional phraseology.

a) Fraudulent registration: § 1973gg-10(2)(A)

Subsection 1973gg-10(2)(A) prohibits any person, in an election for federal office, from defrauding or attempting to defraud state residents of a fair and an impartially conducted election by procuring or submitting voter registration applications that the offender knows are materially false or defective under state law. The scope of the statute is broader than that of the "false information" provision of Section 1973i(c), discussed above, which is limited to false information involving only name, address, or period of residence. The statute applies to any false information that is material to a registration decision by an election official. For this reason, the provision is likely to be the statute of preference for most false registration matters.

For schemes to submit fraudulent registration applications, the statute's "Federal office" jurisdictional element is automatically satisfied and hence does not present a problem. This is because registration to vote is unitary in all states, in the sense that in registering to vote an individual becomes eligible to vote in all elections, nonfederal as well as federal.

b) Fraudulent voting: § 1973gg-10(2)(B)

Subsection 1973gg-10(2)(B) prohibits any person, in an election for federal office, from defrauding or attempting to defraud the residents of a state of a fair election through casting or tabulating ballots that the offender knows are materially false or fraudulent under state law. Unlike other ballot fraud laws discussed in this chapter, the focus of this provision is not on any single type of fraud, but rather on the result of the false information: that is, whether the ballot generated through the false information was defective and void under state law. Because of the

²⁶ Those earlier statutes, Sections 1973i(c) and (e), contain express references to each federal office (Member of the House, Member of the Senate, President, Vice President, presidential elector) and type of election (primary, general, special) providing potential federal jurisdiction. The revised language seems to have been intended as a less cumbersome rephrasing of the required federal nexus. However, at the time this paper was written there was no jurisprudence on this point.

conceptual breadth of the new provision, it may become a useful alternative to general fraud statutes in reaching certain forms of election corruption.

The statute's jurisdictional element, "in any election for Federal office," restricts its usefulness for fraudulent voting (as opposed to fraudulent registration) schemes. This Subsection of the statute applies only to elections that include a federal candidate. Thus its scope is similar to that of 42 U.S.C. §§ 1973i(c) and (e), and arises from the fact that fraudulent activity aimed at any race in a mixed election has the potential to taint the integrity of the federal race.

7. Voting by Noncitizens

Federal law does not expressly require that persons be United States citizens in order to vote. Moreover, eligibility to vote is a matter that the Constitution leaves primarily to the states.²⁷ At the time this paper was written, all states required that prospective voters be United States citizens.

Historically, the states have regulated both the administrative and substantive facets of the election process, including how one registers to vote and who is eligible to do so. Federal requirements, on the other hand, generally have focused on specific federal interests, such as protecting the integrity of the federal elective process and the exercise of fundamental rights.²⁸

Federal laws do, however, have quite a bit to say about citizenship and voting. Specifically, in 1993 the federal role in the election process expanded significantly with the enactment of the National Voter Registration Act (NVRA). This legislation required, among other things, that forms used to register persons to vote in federal elections clearly state "each eligibility requirement (including citizenship)" and that persons registering to vote in federal elections affirm that they meet "each eligibility requirement (including citizenship)." [that citizenship is a voting prerequisite, and that persons registering to vote in federal elections affirm that they are United States citizens]. 42 U.S.C. §§ 1973gg-3(c)(2)(c), 1973gg-5(a)(6)(A)(i), 1973gg-7(b)(2). Nine years later, Congress passed the Help America Vote Act of 2002 (HAVA). HAVA reemphasized these requirements in the case of voters who register to vote by mail by requiring the states to place a citizenship question on forms used by individuals under the "registration by mail" feature of NVRA (42 U.S.C. § 1973gg-4). 42 U.S.C. § 15483(b)(4)(A)(i).

²⁷ See U.S. CONST. art. II, § 1, cl. 2 (presidential electors chosen as directed by state legislatures); art. I, § 2 and amend. XVII (electors for Members of the United States House of Representatives and the United States Senate have the qualifications for electors of the most numerous branch of the state legislatures).

²⁸ For example, the states are prohibited from depriving "citizens of the United States" of the franchise on account of any of the following factors: race (amend. XV), gender (amend. XIX), nonpayment of poll tax (amend. XXIV), age 18 or older (amend. XXVI and 42 U.S.C. § 1973bb), residency longer than 30 days (42 U.S.C. § 1973aa-1), or overseas residence (42 U.S.C. § 1973ff-1).

In addition to these federal requirements relating to voter registration, registering to vote and voting by noncitizens are covered by four separate federal criminal laws:

a) Fraudulent registration and voting under the NVRA: 42 U.S.C. § 1973gg-10(2)

The NVRA enacted a new criminal statute that reaches the knowing and willful submission to election authorities of false information which is material under state law. 42 U.S.C. § 1973gg-10(2). Because all states make citizenship a prerequisite for voting, statements by prospective voters concerning citizenship status are automatically “material” within the meaning of this statute.

Therefore, any false statement concerning an applicant’s citizenship status that is made on a registration form submitted to election authorities can involve a violation of the NVRA’s registration fraud statute. Such violations are felonies subject to imprisonment for up to five years.

For jurisdictional purposes, the statute requires that the fraud be in connection with a federal election. As discussed above, voter registration in every state is unitary in the sense that an individual registers to vote only once for all elective offices - local, state, and federal. Thus the jurisdictional element of Section 1973gg-10(2) is satisfied whenever a false statement concerning citizenship status is made on a voter registration form.

The use of the word “willful” suggests Section 1973gg-10(2) may be a specific intent offense. This means federal prosecutors may have to prove that the offender was aware that citizenship is a requirement for voting and that the registrant did not possess United States citizenship. In most instances, proof of the first element is relatively easy because the citizenship requirement is stated on the voter registration form, and the form requires that the voter check a box indicating that he or she is a citizen. Proof of the second element may be overcome by the fact that all voter registration forms now require a registrant to certify that he or she is a citizen.

b) Naturalization, citizenship, or alien registry: 18 U.S.C. § 1015(f)

Section 1015(f) was enacted in 1996 to provide an additional criminal prohibition addressing the participation of noncitizens in the voting process. This statute makes it an offense for an individual to make any false statement or claim that he or she is a citizen of the United States in order to register or to vote. Unlike all other statutes addressing alien voting, Section 1015(f) expressly applies to all elections – federal, state, and local – as well as to initiatives, recalls, and referenda.

Jurisdictionally, Section 1015(f) rests on Congress’s power over nationality (U.S. Const. art. I, § 8, cl. 3) rather than on the Election Clause (U.S. Const. art. I, § 4, cl. 1), which provides the basis for its broad reach.

Violations of Section 1015(f) are felonies, punishable by imprisonment for up to five years.

c) Citizen of the United States: 18 U.S.C. § 911

Section 911 prohibits the knowing and willful false assertion of United States citizenship by a noncitizen. *See, e.g., United States v. Franklin*, 188 F.2d 182 (7th Cir. 1951); *Fotie v. United States*, 137 F.2d 831 (8th Cir. 1943). Violations of Section 911 are punishable by imprisonment for up to three years of imprisonment.

As noted, all states require United States citizenship as a prerequisite for voting. However, historically, some states have not implemented the prerequisite through voter registration forms that clearly alerted prospective registrants that only citizens may vote. Under the NVRA, all states must now make this citizenship requirement clear, and prospective registrants must sign applications under penalty of perjury attesting that they meet this requirement. Therefore, falsely attesting to citizenship in any state is now more likely to be demonstrably willful, and therefore cognizable under Section 911.

Section 911 requires proof that the offender was aware he was not a United States citizen, and that he was falsely claiming to be a citizen. Violations of Section 911 are felonies, punishable by up to three years of imprisonment.

d) Voting by aliens: 18 U.S.C. § 611

Section 611 is a relatively new statute that creates an additional crime for voting by persons who are not United States citizens. It applies to voting by noncitizens in an election where a federal candidate is on the ballot, except when: 1) noncitizens are authorized to vote by state or local law for nonfederal candidates or issues, and 2) the ballot is formatted in a way that the noncitizen has the opportunity to vote solely for the nonfederal candidate or issues on which he is entitled to vote under state law. Unlike Section 1015(f), Section 611 is directed at the act of voting, rather than the act of lying. But unlike Section 1015(f), Section 611 is a strict liability offense in the sense that the prosecution must only prove that the defendant was not a citizen when he registered or voted. Section 611 does not require proof that the offender be aware that citizenship is a prerequisite to voting.

Violations of Section 611 are misdemeanors, punishable by up to one year of imprisonment.

8. Travel Act: 18 U.S.C. § 1952

The Travel Act, 18 U.S.C. § 1952, prohibits interstate travel, the interstate use of any other facility (such as a telephone), and any use of the mails to further specified “unlawful activity,” including bribery in violation of state or federal law. Violations are punishable by

imprisonment for up to five years. This statute is useful in election crime matters because it applies to vote buying offenses that occur in states where vote buying is a “bribery” offense, and it does so regardless of the type of election involved.

The predicate bribery under state law need not be common law bribery. The Travel Act applies as long as the conduct is classified as a “bribery” offense under applicable state law. *Perrin v. United States*, 444 U.S. 37 (1979). In addition, the Travel Act has been held to incorporate state crimes regardless of whether they are classified as felonies or misdemeanors. *United States v. Polizzi*, 500 F.2d 856, 873 (9th Cir. 1974), *cert. denied*, 419 U.S. 1120 (1975), *United States v. Karigiannis*, 430 F.2d 148, 150 (7th Cir.), *cert. denied*, 400 U.S. 904 (1970).

The first task in determining whether the Travel Act has potential application to a vote buying scheme is to examine the law of the state where the vote buying occurred to determine if it either: 1) is classified as a bribery offense, or 2) describes the offense of paying voters for voting in a way that requires proof of a *quid pro quo*, *i.e.*, that a voter be paid in consideration for his or her vote for one or more candidates. If the state offense meets either of these criteria, the Travel Act potentially applies.

In the past, Travel Act prosecutions have customarily rested on predicate acts of interstate travel or the use of interstate facilities. Since election fraud is a local crime, interstate predicate acts are rarely present, and the Travel Act has not been used to prosecute election crime. However, in *United States v. Riccardelli*, 794 F.2d 829 (2d Cir. 1986), the Act’s mail predicate was held to be satisfied by proof of an intrastate mailing. In reaching this conclusion, the Court conducted an exhaustive analysis of the Travel Act’s legislative history and Congress’s authority to regulate the mails. The Sixth Circuit subsequently reached a contrary result, holding that the Travel Act’s mail predicate required an interstate mailing. *United States v. Barry*, 888 F.2d 1092 (6th Cir. 1989). In 1990 Congress resolved this conflict by adopting the *Riccardelli* holding in an amendment to the Travel Act, expressly extending federal jurisdiction to any use of the mails in furtherance of a state predicate offense.

Thus, the Travel Act should be considered as a vehicle to prosecute vote buying schemes in which the mails were used in those states where vote buying is statutorily defined as bribery. This theory is one of the few available that do not require a federal candidate on the ballot.

As with the mail fraud statute, each use of the mails in the furtherance of the bribery scheme is a separate offense. *United States v. Jabara*, 644 F.2d 574 (6th Cir. 1981). The defendant need not actually have done the mailing, so long as it was a reasonably foreseeable consequence of his or her activities. *United States v. Kelly*, 395 F.2d 727 (2d Cir.), *cert. denied*, 393 U.S. 963 (1968). Nor need the mailing have in itself constituted the illegal activity, as long as it promoted it in some way. *United States v. Bagnariol*, 665 F.2d 877 (9th Cir. 1981), *cert. denied*, 456 U.S. 962 (1982); *United States v. Barbieri*, 614 F.2d 715 (10th Cir. 1980); *United States v. Peskin*, 527 F.2d 71 (7th Cir. 1975), *cert. denied*, 429 U.S. 818 (1976); *United States v. Wechsler*, 392 F.2d 344 (4th Cir.), *cert. denied*, 392 U.S. 932 (1968).

An unusual feature of the Travel Act is that it requires an overt act subsequent to the jurisdictional event charged in the indictment. Thus, if a Travel Act charge is predicated on a use of the mails, the government must allege and prove that the defendant or his or her agent subsequently acted to further the underlying unlawful activity. The subsequent overt act need not be unlawful in itself; this element has been generally held to be satisfied by the commission of a legal act as long as the act facilitated the unlawful activity. *See, e.g., United States v. Davis*, 780 F.2d 838 (10th Cir. 1985).

The Travel Act is particularly useful in voter bribery cases in nonfederal elections that involve the mailing of absentee ballot materials. Such matters usually involve a defendant who offers voters compensation for voting, followed by the voter applying for, obtaining, and ultimately casting an absentee ballot. Each voting transaction can involve as many as four separate mailings: 1) when the absentee ballot application is sent to the voter, 2) when the completed application is sent to the local election board, 3) when the absentee ballot is sent to the voter, and 4) when the voter sends the completed ballot back to the election authority for tabulation.

The mailing must be in furtherance of the scheme. Therefore, care should be taken to ensure that the voting transaction in question was corrupted by a bribe before the mailing charged. If, for example, the voter was not led to believe that he or she would be paid for voting until after applying for, and receiving, an absentee ballot package, then the only mailing affected by bribery would be the transmission of the ballot package to the election authority; the Travel Act charge is best predicated on this final mailing, with some other subsequent overt act charged.

9. Mail and Wire Fraud: 18 U.S.C. § 1341 and § 1343

The federal mail fraud statute prohibits use of the United States mails, or a private or commercial interstate carrier, to further a “scheme or artifice to defraud.” 18 U.S.C. § 1341.²⁹ Violations are punishable by imprisonment for up to five years.

At present, the most viable means of addressing election crime under the mail fraud statute is the “salary theory.” Under this approach, the pecuniary benefits of elective office are charged as the object of the scheme.

a) Background

Until *McNally v. United States*, 483 U.S. 350 (1987), the mail fraud statute was frequently and successfully used to attain federal jurisdiction over schemes to corrupt local elections. Because its jurisdictional basis is the broad power of Congress to regulate the mails,

²⁹ The federal wire fraud statute, 18 U.S.C. § 1343, is essentially identical to the mail fraud statute, except for its jurisdictional element. Accordingly, it also has potential application to election fraud schemes that are furthered by interstate wires.

Section 1341 was used to address corruption of the voting process in purely local or state elections. See *Badders v. United States*, 240 U.S. 391, 392 (1916) (the overt act of putting a letter in a United States post office is a matter Congress may regulate).

Courts had broadly interpreted the "scheme to defraud" element of Section 1341 to include nearly any effort to procure, cast, or tabulate ballots illegally under state law. The theory was that citizens were entitled to fair and honest elections, and a scheme to corrupt an election defrauded them of this right. *United States v. Girdner*, 754 F.2d 877, 880 (10th Cir. 1985) (scheme to cast votes for ineligible voters); *United States v. Clapps*, 732 F.2d 1148, 1152-53 (3d Cir.) (scheme to usurp absentee ballots of elderly voters), *cert. denied*, 469 U.S. 1085 (1984); *United States v. States*, 488 F.2d 761, 766 (8th Cir. 1973) (scheme to submit fraudulent absentee ballots), *cert. denied*, 417 U.S. 909 (1974). The mail fraud statute was even held to reach schemes to deprive the public of information required under state campaign finance disclosure statutes. *United States v. Buckley*, 689 F.2d 893, 897-98 (9th Cir. 1982), *cert. denied*, 460 U.S. 1086 (1983); *United States v. Curry*, 681 F.2d 406, 411 (5th Cir. 1982).

The jurisdictional mailing requirement of Section 1341, moreover, usually posed no substantial obstacle in election fraud cases. The Second Circuit may have adopted the most expansive position, holding in an unpublished opinion that the mail fraud statute applied to any fraudulent election practice resulting in postal delivery of a certificate of election to the winning candidate. See *Ingber v. Enzor*, 664 F. Supp. 814, 815-16 (S.D.N.Y. 1987) (*habeas* opinion quoting Second Circuit's opinion on direct appeal), *aff'd on other grounds*, 841 F.2d 450 (2d Cir. 1988). See also *United States v. Gordon*, 817 F.2d 1538 (11th Cir. 1987) (mailing the certificate of election to the winning candidate held to be in the furtherance of an election fraud scheme to elect that candidate). As most states mail such notices to victorious candidates, this theory would have allowed federal jurisdiction over election fraud by victorious politicians, both federal and nonfederal.

However, in *McNally*, the Supreme Court substantially restricted the utility of the mail fraud statute to combat election crimes. *McNally* held that "scheme to defraud" does not encompass schemes to deprive the public of intangible rights, such as the rights to good government and fair elections, but is limited to schemes to deprive others of property rights.

In 1988, Congress enacted 18 U.S.C. § 1346 in response to the *McNally* decision. Unfortunately, by its express terms, Section 1346 only applies to schemes to deprive another of the "intangible right of honest services," a concept that may not embrace all schemes to defraud the public of a fair election or information required to be disclosed under federal or state campaign financing laws. Federal prosecutors should consult the Public Integrity Section for current information on the scope of honest services fraud.

Even a narrow definition of honest services fraud does not entirely foreclose use of the mail fraud statute to address election fraud. If a pecuniary interest – such as money or salary – is sought through the scheme, the mail fraud statute still applies. See *McNally*, 483 U.S. at 360 (noting that the jury was not charged on a money or property theory).

b) Salary theory of mail and wire fraud

Schemes to obtain salaried positions by falsely representing one's credentials to a hiring authority remain prosecutable under the mail fraud statute after *McNally*. The objective of such "salary schemes" is to obtain pecuniary items by fraud; such schemes are therefore clearly within the scope of the common law concepts of fraud to which *McNally* sought to restrict the mail fraud statute. See *United States v. Granberry*, 908 F.2d 278, 280 (8th Cir. 1990) (scheme to obtain employment by falsifying application cognizable under salary theory), *cert. denied*, 500 U.S. 921 (1991); *United States v. Doherty*, 867 F.2d 47, 54-57 (1st Cir. 1989) (scheme to rig police promotion exam cognizable on salary theory); *United States v. Walters*, 711 F. Supp. 1435, 1442-46 (N.D. Ill. 1989) (scheme to obtain scholarships through false information), *rev'd on other grounds*, 913 F.2d 388 (7th Cir. 1990); *United States v. Ferrara*, 701 F. Supp. 39 (E.D.N.Y.) (scheme to obtain hospital salaries by falsifying medical training), *aff'd*, 868 F.2d 1268 (2d Cir. 1988); *United States v. Thomas*, 686 F. Supp. 1078, 1083-85 (M.D. Pa.) (scheme to rig police entrance exam), *aff'd*, 866 F.2d 1414 (3d Cir. 1988) (table), *cert. denied*, 490 U.S. 1048 (1989); *United States v. Cooper*, 677 F. Supp. 778, 781-82 (D. Del. 1988) (wire fraud scheme to obtain pay for person not performing work).³⁰

This theory of post-*McNally* mail fraud has potential application to some election fraud schemes, since most elected offices in the United States carry with them a salary and various emoluments that have monetary value. The criterion by which candidates for elected positions are selected by the public is who obtained the most valid votes, *i.e.*, popular or electoral, depending on the type of election. Thus, schemes to obtain salaried elected positions through procuring and tabulating invalid ballots are capable of being charged as traditional common law frauds: that is, schemes to obtain the salary of the office in question by concealing material facts about the critical issue of which candidate received the most valid votes. In addition, election fraud schemes can present related issues concerning the quality and value of the public officer hired thereby. The Supreme Court observed in *McNally* that deceit concerning the quality and value of a commodity or service remains within the scope of the mail fraud statute:

³⁰ Another district court has upheld application of Section 1341 to a commercial bribery scheme to pay salary to a dishonest procurement officer. *United States v. Johns*, 742 F. Supp. 196, 204-06, 212-13 (E.D. Pa. 1990) (collecting cases in an extended discussion of the salary theory). The Third Circuit, however, reversed *Johns's* mail fraud convictions with a cursory, unpublished order that held, enigmatically, that the "convictions for mail fraud must be reversed inasmuch as the evidence was insufficient, as a matter of law, to establish that appellant had defrauded his employer of money paid to him as salary." *United States v. Johns*, 972 F.2d 1333 (3d Cir. 1991) (table) (available at 1991 U.S. App. LEXIS 18586).

We note that as the action comes to us, there was no charge and that the jury was not required to find that the Commonwealth itself was defrauded of any money or property. It was not charged that in the absence of the alleged scheme the Commonwealth would have paid a lower premium or secured better insurance.

483 U.S. at 360 (emphasis added). Election fraud schemes involve an aspect of material concealment insofar as the “value” of the services the public is paying for are concerned: the public “hired” the candidate it was falsely led to believe received the most valid votes, and consequently received services of lower value.

The “salary theory” of post-*McNally* mail fraud has been applied to election frauds in only a few cases to date, most notably *United States v. Walker*, 97 F.3d 253 (8th Cir. 1996) (mail fraud convictions under both salary theory and intangible right to honest services theory arising from scheme to secretly finance local candidate to split vote of opposition party but validity of the theory was neither raised nor litigated in case where validity of the theory was neither raised nor litigated); and *United States v. Webb*, 689 F. Supp. 703 (W.D. Ky. 1988) (tax dollars paid to a public official elected by fraud are a loss to the citizens, who did not receive the benefit of the bargain). However, in *United States v. Turner*, ___ F.3d ___ (6th cir. 2006) the theory was solidly rejected as applied to election fraud cases.

c) “Honest services” frauds: 18 U.S.C. § 1346

As summarized above, prior to *McNally* nearly all of the Circuits had held that a scheme to defraud the public of a fair and impartial election was one of the “intangible rights” schemes to defraud that was reached by the mail and wire fraud statutes. *McNally* repudiated this theory in an opinion that not only rejected the intangible rights theory of mail and wire fraud, but did so by citing several election fraud cases as examples of the kinds of fraud the Court found outside these criminal laws.

The following year, Congress enacted 18 U.S.C. § 1346. However, the language Congress used to achieve this objective did not clearly restore the use of these statutes to election frauds. This is because Section 1346 is limited to schemes to deprive a victim of the “intangible right to honest services,” and election frauds may not involve such an objective. Moreover, jurisprudence in the arena of public corruption has generally confined Section 1346 to schemes involving traditional forms of corruption that involve a clear breach of a fiduciary duty of “honest services” owed by a public official to the body politic: *e.g.*, bribery, extortion, embezzlement, theft, conflicts of interest, and, in some instances, gratuities. *See, e.g., United States v. Panarella*, 277 F.3d 678 (3d Cir. 2002); *United States v. Sawyer*, 329 F.3d 31 (1st Cir. 2001); *United States v. Bloom*, 149 F.3d 649 (7th Cir. 1998); *United States v. Brumley*, 116 F.3d 728 (5th Cir. 1997) (*en banc*). *See also United States v. Grubb*, 11 F.3d 426 (4th Cir. 1993) (upholding multi-count convictions of a state judge, including honest services mail fraud, arising from a scheme to extort \$10,000 donation from the candidate); *United States v. D’Alessio*, 822 F.Supp. 1134 (D.N.J. 1993) (dismissing indictment due to ambiguity regarding applicability of

local gift rule but recognizing candidate's duty of honesty to contributors and the public). Federal prosecutors should consult with the Public Integrity Section before using Section 1346 in the context of election fraud.

In *United States v. Turner*, ___ F.3d ___ (6th Cir. 2006) the application of the "honest services" theory of mail fraud to election frauds was roundly rejected by the Sixth Circuit, which in the process ruled that candidates do not owe a fiduciary duty of "honest services" to the public they seek to serve.

d) "Cost-of-election" theory: 18 U.S.C. § 1341 and § 1343

One case, *United States v. DeFries*, 43 F.3d 707 (D.C. Cir. 1995), held that a scheme to cast invalid ballots in a labor union election which had the effect of tainting the election to a point that exposed it to being declared invalid involved, among other things, a scheme to defraud the election authority charged with running the election of the costs involved.

DeFries was not a traditional election fraud prosecution. Rather, it involved corruption of a union election where supporters for one candidate for union office cast fraudulent ballots for the candidate they supported. When the scheme was uncovered, the United States Department of Labor ordered that a new election be held, thereby causing the union to incur an actual pecuniary loss. The D.C. Circuit held that the relationship between that pecuniary loss and the voter fraud scheme was sufficient to satisfy the requirements of *McNally*.

This theory of prosecution has potential validity primarily where the mail and wire fraud statutes are needed to federalize voter frauds involving the counting of illegal ballots in nonfederal elections, particularly where the fraud has led to a successful election contest and the election authority has been ordered to hold a new election and thereby incur additional costs.

10. Troops at Polls: 18 U.S.C. § 592

This statute makes it unlawful to station troops or "armed men" at the polls in a general or special election (but not a primary), except when necessary "to repel armed enemies of the United States." Violations are punishable by imprisonment for up to five years and disqualification from any federal office.

Section 592 prohibits the use of official authority to order armed personnel to the polls; it does not reach the troops who actually go in response to those orders. The effect of this statute is to raise doubt as to whether the FBI may conduct investigations within the polls on election day, and whether United States Marshals may be stationed at open polls, as both are required to carry their weapons while on duty.

This statute applies only to agents of the United States government. It does not prohibit state or local law enforcement agencies from sending police officers to quell disturbances at

polling places, nor does it preempt state laws that require police officers to be stationed in polling places.

11. Campaign Dirty Tricks

Two federal statutes, both of which are part of the Federal Election Campaign Act (FECA), specifically address campaign tactics and practices: 2 U.S.C. § 441d and § 441h. As is the case with all other features of FECA, violations of these two statutes are subject to both civil and criminal penalties, 2 U.S.C. § 437g(a) and § 437g(d) respectively.

a) Communications and solicitations: 2 U.S.C. § 441d

Section 441d provides that whenever a person or political committee makes certain types of election-related disbursements, an expenditure for the purpose of financing a public communication advocating the election or defeat of a clearly identified federal candidate, or a solicitation for the purpose of influencing the election of a federal candidate, the communication must contain an attribution clause identifying the candidate, committee, or person who authorized and/or paid for the communication. The content of the attribution, as well as its size and location in the advertisement are described in the statute.

b) Fraudulent misrepresentation: 2 U.S.C. § 441h

Section 441h prohibits fraudulently representing one's authority to speak for a federal candidate or political party. As a result of the 2002 Bipartisan Campaign Reform Act, the provision contains two specific prohibitions:

i. Section 441h(a) forbids a federal candidate or an agent of a federal candidate from misrepresenting his or her authority to speak, write, or otherwise act for any other federal candidate or political party in a matter which is damaging to that other candidate or political party. For example, Section 441h(a) would prohibit an agent of federal candidate A from issuing a statement that was purportedly written by federal candidate B and which concerned a matter which was damaging to candidate B.

ii. Section 441h(b) forbids any person from fraudulently representing his or her authority to solicit contributions on behalf of a federal candidate or political party. This provision was added by BCRA and became effective on November 6, 2002. For example, this provision would prohibit any person from raising money by claiming that he or she represented federal candidate A when in fact the person had no such authority.

12. Retention of Federal Election Records: 42 U.S.C. § 1974

The detection, investigation, and proof of election crimes – and in many instances Voting Rights Act violations – often depends on documentation generated during the voter registration, voting, tabulation, and election certification processes. In recognition of this fact, and the length of time it can take for credible election fraud predication to develop, Congress enacted Section 1974 to require that documentation generated in connection with the voting and registration process be retained for twenty-two months if it pertained to an election that included a federal candidate. Absent this statute, the disposition of election documentation would be subject solely to state law, which in virtually all states permits its destruction within a few months after the election is certified.

Section 1974 provides for criminal misdemeanor penalties for any election administrator who knowingly and willfully fails to retain, or willfully steals, destroys, or conceals, records covered by the statute. 42 U.S.C. § 1974a.³¹ More importantly, the reach of this statute qualitatively to specific categories of election documentation is critical to prosecutors as well as election administrators, who must often resolve election disputes and answer challenges to the fairness of elections.³²

For this reason, a detailed discussion of Section 1974 and its application to particular types of election documentation generated in the current age of electronic voting will be presented here.

a) Legislative purpose and background

The voting process generates voluminous documents and records, ranging from voter registration forms and absentee ballot applications to ballots and tally reports. If election fraud occurs, these records often play an important role in the detection and prosecution of the crime. Documentation generated by the election process also plays an equally important role in the detection, investigation, and prosecution of federal civil rights violations.

State laws generally require that voting documents be retained for sixty to ninety days. Those relatively brief periods are usually insufficient to make certain that voting records will be preserved until more subtle forms of federal civil rights abuses and election crimes have been detected.

In 1960, Congress enacted a federal requirement that extended the document retention period for elections where federal candidates were on the ballot to *twenty-two months* after the election. Pub. L. 86-449, Title III, § 301, 74 Stat. 88; 42 U.S.C. §§ 1974-1974e. This election

³¹ Specifically, Section 1974a provides that any election administrator or document custodian who willfully fails to comply with the statute is subject to imprisonment for up to one year.

³² Indeed, the federal courts have recognized that the purpose of this federal document retention requirement is to protect the right to vote by facilitating the investigation of illegal election practices. *Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962), *cert. denied*, 371 U.S. 952 (1963).

documentation retention requirement is backed-up with criminal misdemeanor penalties that apply to election officers and document custodians who willfully destroy covered election records before the expiration of the twenty-two month federal retention period.

The retention requirements of Section 1974 are aimed specifically at election administrators. In a parochial sense, these laws place criminally sanctionable duties on election officials. However, in a broader sense, this federal retention law assists election administrators in performing the tasks of managing elections and determining winners of elective contests. It does this by requiring election managers to focus appropriate attention on the types of election records under their supervision and control that may be needed to resolve challenges to the election process, and by requiring that they take appropriate steps to insure that those records will be preserved intact until such time as they may become needed to resolve legitimate questions that frequently arise involving the election process. In this way, Section 1974 serves the election administrators by better equipping them to respond to legitimate questions concerning the voting process when they arise.

b) The basic requirements of Section 1974

Section 1974 requires that election administrators preserve for twenty-two months “all records and papers that come into their possession relating to any application, registration, payment of poll tax, or other act requisite to voting.” This retention requirement applies to all elections in which a candidate for federal office was on the ballot, that is, a candidate for the United States Senate, the United States House of Representatives, President or Vice President of the United States, or presidential elector. Section 1974 does not apply to records generated in connection with purely local or state elections.

Retention and disposition of records in purely nonfederal elections (those where no federal candidates were on the ballot) are governed by state document retention laws.

However, Section 1974 does apply to all records generated in connection with the process of registering voters and maintaining current electoral rolls. This is because voter registration in virtually all United States jurisdictions is “unitary” in the sense that a potential voter registers only once to become eligible to vote for both local and federal candidates. *See United States v. Cianciulli*, 482 F.Supp. 585 (E.D.Pa. 1979). Thus, registration records must be preserved as long as the voter registration to which they pertain is considered an “active” one under local law and practice, and those records cannot be disposed of until the expiration of twenty-two months following the date on which the registration ceased to be “active.”

This statute must be interpreted in keeping with its congressional objective: Under Section 1974, all documents and records that may be relevant to the detection or prosecution of federal civil rights or election crimes must be maintained if the documents or records were generated in connection with an election that included one or more federal candidates.

c) Section 1974 requires document preservation, not document generation

Section 1974 does *not* require that states or localities produce records in the course of their election processes. However, if a state or locality chooses to create a record that pertains to voting, this statute requires that documentation be retained if it relates to voting in an election covered by the statute.

d) Originals must be retained

Section 1974 further requires that the original documents be maintained, even in those jurisdictions that have the capability to reduce original records to digitized replicas. This is because handwriting analysis may be difficult to perform on digitized reproductions of signatures, and because the legislative purpose advanced by this statute is to preserve election records for their evidentiary value in criminal and civil rights lawsuits. Therefore, in states and localities that employ new digitization technology to archive election forms that were originally manually subscribed by voters, Section 1974 requires that the originals be maintained for the requisite twenty-two month period.

e) Election officials must supervise storage

Section 1974 requires that covered election documentation be retained either physically by election officials themselves, or under the direct administrative supervision of election officers. This is because the document retention requirements of this federal law place the retention and safekeeping duties squarely on the shoulders of election officers, and Section 1974 does not contemplate that this responsibility be shifted to other government agencies or officers.

An electoral jurisdiction may validly determine that election records subject to Section 1974 would most efficiently be kept under the physical supervision of government officers other than election officers (*e.g.*, motor vehicle departments, social service administrators). This is particularly likely to occur following the enactment of the NVRA, which for the first time in many states gives government agencies other than election administrators a substantive role in the voter registration process.

If an electoral jurisdiction makes such a determination, Section 1974 requires that administrative procedures be in place giving election officers ultimate management authority over the retention and security of those election records. Those administrative procedures should ensure that election officers retain ultimate responsibility for the retention and security of covered election documents and records, and that election officers retain the right to physically access and dispose of them.

f) Retention not required for certain records

Documentation generated in the course of elections held *solely* for local or state candidates, or bond issues, initiatives, referenda and the like, is not covered by Section 1974 and may be disposed of within the usually shorter time periods provided under state election laws.

However, if there is a federal candidate on the ballot in the election, the federal retention requirement of twenty-two months applies.

g) Retention under Section 1974 versus retention under the National Voter Registration Act

The retention requirements of Section 1974 interface significantly with somewhat similar retention requirements of the National Voter Registration Act, 42 U.S.C. § 1973gg-6(i).

The differences between these two provisions are threefold:

First, Section 1974 applies to all records generated by the election process, while Section 1973gg-6(i) applies only to registration records generated under the NVRA.

Second, Section 1974 requires only that records subject to its terms be retained intact for the requisite twenty-two month period, while Section 1973gg-6(i) requires that registration records be both retained and, with certain specifically noted exceptions, be made available to the public for inspection for 24 months.

Third, violations of Section 1974 by election administrators are subject to criminal sanctions, while violations of Section 1973gg-6(i) are subject only to noncriminal remedies.

E. CONCLUSION

I conclude this paper with an editorial printed in the March 19, 2004 edition of Big Sandy News, Eastern Kentucky, concerning a series of election fraud prosecutions in a rural jurisdiction in the Appalachian Mountains of Eastern Kentucky. The editorial comments on the sentencing of the County Judge-Executive of Knott County and a campaign worker for vote buying. It appears here with the permission of The Big Sandy News, whose late Publisher and Editor, Scott Perry, led a strong charge against public corruption and took a proactive role in this difficult and ongoing fight.³³

In Kentucky, county judge-executives are the chief operating officers of county government, and, as such, occupy a position of substantial power. The jury's conviction of Knott County Judge-Executive Donnie Newsome was the culmination of a series of vote-buying cases that were jointly prosecuted by the United States Attorney's Office for the Eastern District of Kentucky and the Public Integrity Section during 2003 and early 2004. The charges arose from a scheme to pay individuals for voting in the 1998 Kentucky federal primary in violation of 42 U.S.C. § 1973i(c). The investigation ultimately resulted in the indictment of 17 defendants. Thirteen of the defendants were

³³ The Big Sandy News, Eastern Kentucky's oldest newspaper and the most widely circulated non-daily in Kentucky, was established in 1885 in Louisa, Ky.

convicted, three were acquitted, and one defendant's case was dismissed on a motion to dismiss made by the government.

Subsequent to his conviction, Judge-Executive Newsome cooperated with the government and received a sentence reduction recommendation under U.S.S.G. §5K1.1. On March 16, 2004, he was sentenced to serve 26 months in prison.³⁴

The following editorial, reprinted here in its entirety, presents a concise and eloquent statement of why the investigation and prosecution of electoral corruption are important law enforcement priorities of the Justice Department.

Vote fraud sentencing sad, encouraging
-- by Susan Allen

Tuesday's sentencing in federal court of Knott County Judge-Executive Donnie Newsome and campaign worker Willard Smith on vote buying charges was both a sad and encouraging day for Eastern Kentucky.

Sad the people of Knott County were effectively robbed of their voting rights by Newsome and others doling out cash to buy a public office.

Sad that, as Federal Judge Danny C. Reeves pointed out, some people in Knott and other counties think that elections are supposed to be bought and the only reason to go to the polls is to get their pay off.

Sad those seeking public office in Knott County, and most assuredly in other counties, target poor, handicapped, addicted and uneducated voters to carry out their scheme to secure public office and a hefty paycheck.

Sad that voters in Knott and other counties have been reduced by years and years of political corruption to truly believing that selling their vote is not wrong, it's the norm.

Sad that Eastern Kentuckians have pretty much been left to the mercy of the political machines which serve as dictators of their lives, from their home towns all the way to Frankfort.

Sad that generations sacrificed their lives and their children's lives to the political bosses for mere bones from their local leaders while now their kids are dying from drug overdoses which, we strongly suspect, are directly tied to the years of iniquity and demoralization.

³⁴ The sentencing judge stated that had it not been for the prosecution's recommendation for a downward departure, he was prepared to sentence Newsome to five years of imprisonment.

Sad that even today some elected officials continue the abuse and either refuse or can't comprehend the impact of their past and current atrocities against their own people.

Sad that Judge Reeves could see and completely understand during just a one week trial the utter hopelessness and apathy in the area people feel regarding the so-called democratic process.

Sad that our state lawmakers have piddled away their time during this legislative session on petty political issues without even proposing laws that would bar convicted felons, especially vote buyers from retaining their offices while appealing their verdicts.

Sad that Donnie Newsome continues to rule Knott County from a jail cell.

Tuesday's events were encouraging in that prosecutors [AUSA E.D. Ky.] Tom Self and [Public Integrity Section Trial Attorney] Richard Pilger were willing to fight the hard battle for the people of Knott County, which hopefully will lead to at least a grassroots effort for people to take back their towns.

Encouraging that some light has been shed on the workings of the dark political underworld which might shock the good people of Eastern Kentucky into action, at least for their children's future.

Encouraging that what might be perceived as a baby step with Newsome's conviction could finally lead to that giant step Eastern Kentuckians must surely be ready to take to recapture control of their own destinies.

Encouraging that federal authorities have pledged to continue the fight they have started to restore to the people the right to govern themselves without dealing with a stacked deck.

Encouraging that Judge Reeves and prosecutors did see that the Knott Countians who sold their votes, in some cases for food, were victims of Newsome's plot and didn't need to be punished further.

Encouraging that there's some branch of government, in this case on the federal level, not shy about taking on political power houses, knowing the obstacles in their way will be many.

Encouraging that Newsome's lips have loosened regarding others involved in similar schemes to buy public office, even though we suspect it has nothing to do with righting the wrongs, only a self-serving move to spend less days behind bars.

Encouraging that maybe, for once, we are not in this fight alone and have a place to turn to for help when we are willing to stand up to the machine.

The feds have helped us take that first step toward getting back what is rightfully ours which has been traded away by others in the past in back room deals. Not only do they need our help, WE need our help.

This time, let's not let ourselves down.

How International Election Observers Detect and Deter Fraud*

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By 2004, international election observers were invited to more than 80% of all elections in the developing world.¹ This trend has brought increased international focus to the practice of detecting election manipulation, as well as the ability of international observers to improve the quality of elections. The comparative experience of international election observers makes clear that there are dozens, if not hundreds, of ways to steal an election. This point has been widely documented (Lehoucq 2003, Schedler 2002) but exactly how international observers influence election fraud remains a subject of inquiry. Few of the many recent pieces on election monitoring have addressed this question for either academic or policy audiences.² How do international observers accurately detect election fraud, particularly when election manipulators have the incentive to conceal their activities from observers? Do international observers have the ability to reduce election fraud?

Within the democracy promotion community, international monitoring of elections is believed to promote democracy by providing an independent evaluation of whether a given election was democratic, detecting fraud when it exists, deterring fraud, and increasing voter confidence in the electoral process. The track record of election observation over the past four decades shows that many groups improved their ability to detect electoral fraud, and these organizations have also become more willing to denounce fraudulent elections. By improving the ability of international and domestic actors to identify whether an election was clean or fraudulent, the practice of international election observation has helped democracy-promoting countries, as well as domestic

¹ Hyde (2006).

² See, for example, Abbink and Hessling (2000); Beigbeder (1994); Bjornlund (2004); Bjornlund, Bratton and Gibson (1992); Carothers (1997); Chand (1997); Elklit and Svensson (1997); Geisler (1993); Kumar (1998); Laakso (2002); Lean (2004); Matlosa (2002); Middlebrook (1998); Pastor (1998); Rich (2001); Santa-Cruz (2005).

democracy advocates, identify and punish those governments that fail to hold clean elections. Some policy-makers have also defended the practice of election observation on the grounds that it improves the quality of elections. Can international observers also deter fraud or increase voter confidence in the process?

This piece first reviews the challenges international observers face in judging the quality of elections and then outlines current best-practice for fraud detection, including advancements in observer methodology such as the parallel vote tabulation, the voter registration audit, media monitoring, and coordination with domestic election observers. It then turns to the potential for fraud reduction or deterrence, and presents the randomization of international observers as a methodological innovation that will aid in the detection and measurement of fraud. Evidence from the 2003 presidential elections in Armenia is presented in order to show one way in which fraud may be detected (and how international observers may reduce fraud directly). In the Armenian election, the incumbent candidate, who was widely assumed to be cheating, performed significantly better in polling stations which were not internationally monitored, thus demonstrating that observers can deter election fraud.

The Challenges of Comparative Evaluation of Election Quality

Although international election observers report on many aspects of an electoral process, sometimes providing technical assistance to domestic observer groups or aiding civic education programs, they are best known for their post-election judgments. In the period immediately following an election, international observers issue a preliminary statement, and implicit in this evaluation is a judgment about whether the election was “clean,” “genuine,” “free and fair,” “democratic,” or “compliant with international

standards.” The process by which observers reach this judgment involves the ability to detect fraud when it exists and the ability to aggregate the various irregularities in a summary judgment on the quality of the election. Even when electoral imperfections are detected by observers, judging the degree to which the observed problems influenced the election is challenging (Elklit and Svensson 1997). It is precisely because most elections experience some imperfections that deciding when an electoral process warrants a negative evaluation is controversial. Overall, it is a process fraught with subjective judgments and sometimes conflicting evaluations by competent groups.

Given that some election fraud is observed during the course of an election, it does not necessarily follow that the election as a whole was fraudulent. Not all election irregularities are equally harmful to an electoral process. It is often difficult for international observers to distinguish between unintentional administrative mistakes and blatant attempts to manipulate the outcome of the election. Most observer organizations would agree that they do not wish to delegitimize an entire process because of a few isolated incidents, nor do they believe that administrative incompetence is as malignant to a democratic election as is intentional manipulation.

Observers have dealt with the challenges of aggregation in a variety of ways. One method employed in the public evaluations of elections is to use more diplomatic terms such as “irregularities” rather than more loaded terms like “fraud” and “manipulation” unless observers are absolutely certain that they have directly witnessed a stolen election. A second strategy used by some groups has been to consider the margin of victory. Fraud is more likely to change the outcome of an election when the candidates or parties are closely matched in popularity. It is in these cases that international observers have the

most confidence that observed irregularities changed the outcome of the election. If an election is not close, and one candidate or party is believed to be popular enough to win by a wide margin, even significant election fraud may not change the outcome of the election. Not all organizations agree with this strategy because even in uncompetitive elections, election fraud can have other negative effects such as decreasing public trust in the electoral process. This phenomenon can have long-term negative consequences by making citizens less likely to participate in the future. However, generally speaking, international observers are less severe in their criticism when it does not appear that observed irregularities would have influenced the winner of the election, even in cases in which irregularities are widespread (Abbink and Hessling 2000).³

Within this context, in which international monitors must offer a summary judgment on the quality of an election based on their observations, they must first be able to detect election fraud accurately.

International Observers and Fraud Detection

Detecting election fraud is a difficult business. Political actors who commit electoral manipulation have strong incentives to hide it from international observers. Other political actors may be motivated to accuse their opponents falsely of cheating. Methods of electoral manipulation vary widely between and within countries. Even as international observers improve their methods of detecting fraud, cheating parties and candidates are motivated to use methods of electoral manipulation that are less likely to be caught by international observers. Because each observer organization employs its

³ One potential exception to this generalization is the work of the OSCE/ODHIR. Because the organization only observes elections in OSCE member states, the organization can hold countries to a more specific set of standards for democratic elections which are clearly outlined and agreed to by all OSCE member states. This allows them to be less affected by the outcome of the election.

own methodology, any general statement about how international observers detect fraud will only be partially accurate for a given organization. Even within the same organization, practices are adapted between countries in order to meet unique logistical and technical challenges. With these caveats, the following section outlines best practice for fraud detection by international election observers.

One might suppose that all individuals or parties planning on engaging in electoral fraud would do their best to conceal their activities from international and domestic election observers. It is likely that this is often the case, and that some forms of election manipulation go undetected. However, the record of past election observation missions clearly demonstrates that blatant election manipulation is often carried out in front of international observers, and that observers have developed a variety of means to detect electoral manipulation throughout the electoral process.

One of the most understated successes of international election observation is that they have been able to detect and document widespread election fraud simply by deploying neutral and well-trained foreign observers throughout an electoral process. Because election manipulation can take place at any point before, during, or after an election, since the mid-1990s it has been best practice for missions to observe the entire electoral process whenever possible, including the registration of voters, the campaign period, election day, and the post-election announcement of results and resolution of disputes. To highlight the many forms of election manipulation detected by observers, Table 1 details signs of irregularities that are often discussed in post-election reports as evidence of election fraud. Table 2 lists signs of irregularities where the intention to manipulate the election is less clear. These more ambiguous irregularities may be

intentional attempts to bias the election toward a particular outcome, but could also be the result of lack of experience with voting, administrative incompetence, or other randomly occurring mistakes that are likely to occur with some frequency even in the most well-respected and legitimate elections.

Detecting Fraud Prior to the Campaign Period

Signs of election manipulation in the pre-campaign period include failures in voter registration, particularly when problems disproportionately target politically identifiable groups; banning of candidates or parties; an inadequate legal structure for election-related disputes; problems with the filing or appeals process; failure to prosecute previous violations of election law; and a politically biased election commission.

How do observers detect manipulation prior to the campaign period? Today, standard practice for organizations like the OSCE/ODIHR, the EU, the OAS, NDI, or the Carter Center is to deploy a pre-election assessment mission well in advance of the election. Although these missions vary widely in scope and timing, the most common purpose is to assess the possibilities for deploying a full-scale mission, determine the major issues surrounding the election and the broader political context, and negotiate with the host country on logistical issues like access to polling stations and the provision of visas for international observers. Without officially granted access to polling stations and other areas deemed relevant by election monitors, observers cannot successfully observe an election. Although prohibiting access by international observers to polling stations and vote tabulation centers on election day is rarely illegal, these actions by the government are often interpreted as signals that the government has something to hide.

Long Term Observers (LTOs) became a part of many election observation missions in the late 1990s. Generally speaking, their job is to observe the entire electoral process leading up to election day. They are deployed throughout the country. For some missions, components of the pre-election period are also observed by larger delegations of short-term observers, such as the joint OAS/Carter Center mission to observe the 2004 Venezuelan recall referendum signature verification process. LTOs watch voter and candidate registration, evaluate the legal framework for the election, monitor the actions of the election administration body, evaluate any perceived or actual bias of election administrators, and assess the preparations for the election throughout the country.⁴ These qualitative judgments are rarely aggregated or scored, but provide important context when observers evaluate the electoral process as a whole. When significant problems are noted in the pre-election period, observers issue statements suggesting that the problems be addressed. Often, simply calling attention to problems brings about resolution. In a handful of cases, controversy over the inadequacy of pre-election preparations has resulted in the postponement of elections, such as in Guyana 1992, Liberia 1997, and Venezuela 2000.

One of the most widespread problems in the pre-election period involves the registration of voters. Because the population of eligible voters is constantly shifting due to newly eligible voters, deaths, and migration; keeping voter registration accurate is a task that involves significant administrative investment even when there are no overt attempts to manipulate the election. Regulations for voter eligibility and requirements for registration vary widely. However, inaccurate voter registration lists can serve to disenfranchise large numbers of voters, can be used by the government to boost their own

⁴ See, for example, the *Handbook for European Union Election Observation Missions*.

vote share through the use “ghost voters,” or to decrease their opponents’ abilities to register their own voters.⁵

Measuring the accuracy of a voter registration list is difficult, particularly when registration is voluntary. International and domestic non-partisan election observers have used a voter registration audit in order to more precisely measure whether existing lists are up to date. The most comprehensive method used to date involves a “two-way” audit which is conducted by comparing the accuracy of information in two different random samples of the voting population (NDI 2004). This form of voter registration audit is intended to catch problems with ghost voters, problems with eligible voters who had difficulty registering, and individuals who are registered but are not aware that they are registered.

In order to determine how many voters are included in the voter list but are no longer eligible voters, a statistical sample of names and addresses is taken from the voter register and is then checked via face-to-face interviews for accuracy (called a “list-to-voters” comparison). In order to determine the rate of registered voters relative to the population of eligible voters and to determine whether voters who believed they are registered are actually registered (and vice versa), a statistical sample is also taken of all eligible voters. This “voter-to-list” comparison interviews eligible voters to determine whether they believe they are registered and compares this information to the actual voter register. This procedure is expensive and time consuming, but in relevant cases can provide an important check on the accuracy of a voter register (NDI 2004, fn 7).

⁵ The term “ghost voters” is most commonly used to refer to names on the voter register who do not correspond to living eligible voters. The most commonly used ghost voters are previously registered voter who are deceased.

Detecting Fraud During the Campaign Period

The campaign period can reveal other blatant attempts at manipulation including intimidation at political rallies, vote buying, distribution of patronage, jailing of political candidates and activists, and attempts by employers to require employees to vote for their favored candidate. Observers have been able to document these electoral abuses simply by deploying well-trained and neutral representatives throughout the country. Observers have often directly witnessed fraud during the campaign period, and in some cases observers have investigated and attempted to verify reports of attempts to manipulate the election prior to election day.

During the campaign period the playing field can be leveled or tilted further to benefit a particular party. Given that all political parties and potential candidates were given the opportunity to run (within the confines of the country's electoral rules), voter access to information about candidates is essential to a democratic election. Open competition is limited by a censored press (either officially censored or self-censoring), the use of state resources to campaign for the incumbent candidate or party, intimidation of political activists, patronage or money politics, or politically targeted violence or threats of violence. Depending on voter interest and normal channels of political communication, these issues vary in the degree to which they limit open political competition. However, because they can have a substantial effect on elections, the campaign period is closely watched by international observers. Individual missions rely primarily on the reports of LTOs deployed throughout the country. They may also utilize reports from domestic civil society groups or representatives from each political party.

Some observer organizations monitor the media, or coordinate with a domestic non-partisan organization engaging in media monitoring (Norris and Merloe 2002). Methods of media monitoring vary, but can include precise records of time given to each candidate, the relationship between state-controlled and private media, and the accuracy of paid advertising and political reporting. Very basic media monitoring consists of general impressions of coverage and fairness. In countries that lack a free and independent media, media monitoring can reveal the extent to which the communication of information to voters has been compromised. In extreme cases, opposition parties are all but prohibited from access to the news media and face significant hurdles in communicating with voters. Documenting media access and time can sometimes reveal significant barriers to democratic elections.

Election Day

Detailing all of the forms of election day fraud that have been detected by international observers would be a major undertaking and idiosyncratic to individual elections. The record clearly demonstrates that international observers are often able to witness blatant attempts to manipulate elections simply by traveling from polling site to polling site on election day. Somewhat surprisingly to political scientists, individuals engaging in election manipulation often make little attempt to hide their efforts from international observers.

On election day, short-term observers (STOs) collect qualitative and sometimes quantitative information on practices inside and around voting stations. They are prohibited from interfering in the process in anyway. STOs record their observations on standardized forms, which are then compiled by the observation mission's central office.

Observers usually travel between polling stations on election day in order to increase the number of polling stations that they may visit. Many observations that are collected are impressionistic, and are therefore difficult to aggregate. Direct observations of vote buying or voter intimidation do not always form part of a larger pattern. STOs typically collect information on the environment inside of the voting station, including the availability of materials and whether the physical arrangement of the polling station protects the secrecy of the ballot; the provision of materials and the security of unmarked ballots and ballot boxes; the presence of individuals inside polling stations (and whether they are authorized to be there); the conduct of election officials; the flow of voters (and the rejection of eligible voters); reports from domestic non-partisan observers and political party witnesses; the conduct of the voters and their compliance with electoral regulations; and the environment surrounding polling stations, including potentially intimidating individuals or interactions between voters and vote-buyers.

International observers also gain valuable information about election day by coordinating with domestic observers. Now viewed as complements rather than substitutes, international and domestic observers have developed slightly different approaches to monitoring elections. Domestic election observers are considered by some to be better able to evaluate elections because they are familiar with local practices and culture, and are typically able to deploy significantly more observers on election day (NDI 1995). However, they are not able to generate the same international media coverage of their evaluation of the election. It is also possible that individuals are more or less likely to attempt to manipulate the election in front of international observers than in front of domestic observers, but this is an empirical question that has not yet been

tested. Neutral, non-partisan domestic election observers most commonly deploy stationary election observers who remain in the same polling station for the entire election day. Although domestic election observers vary in their efficacy and commitment to non-partisan election monitoring, well respected domestic observers are an important check on election fraud, and can be a source of information for international observers. When visiting a polling station, international observers note the presence of domestic observers and may record domestic observers' observations of the process prior to the arrival of the international observers. Within problematic polling stations, they can help document the extent of problems that occurred throughout election day.

Although observers often catch many forms of election day irregularities, there is still room for international observers to improve election day observation. Observers may be able to be successful in detecting election day manipulation even when they are unable to observe it directly. In the final section of this paper I detail a proposed methodological improvement to election day observation. First, the next section discusses the tabulation of election results, one of the components of the electoral process in which international observers have been most successful in catching election fraud.

Tabulation of Results

STOs are typically deployed at the conclusion of election day to observe the first stage(s) of the vote tabulation process. To the extent that it is possible, observers report on the transparency of the ballot counting process, the presence of political party agents, the impartiality of the election officials, the ability of voters to access the results, the secrecy of the vote, the adherence to voting regulations, and the general atmosphere surrounding election day. Observers have witnessed signs of fraud such as pre-bundled

and uniformly marked ballots being removed from ballot boxes and counted. They have also found evidence of ballot box tampering such as broken seals, and uncovered “missing” ballot boxes. In several cases they have witnessed the theft of ballot boxes, as well as the intentional destruction of valid ballots.

Most notably, the parallel vote tabulation (PVT) has become one of the central means by which international and domestic observers detect fraud during the counting process (Estok, Nevitte, and Cowan 2002). In a PVT (also called a “quick count” when it is used to provide an early prediction of the election results) the tallies from a random sample of individual polling stations or vote counting centers are observed directly and the results are immediately communicated to a central location. Because the sample is random, and observers are usually able to see the actual counting of the ballots and conduct their own tally, a PVT provides an estimate of the outcome of the election. A PVT differs from an exit poll because it relies on direct observation of the vote count rather than on interviews with voters.

A PVT is preferable to exit polling in countries in which voters have the incentive to misrepresent their vote to pollsters or are unwilling to answer questions outside of the polling stations (especially if individuals that refuse to answer are disproportionately from one demographic or political group). In many cases in which both have been conducted, the results are largely similar. During the 2004 recall referendum in Venezuela there were huge differences between the PVT and the exit polls, resulting in a widely publicized controversy (Economist 2004). However, international and domestic observers are more likely to promote a PVT over an exit poll whenever possible because there are fewer means by which the results may be compromised.

In the majority of cases, parallel vote tabulations match the official results and further legitimate the electoral process. In a number of notable cases, PVTs have exposed election fraud, or are believed to have eliminated the possibility that the losing incumbent could engineer a last-minute theft of the election. To name a few examples, PVTs conducted for elections in the Philippines 1986, Chile 1988, Panama 1989, Nicaragua 1990, Zambia 1991, and Georgia 2003 are believed to have played a large role in creating the conditions for transfers of power (Garber and Cowan 1993).

Recently, the trend has been for domestic non-partisan observers to conduct most of the PVTs, often with the technical assistance of international organizations. The biggest drawback of PVT's is that they can only catch and deter manipulation that takes place during the counting and aggregation of votes. Other forms of election manipulation that may have been used on or before election day would go undetected by a parallel vote tabulation. For example, widespread vote-buying schemes would inflate the vote for the cheating candidate(s) during election day without raising any cautionary flags during the PVT process. Similarly, intimidation of voters and targeted voter suppression efforts would also directly influence the vote totals, but would not show up as fraud in a PVT.

In order for a PVT to be conducted, observers must have access to the site of vote counting, and to an accurate list of vote counting centers (most often polling stations). A PVT cannot be conducted without observer access to the vote counting process. The move toward electronic voting, particularly those forms of electronic voting without paper trails, creates a serious challenge to PVTs and any independent verification of the election results. If a paper trail is provided, parallel vote tabulation should still be possible.

Observers must also have access to a complete list of vote counting centers. If observers do not have access to a list of vote counting centers, there is more doubt cast over the accuracy of the PVT, although an accurate PVT may still be possible by sampling across other units such as neighborhoods, as in the 2004 presidential elections in Indonesia.

In addition to the PVT, some international observer mission have employed statisticians to monitor vote returns and turnout for suspicious patterns. Turnout that exceeds 100% of eligible voters in polling stations, impossibly large jumps in turnout over the course of election day, or politically competitive areas in which one candidate receives close to 100% of the vote draw attention. This form of fraud detection during the vote tabulation process remains less systematic, but is likely to become a more sophisticated and more common part of election observation missions in the future.

Acceptance of Results and Post-Election Dispute Resolution

The conclusion of an election observation mission depends on the official announcement and certification of results. Whereas in the early period of election observation, delegations left the country soon after election day was complete, current best practice is for delegations to remain in the country until the official results are announced and certified. Some missions have deployed long-term observers to closely monitor the dispute resolution process, such as in Ethiopia 2005. The mechanics of this process vary widely, but most missions focus on the acceptance of results by all parties, the use of official channels for dispute resolution, and the impartiality of the dispute resolution process.

International Observers and Fraud Deterrence

Thus far this paper has focused on how international observers may detect election fraud. International observers can also play another important role in elections by deterring attempts to manipulate the election. I now turn to a discussion of how fraud detection and fraud deterrence are related, and advocate the randomization of STOs to polling stations during election day. Randomization is a small methodological change from existing practice that will result in two improvements in fraud detection and fraud deterrence. First, randomization allows measurement of whether (and when) observers deter election day fraud. Second, and related to the first point, randomization will result in improved detection of voting fraud, particularly when election day fraud is concealed from international observers while they are present in polling stations.

It is well established in a number of experimental studies that humans often behave differently when they know they are being watched.⁶ Individuals within the election monitoring and democracy promotion community have extended this concept to suggest that one of the positive effects of international election monitors is that they reduce the rate of election fraud. Advocates of the PVT argue that the well-publicized existence of a PVT can deter attempted manipulation in the vote count (Garber and Cowan 1993). Many remain skeptical that observers actually influence the behavior of domestic political actors. Part of the reason that the question of whether international observers reduce election fraud remains unanswered is due to an endogeneity problem. Knowledge that international observers will be present at an election may prevent fraud from being attempted by political parties and candidates, but in hindsight, it is extremely

⁶ Commonly called the “observer effect” in which people behave differently when they know they are being observed. It has also been referred to as the “Hawthorne effect”, but this reference is ambiguous.

difficult to distinguish between an election that was clean because international observers were invited and an election that would have been clean regardless of their presence.

However, pre-election prevention of fraud is only one of several means by which international observers can deter fraud. It is also possible that international observers fail to prevent fraud ahead of the election, but that they nevertheless reduce fraud on election day by visiting hundreds of polling stations. Because individuals committing fraud, intimidation, or other electoral improprieties may not wish to carry out their intended actions in the physical presence of international observers, the fact that observers are present in a number of polling stations on election day may reduce the level of vote manipulation in those polling stations.

If observers visit a randomly selected sample of polling stations during the course of election day, the average election outcomes can be compared between the group of internationally monitored polling stations and the group of unmonitored polling stations. If observers reduce fraud directly on election day, there should be a statistically significant difference between observed and unobserved polling stations.

Unlike pre-election fraud prevention, this form of fraud reduction would not eliminate election day fraud. If there are enough observers relative to the size of the country, election day deterrence may translate into a sizable reduction in the planned fraud that is actually carried out, but perhaps more importantly, if fraud is occurring in an election but being concealed in those locations visited by international observers, this deterrent effect may compromise the ability of international observers to observe fraud directly.

The second positive effect of randomization is that observers can detect election day manipulation even if it is concealed from international observers. If a candidate or party does perform significantly better, on average, in unmonitored polling stations, this is a relatively unambiguous sign election manipulation was concealed from observers while they visited the polling stations.

From the perspective of observer missions, another substantial benefit of randomization is that if observers are randomly assigned and there is no observable difference in vote share or turnout between observed polling stations and unobserved polling stations, observers can be more confident in generalizing their observations to the entire electoral process. In other words, if observers are not deterring fraud on election day (and thereby recording upwardly biased election day observations of the electoral process), randomization of observers generates a representative sample of polling stations. The qualitative observations from a representative sample of polling stations can then be generalized to the entire process within a given confidence level and margin of error. Without randomization, international observers can not determine how well the observations they gather from (non-randomly selected polling stations) are representative of the entire electoral process.

The effect that observers may have is unlikely to be uniform across all elections. To illustrate this point, in an election in which election fraud is planned and international observers are invited, there are at least four types of election scenarios that could take place. In the first type of election, international observers witness a clean election and have no deterrent effect on election day fraud, but fraud occurs anyway, either in a manner that they do not notice, or before and after they visit a polling station. In the

second type of election, fraud is planned for election day, observers evaluate a fraudulent election, and have no deterrent effect on fraud (i.e. they do not reduce fraud at the polling stations they visit). In the third type of election, observers reduce fraud in the polling stations they visit but do not observe it directly. In this case, they have a localized deterrent effect on fraud. In the fourth type of election, election day fraud is planned, observers see some fraud, but also have some deterrent effect. In this case, local officials and party agents conduct a partially successful attempt to conceal fraud. Four potential outcomes are represented in Figure 1.

Figure 1: Potential Outcomes Given Fraud Detection or Fraud Deterrence

		Fraud Detection	
		Fraud Not Observed	Fraud Observed
Fraud Deterrence	Fraud Not Deterred	Type 1 Well Concealed Election Day Fraud While Observers are Present	Type 2 Blatant Manipulation
	Fraud Deterred	Type 3 Clean Election in Observed Polling Stations	Type 4 Partially Deterred Fraud

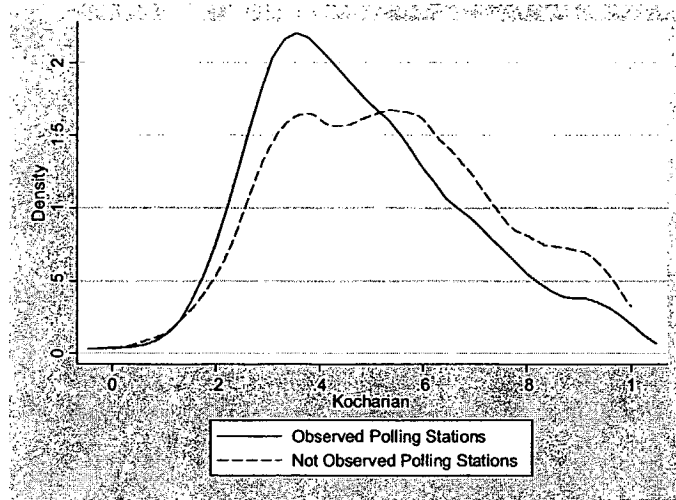
There is one additional type of election in which no fraud is planned and observers witness a clean election. They have no deterrent effect on fraud because there is none to deter. Given that fraud occurs on election day, the four scenarios in Figure 1 highlight the difficulty that observer missions face in their joint mandate to accurately evaluate elections and deter fraud. Particularly in the first, third, and fourth types of elections, if observers deter fraud, their ability to gauge the level of fraud and the degree to which it influenced the outcome is compromised. To further complicate matters, an election in which no fraud is intended or carried out may look to international observers

like Type 1 or 3, and observers could misjudge the election, even when election day fraud is not occurring. In practice, the coordination between international observers, domestic election observers, and political party witnesses make this type of confusion less likely. However, improved methodology by observers, specifically the random assignment of observers to polling stations on election day, can help election observer missions determine whether fraud occurs, particularly when election fraud is not blatant.

For example, Figure 2 shows the distribution of votes for the incumbent candidate in an actual election. The solid line shows the vote share in polling stations which were visited by international observers. The dashed line represents the vote share in polling stations that were not visited. Observers were assigned in this election using a method that is not common, but that is very close to random assignment of observers to polling stations. Randomization⁷ is equivalent to holding all other variables constant that may influence the incumbent's vote share. In this first round of the 2003 presidential elections in Armenia, the incumbent presidential candidate earned an average of 54.2% of the vote, but earned only 48.3% of the vote in polling stations that were visited by international observers. There were widely documented instances by international observers of violations by the incumbent candidate and his supporters, including ballot box stuffing, intimidation, and vote buying. However, even though international observers in this case directly observed election day fraud, Figure 1 suggests that they were also able to reduce the amount of election fraud which occurred on election day. This would be consistent with a "Type 4" election described above.

⁷ Or in this case, approximating randomization. This empirical test is described in detail in Hyde (2006), Chapter 7.

Figure 2: Kernel Density Plot of Incumbent Vote Share



This example suggests that observers can reduce election day fraud, but how this evidence can be generalized to other countries is not clear. It is possible that it was an atypical example. International observers should be randomly assigned to polling stations in the future so that observers will be able to measure whether their presence reduced fraud, whether their findings are generalizable to the entire election process, and whether election day fraud was successfully concealed in their presence. Thus far, randomization has only been attempted with these objectives in the 2004 Indonesian presidential elections, which turned out to have only minimal election day problems.⁸

Observers may also be able to better coordinate their work with domestic observers and other observer organizations. If all domestic and international observers were randomly assigned to polling stations, then coordination between their efforts could be significantly improved.

⁸ Observers have been randomly assigned for other purposes in several other cases, including in the 2006 Palestinian elections.

Conclusion

International election observers have dramatically improved their ability to judge the quality of elections, both in their methods to detect fraud and in their ability to aggregate the information they collect into an overall evaluation of elections within a wide variety of circumstances.

Extensive long-term qualitative monitoring of the election process, voter registration audits, media monitoring, the widespread presence of short term observers on election day, the parallel vote tabulation, and the potential randomization of observers during the voting process on election day are all methods used by international observers to detect fraud and to increase their ability to make summary judgments of elections. Because those engaging in election fraud will always have the incentive to find methods of manipulating the election that are less likely to be caught, observers will face continuing challenges to their mandate to evaluate election quality. Their presence may also deter attempts to manipulate elections, or reduce the rate of planned election day manipulation, as in the 2003 Armenian presidential elections. International observers and domestic non-partisan observers practice similar methodologies, and are believed to have similar effects on election quality. Rigorous, unbiased, and well-trained observers have become an integral part of elections throughout the developing world. Developed democracies are also beginning to recognize the advantages that officially accredited impartial observers may lend to an electoral process, but it remains to be seen whether these practices will become standard in all elections, including those that take place in long-term developed democracies.

Table 1: Examples of Unambiguous Signs of Election Manipulation

Pre-Election Period

- 1) No registered opposition candidates
- 2) Bans on candidates or political parties
- 3) Refusal to update inaccurate and biased voter registration lists
- 4) Gross misuse of state resources to support incumbent
- 5) Restrictions on universal adult suffrage for politically targeted populations
- 6) Campaign related violence and intimidation
- 7) Obviously biased campaign finance
- 8) State controlled media
- 9) Intimidation or harassment of media
- 10) Other unreasonable barriers to candidates wishing to communicate with voters
- 11) Blatantly partisan election commission
- 12) Selective use of legal sanctions against likely candidates
- 13) Jailing of candidates or political party officials

Election Day

- 1) Insecure ballots
- 2) Broken seals on ballot boxes
- 3) Multiple individuals inside voting booths
- 4) When ballot boxes are transparent: multiple ballots folded together, pre-marked ballots not in ballot box, too many ballots relative to number of voters checked on registration list, too few ballots relative to number of voters on list
- 5) During count: lack of transparency to international observers
- 6) Ballot boxes present outside of polling stations
- 7) Large collections of voter identification, either on election day or prior to election day
- 8) Carousel voting (also called the Tasmanian Dodge)
- 9) Exchange of money or goods following voting
- 10) Buses of voters from neighboring areas (multiple voting)
- 11) Multiple ballots given to one individual
- 12) Voters with proper identification turned away
- 13) Voters with proper identification listed as deceased
- 14) Deceased voters listed as having voted (usually reported through relatives and documented)
- 15) Systematically late or missing materials in opposition strongholds
- 16) Violence or intimidation against voters
- 17) Intimidating crowds in or outside of the polling station, particularly when their presence violates the election law
- 18) Attempts to influence voter choice inside the polling station
- 19) Interference by the military, police, or other unauthorized individuals
- 20) During the count, falsifying results
- 21) Arbitrary or inconsistent invalidation of votes cast
- 22) Stolen ballot boxes
- 23) Extra ballot boxes
- 24) Destruction of ballots

Announcement of Results

- 1) Parallel Vote Tabulation which differs significantly from official results (determines winner within margin of error)
 - 2) Changes in official results between those recorded by observers on election day and those published
 - 3) Suppression of official results
 - 4) Refusal by losing candidate to accept the results
 - 5) Large discrepancies between number of ballots distributed and official tallies of votes cast
 - 6) Government violence against protestors or bans or protest
-

Table 2: Examples of Election Irregularities when Intention to Manipulate is Unclear

Pre-Election Period

- 1) After international observers are invited, attempt to place restrictions on them
- 2) Barriers in the accreditation process to domestic election observers
- 3) Unbalanced media time for candidates
- 4) Election laws that favor one candidate or party
- 5) Controversial interpretation of election laws
- 6) Lack of an independent judiciary
- 7) Lack of transparency in election planning process
- 8) Lack of a procedure for filing election-related complaints
- 9) Lack of funding for election
- 10) Lack of training for polling station officials
- 11) Excessive requirements for candidate registration
- 12) Selective implementation of the law for particular candidates or parties
- 13) Lack of transparency of voter registration list
- 14) Voting practices or ballot design that present a barrier to voting for certain groups (illiterate, linguistic minorities, etc.)
- 15) Campaign materials near the polling station
- 16) Poorly designed voting booths that fail to ensure secrecy of the ballot
- 17) Election commission with unbalanced partisan representation

Election Day

- 1) Underage voting
- 2) Problems in identification verification
- 3) Problems with indelible ink
- 4) Family voting
- 5) Partisan polling station officials
- 6) Unbalance in political party witnesses or lack of political party witnesses
- 7) Handing out of ballots to individuals who are not checked off the voter list or otherwise recorded
- 8) Missing election materials
- 9) Disorganized polling stations
- 10) During the count, lack of political party observers and/or domestic observers
- 11) During the count, filling out official tallies in pencil
- 12) At any period, unsecured ballot boxes
- 13) Inconsistencies in interpretation of proper election day procedures

Post-Election Period

- 1) Slow legal system to deal with post-election disputes
 - 2) Post-election protest
-

References

- Abbink Jon. 2000. "Introduction: Rethinking Democratization and Election Observation." In *Election Observation and Democratization in Africa*, eds. Jon Abbink, Gerti Hesselning, 1–17. New York: St. Martin's Press.
- Abbink, Jon and Gerti Hesselning, eds. 2000. *Election Observation and Democratization in Africa*, New York: St. Martin's Press.
- Beigbeder, Yves. 1994. *International Monitoring of Plebiscites, Referenda and National Elections: Self-Determination and Transition to Democracy*, Dordrecht, The Netherlands: Martinus Nijhoff Publishers.
- Bjornlund, Eric C. 2004. *Beyond Free and Fair: Monitoring Elections and Building Democracy*, Washington, DC: Woodrow Wilson Center Press.
- Bjornlund, Eric C. 2001. "Democracy, Inc." *The Wilson Quarterly*.
- Bjornlund, Eric, Michael Bratton, and Clark Gibson. 1992. "Observing Multiparty Elections in Africa: Lessons from Zambia." *African Affairs*. 91:405-31.
- Booth John A. 1998. "Electoral Observation and Democratic Transition in Nicaragua." In *Electoral Observation and Democratic Transitions in Latin America*, ed. Kevin J. Middlebrook, La Jolla: Center for US-Mexican Studies, University of California, San Diego.
- Bratton, Michael. 1998. "Second Elections in Africa." *Journal of Democracy*. 9:51-66.
- Carothers, Thomas. 2004. *Critical Mission: Essays on Democracy Promotion*, Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas. 2002. "The End of the Transition Paradigm." *Journal of Democracy*. 13:5-21.
- Carothers, Thomas. 1999. *Aiding Democracy Abroad: The Learning Curve*, Washington, DC: Carnegie Endowment for International Peace.
- Carothers, Thomas. 1997. "The Observers Observed." *Journal of Democracy*. 8:17-32.
- Diamond, Larry J. 2002. "Elections without Democracy: Thinking about Hybrid Regimes." *Journal of Democracy*. 13:21-35.
- Economist, The. 2004. "Debates and Dilemmas: Venezuelas Referendum" *The Economist*. September 18, 2004.

- Elklit, Jorgen and Palle Svensson. 1997. "What Makes Elections Free and Fair?" *Journal of Democracy*. 8:32-46.
- Estok, Melissa, Neil Nevitte, and Glenn Cowan. 2002. *Quick Count and Election Observation: An NDI Handbook for Civic Organizations and Political Parties*, Washington, DC: National Democratic Institute for International Affairs.
- Garber, Larry. 1984. *Guidelines for International Election Observing*, Washington, DC: The International Human Rights Law Group.
- Garber, Larry and Glenn Cowan. 1993. "The Virtues of Parallel Vote Tabulations." *Journal of Democracy*. 4:95-107.
- Geisler, Gisela. 1993. "Fair? What has Fairness Got to do with it? Vagaries of Election Observations and Democratic Standards." *The Journal of Modern African Studies*. 31:613-37.
- Goodwin-Gill, Guy S. 1994. *Free and Fair Elections: International Law and Practice*, Geneva: Inter-Parliamentary Union.
- Hyde, Susan D. 2006. *Observing Norms: Explaining the Causes and Consequences of Internationally Monitored Elections*. Ph.D. Dissertation. La Jolla, CA: University of California, San Diego.
- Kumar, Krishna. 1998. *Postconflict Elections, Democratization, and International Assistance*, Boulder: L. Rienner.
- Laakso, Liisa. 2002. "The Politics of International Election Observation: The Case of Zimbabwe in 2000." *The Journal of Modern African Studies*. 40:437-64.
- Lean, Sharon F. 2004. *The Transnational Politics of Democracy Promotion: Election Monitoring in Latin America*. Ph.D. University of California, Irvine, Irvine, CA.
- Lehoucq, Fabrice. 2003. "Electoral Fraud: Causes, Types, and Consequences." *Annual Review of Political Science*. 6:233-56.
- Lehoucq, Fabrice E. and Ivan Molina. 2002. *Stuffing the Ballot Box: Fraud, Electoral Reform, and Democratization in Costa Rica*, Cambridge: Cambridge University Press.
- Matlosa, Khabele. 2002. "Election Monitoring and Observation in Zimbabwe: Hegemony Versus Sovereignty." *African Journal of Political Science*.
- McCoy Jennifer L. 1998. "Monitoring and Mediating Elections during Latin American Democratization." In *Electoral Observation and Democratic Transitions in*

Latin America, ed. Kevin J. Middlebrook, La Jolla: Center for US-Mexican Studies, University of California-San Diego.

Middlebrook, Kevin J. 1998. *Electoral Observation and Democratic Transitions in Latin America*, La Jolla: Center for U.S.-Mexican Studies University of California, San Diego.

Myagkov, Mikhail, Peter C. Ordeshook, and Dimitry Shakin. 2005. "Fraud or Fairytales: Russia and Ukraine's Electoral Experience." *Post Soviet Affairs*. 21:91-131.

National Democratic Institute for International Affairs. 2004. "Advancing the Democratic Tradition in Indonesia: The Second Democratic Legislative Elections Since the Transition." Washington, DC: NDI.

National Democratic Institute for International Affairs. 1995. *How Domestic Organizations Monitor Elections: An A to Z Guide*. Washington, DC: NDI.

Norris, Robert and Patrick Merloe. 2002. *Media Monitoring to Promote Democratic Elections: An NDI Handbook for Citizen Organizations*. Washington, DC: National Democratic Institute for International Affairs.

Nwankwo, Clement. 1999. "Monitoring Nigeria's Elections." *Journal of Democracy*. 10:156-65.

Oquaye, Mike. 1995. "The Ghanaian Elections of 1992--A Dissenting View." *African Affairs*. 94:259-75.

OSCE/ODIHR. 2005. *Election Observation - A Decade of Monitoring Elections: The People and the Practice*, Warsaw: Office for Democratic Institutions and Human Rights.

OSCE/ODIHR. 2005. *Election Observation Handbook*, Warsaw: Office for Democratic Institutions and Human Rights.

Pastor, Robert. 1998. "Mediating Elections." *Journal of Democracy*. 9:154-163.

Rich, Roland. 2001. "Bringing Democracy into International Law." *Journal of Democracy*. 12:20-34.

Santa-Cruz, Arturo. 2005. "Constitutional Structures, Sovereignty, and the Emergence of Norms: The Case of International Election Monitoring." *International Organization*. 59:663-93.

Schedler, Andreas. 2002. "Election without Democracy: The Menu of Manipulation." *Journal of Democracy*. 13:36-50.

Schedler, Andreas. 2002. "The Nested Game of Democratization by Elections."
International Political Science Review. 23:103-22.

Sives, Amanda. 2001. "Election Observation and Deepening Democracy in the
Commonwealth." *The Round Table*. 361:507-28.

United Nations, The Carter Center, National Democratic Institute. 2005. *Declaration of
Principles for International Election Observation and Code of Conduct for
International Election Observers*. Commemorated October 27, 2005 at the
United Nations, New York.

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November 2, 2003 Sunday FINAL EDITION

SECTION: PERSPECTIVE; Pg. E-01

LENGTH: 953 words

HEADLINE: Mailbox or ballot box? NO: Opportunities for fraud numerous

BYLINE: Ralph Shnelvar and Alison 'Sunny' Maynard

BODY:

We - the former Libertarian and Green candidates for governor and attorney general - may disagree earnestly on many issues, but on this we both agree: If votes are not counted fairly, then all political rights are threatened.

We are terrified because we know that the voting process is being corrupted.

Despite valid citizen distrust, 30 of Colorado's county clerks are once again forcing voters to vote only by mail ballot. Election officials won't count a ballot if it gets lost in the mail; it arrives too late; the signature is missing; your signature looks different from the way you signed it at some earlier time (assuming that signatures are examined at all); and the like. In some cases, election officials will create a new ballot to replace yours.

Fraud is easy. Mail and absentee ballots get stolen as they make their way from the county clerks to your hands and back again. As National Public Radio reported in a story called 'Vote Fraud in Dallas' (www.npr.org), a Texas judge blamed mail-in voting for vote fraud.

Because your name is on the envelope and your party affiliation is public record, unscrupulous people can easily conclude how you probably voted - and intercept your ballot. With absentee ballots, it is legal for 'any person of the voter's choice' to pick up voted ballots for delivery to the clerk.

In 2000, a Castle Rock citizens' group challenged the results of a 1999 town council recall election. Among other things, the group alleged that election officials abused the process by differentiating between absentee ballots provided to recall supporters and ballots provided for supporters of the council.

A judge later ruled that problems were 'good-faith mistakes,' not fraud. But, the situation highlighted the security and privacy problems with absentee and all mail ballots.

Even if your ballot makes it to the ballot box without incident, it might not matter. Tens of thousands of insecure ballots are going to be floating around for people to pick up and vote. Nobody really knows who voted these ballots, as there are no witnesses. An absentee voter is not even required to have the ballot sent to his registered address.

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Someone can apply for an absentee ballot on your 'behalf,' have it sent to a post office box, vote on it and send it back, with you being entirely unaware.

Activities qualifying as criminal offenses at the polling place are, ironically, entirely legal with absentee and mail-in ballots. For example, it is a crime to even mention a candidate's name within 100 feet of a polling place. Also, you have only a few minutes to mark your ballot, and you do so in utter privacy. By law, no one but the voter can handle a voted paper ballot in the polling place prior to the vote being cast. With absentee and mail-in ballots, however, privacy and security are completely compromised. Groups can call members to 'vote together.' People can ask spouses, 'How shall I vote?' and mark their ballots accordingly. And someone can come to your door while the ballot is in your possession and lobby for your vote. The opportunities for intimidation and vote-selling are obvious and troubling.

It is impossible to guard against these abuses. Consider, for instance, Jeep Campbell, a candidate running for Boulder City Council. In a normal election, he could recruit friends to spend a day being poll-watchers. The election would be over and done with in a day. With mail-in balloting, the candidate and his friends will have to spend three or four weeks watching the election process as well as every single mailbox in the city of Boulder. Friends can't afford to do that. Only the rich and/or politically connected can.

Since the election fiasco in Florida in 2000, there has been an enormous push to install electronic voting machines. Voters, though, should understand that whatever the shortcomings of paper ballots, they are a physical thing that can be held and looked at. There is no such guarantee with electronic voting.

In Robert Heinlein's science-fiction novel, 'The Moon is a Harsh Mistress,' the self-aware computer announces, 'Eighty-six percent of our candidates were successful - approximately what I had expected.' Obviously, the computer rigged the election.

One author of this piece has been a computer programmer for nearly 35 years, and knows that it takes superhuman perseverance and skill to read computer programs to see that they are correct. Government has difficulty being competent - much less superhuman.

The other author is a lawyer. Experience has shown her that it is extremely difficult to prove vote fraud even when it is obvious that it has occurred.

The system is set up to count as many ballots as possible and look the other way when it comes to preventing fraud and abuse. Our representatives are looking for political legitimacy, no matter the cost in freedom and honesty.

We all know about computer viruses. Many hackers develop these viruses for fun. Imagine the effort that will be expended to influence elections. Someday soon, some hacker could gloat to his friends, 'Hey, I just got the Green Party candidate for attorney general and the Libertarian candidate for governor elected in Colorado!'

Terrifying.

Contact Ralph Shnelvar at ralph@shnelvar.com, and Alison Maynard at alismynrd@aol.com. Ralph Shnelvar was a Libertarian candidate for governor in 2002. Alison 'Sunny' Maynard was Green Party candidate for attorney general the same year.

Mailbox or ballot box? NO: Opportunities for fraud numerous The Denver P

GRAPHIC: PHOTOS: Ralph Shnelvar was a Libertarian candidate for governor in 2002. Alison 'Sunny' Maynard was Green Party candidate for attorney general the same year. The Denver Post/Thomas McKay

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Officials await election investigation

CA

Thursday, March 18, 2004

By Kollin Kosmicki/Staff Writer (kkosmick@freelancenews.com)

San Benito Co

As elections officials continue a routine canvass of the historically tight District 5 results, outside investigators haven't stepped foot in the Elections Office for a pending scrutiny into allegations of improper voting.

And even though county officials hope for a conclusion to the controversy soon, head elections official John Hodges doesn't expect anyone examining his office's documents until he's certified the votes, he said.

According to state law, that certification must happen by March 30, after which any resident or group has five days to request a recount.

Jaime De La Cruz has unofficially defeated incumbent Bob Cruz by 10 votes. But speculation has arisen regarding absentee ballots and suspicions over voting rights violations toward Spanish-speaking residents.

The local branch of the League of United Latin American Citizens (LULAC) has hired two private investigators. And the county Board of Supervisors has requested an investigation by the District Attorney's Office and the state.

Hodges said investigators rummaging through his office would "disrupt the canvass." That process includes hand-counting all ballots in one precinct of each district - and it is required after every election.

"And boy I'm looking, looking for anything," Hodges said. "Because I don't want any surprises."

He knows, however, there will be some type of recount or challenge to the contentious race, he said. It's just a matter of when, and he's advocating that potential outside involvement wait until after a certification.

The Board's hired lawyer Nancy Miller doesn't know a precise timeline, she said, but she expects some level of action soon.

"I don't think we're going to wait," Miller said. "And we shouldn't wait."

LULAC's local investigators, Dennis Stafford and Richard Boomer, have already requested access to Elections Office documents, Hodges said. They wanted to start a recount immediately.

But, Hodges said, the Elections Code "is pretty specific" about the process for a recount.

"They wanted to go through the process that you normally would go through after the canvass has been certified," Hodges said.

Despite Cruz's relationship with other supervisors and his wife's active involvement in LULAC, the two-term incumbent said he's "just staying in the background." He declined further comment.

Questions first arose regarding improper voting procedure for returning absentee ballots.

Voters are allowed to designate a family or household member to hand in their ballots at the Elections Office. Eight ballots in District 5 were returned by friends or other non-relatives, according to a log book signed by designees in the office.

Those ballots can't be canceled, though, because names are separated from ballots during the counting process.

Aside from a recount, the focus of any investigation would likely include a thorough examination of signatures on absentee ballots - to make sure voter fraud wasn't committed, Hodges said.

District Attorney John Sarsfield, who is on vacation this week, did not return phone calls placed to his cell phone Wednesday. So it is unclear if or when his office plans to start inspecting the issue.

Meanwhile, in District 1, Don Marcus unofficially defeated his two challengers and narrowly avoided a November runoff by gaining 50.1 percent of the vote - eight more votes than he needed.

The No. 2 candidate in the race, Marci Huston, was in Israel this past week so she only recently learned of the speculation over the March 2 election.

She said she hasn't considered whether she might request a recount in District 1.

"I hear all kinds of rumors, and I'm just waiting to see what happens," she said.

Kollin Kosmicki is a Free Lance staff writer. E-mail him at kkosmick@freelancenews.com or call (831) 637-5566, ext. 331.

016660



Woman charged with violating election law

04/30/03

TOM GORDON
News staff writer

A Bullock County woman has been charged with violating Alabama election law by removing a voter's absentee ballot from her mailbox during last year's primary runoff.

A county grand jury last week issued an indictment charging Mary Sue Martin of Union Springs with hindering Lisa Calloway's right to vote. If convicted, Martin could be fined no less than \$50 nor more than \$500.

District Attorney Boyd Whigham said Martin has denied any wrongdoing and will be arraigned next week before Circuit Judge Burt Smithart.

"Taking somebody's ballot out of a mailbox is a no-no," Whigham said.

Martin was a supporter of Bullock County Commissioner Alfonsa Ellis, who faced challenger Terry Jackson in the June Democratic primary and runoff, and defeated him with the help of absentee votes.

Whigham said that during the runoff campaign, Martin removed Calloway's ballot from Calloway's mailbox, then returned it to her when Calloway confronted her. Before the grand jury, one of Calloway's neighbors testified that she saw the ballot being removed from the mailbox. A friend of Calloway's testified that she went with her to get the ballot back from Martin.

Calloway later cast the ballot in the runoff election.

Bullock County is in the eastern Black Belt, and nearly 28 percent of the votes cast in its June 4, 2002, primary elections were absentee. That percentage was the highest in the state.

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The Herald Herald
Herald.com

FL

Posted on Sat, Nov. 15, 2003

HIALEAH

Candidates question results

Earlier this week, a candidate in Hialeah's Nov. 4 election sued to have all absentee ballot votes thrown out.

Now, another candidate wants more absentee votes included.

BY MICHAEL VASQUEZ
mrvasquez@herald.com

Hialeah City Councilman Julio Ponce Jr. on Friday became the second candidate in the city's Nov. 4 election to file a legal challenge to the results.

Ponce, who lost his seat to challenger Cindy Miel by 45 votes, says Hialeah City Clerk Dan Deloach had no legal right to disqualify about 100 absentee ballots on election night.

Deloach, in effect, acted as a one-man canvassing board when two circuit court judges who had agreed to form the canvassing board did not show up. One judge arrived the next day to certify the results, Ponce's lawsuit says.

Ponce lost by 698 votes at the polls, but held nearly a 3-1 advantage in the absentee vote tally, as did the two other incumbents up for reelection. All three incumbents are allies of Mayor Raul Martinez.

If those disqualified absentee votes are counted, Ponce said, "it might take me over the hump and I might win this election."

The city clerk disqualified 21 absentee ballots as too late and 81 ballots as not meeting legal requirements, the lawsuit says. Many of the "illegal" ballots lacked necessary signatures or addresses, according to Deloach. If that is true, former U.S. Attorney Kendall Coffey predicted "an uphill battle" to get them counted.

Coffey led the successful challenge to overturn 1997 Miami election results tainted by absentee ballot fraud.

Absentee ballot fraud is at the center of the other lawsuit filed in connection with last week's Hialeah election. Challenger Adriana Narvaez received more votes at the polls but lost to incumbent Eduardo "Eddy" Gonzalez due to Gonzalez's strong advantage in absentee ballot votes.

Narvaez's suit alleges city leaders coerced residents of Hialeah public housing buildings, many of them elderly, to vote absentee for the three incumbents. Michael Pizzi, the attorney representing Narvaez, called Ponce's lawsuit "mind-boggling."

"Their solution for an absentee ballot process that was rife with abuse is to count more absentee ballots," Pizzi said.

Ponce's lawsuit also asks for a new election if an adequate recount of both machine and absentee votes is not conducted. County elections officials, who administered the Nov. 4 election, say they have already done all recounts required by state law.

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Orlando Sentinel

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ELECTION 2002

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State attorney probes ballots

By David Damron
Sentinel Staff Writer

October 31, 2002

A suspected ballot-stuffing scheme aimed at Hispanics prompted Orange-Osceola State Attorney Lawson Lamar to launch an absentee-ballot fraud investigation Wednesday.

Nearly 100 "questionable ballot request" complaints have been received recently within the two counties, leading investigators to suggest that hundreds or thousands of absentee ballots might be cast under false pretenses.

The fear is that any number of possibly illegal ballots could be dumped in Orange and Osceola election offices on Nov. 5, potentially swaying election results, state attorney spokesman Randy Means said.

"We know something is going on. And, we know someone is trying to corrupt the vote process with absentee ballots," Means said. "There's no doubt in our mind that there's some campaign . . . trying to cast an illegal ballot."

Officials want area residents to contact county elections offices before 9 a.m. Friday if they have any concerns that their identity or voter registration data or address was used to illegally obtain an absentee ballot.

That's when Orange County election officials begin tabulating absentee ballots. After that, it's too late to object to any suspicious absentee ballot -- it's already been processed.

So far, the potential ballot-rigging scheme appears to involve only Hispanic victims, investigators say.

Possible ballot-scam scenarios involve mailing in falsified registration forms or altering re-registration forms that legitimate voters filled out, officials said. Also, creating new fake voters or steering absentee-ballot requests to the wrong address could allow illegal ballots to be cast, officials said.

Means would not say which campaigns or individuals were thought to be involved, but he said it was just one state race generating complaints.

But Wednesday, state attorney investigator Roger D. Floyd sent letters to state Senate District 19 candidates Tony Suarez, a Republican, and Gary Siplin, a Democrat, related to similar complaints about illegal changes to party affiliations on voter registration cards.

Copies of the state attorney correspondence were obtained Wednesday by the Orlando Sentinel through a public-record request into the Orange County elections office.

According to the letters, investigators began receiving complaints that supporters for each campaign may

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have intentionally changed party affiliations on voter registration cards.

Both allegations were related to pre-Sept. 5 primary registrations, when a wrong party affiliation could bar a voter from voting in a closed primary race.

In Siplin's letter, Floyd said that a woman complained she had put an "X" in the "no party affiliation" spot on her registration form when she filled it out. But when she received her voter card in the mail, it said she was Democrat. She suspects someone later put a check mark in the Democratic box, the letter said.

Siplin said, "I don't know anything about it," and directed calls to his attorney, Allen "A. Daniel" Holland, who said more information and proof of the actual card was needed to respond to the complaint. He had not seen the card.

The State Attorney's Office requested Siplin turn over a list of "front desk staff" who worked at his 725 S. Goldwyn Ave. office from July 1 to Aug. 4.

"Mr. Siplin is going to cooperate 100 percent to supply the names of volunteers who worked on his staff" during that period, Holland said, adding that someone could easily lie about a change to cause Siplin embarrassment.

The timing of the complaint, right before the election, further raises concerns, Holland said.

The Suarez complaint letter outlines similar party-changing allegations that could have occurred at two "functions attended by your staff."

Investigators want to know which Suarez staffers worked registration events at the Wal-Mart at 3838 S. Semoran Blvd. on Aug 25, and another event put on by the Latino Leadership Fair at Stonewall Jackson Middle School on Aug. 3.

Suarez said he would cooperate, and that "I don't think that could happen in my campaign." But someone outside his campaign could have done such a thing, he said, adding "It's very difficult to control."

Means would not confirm if the registration complaints from the primary are linked to the absentee ballot probe.

Orange County Democratic Party Chairman Doug Head said internal analysis of voter-roll information showed an unusual number of Hispanic Republicans requesting absentee ballots before the Nov. 5 election -- even though some had failed to cast a ballot or contact election officials in more than four years.

"Something strange is going on out there," Head said.

Orange Republican Party Chairman Lew Oliver said the absentee-ballot process was largely fraud proof, and he'd heard no allegations of anything illegal going on anywhere in the county.

"This is the first anyone has suggested anything of the kind," Oliver said. "It's really, really, really hard to obtain a fraudulent ballot."

David Damron can be reached at ddamron@orlandosentinel.com or 407-420-5311.

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Dodgy ballot requests under scrutiny

By Ludmilla Lelis
Sentinel Staff Writer

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October 3, 2003

DAYTONA BEACH -- Officials looking into possible election fraud involving requests for absentee ballots for Tuesday's city elections have found 43 forms that give the voter's wrong date of birth and three with forged signatures, Volusia County Elections Supervisor Deanie Lowe said Thursday.

The three forged requests are being forwarded to the State Attorney's Office for further investigation.

Lowe said several of the problem ballots, including those with the forged signatures, were printed on behalf of the "Better Way Campaign," which lists the same address as Terrance Whelan, candidate for the Zone 2 City Commission seat.

Whelan said that he and his campaign staff have been distributing the ballot request forms in several neighborhoods and sending them to the elections office.

However, he says he wasn't aware that there were problems with some of the postcards.

"Everything we did is open and aboveboard," Whelan said. "In a campaign with hundreds of ballot requests, I'm sure that some things may go wrong.

"If somebody wanted to trip us up, someone could have gotten a form and filled it out wrong. We don't have signatures to verify if it was truly the voter that signed it."

Meanwhile, Lowe said there may not be enough time to correct some of the errors and send out the absentee ballots, if voters can't be contacted by phone. All absentee ballots must be completed and received at the elections office by 7 p.m. Tuesday.

"What is frustrating is that you may have some people who legitimately ordered an absentee ballot," Lowe said. "However, I cannot issue one in some of these cases."

The problem forms aren't ballots themselves but printed postcards that request a ballot. Lowe said her office can receive requests by phone or in writing. Written requests, which can be as simple as a letter, have to list the voter's name, date of birth, address and signature.

On the forms suspected of being forgeries, elections workers found that the signatures did not match those on file and that the listed voters, when contacted, said they didn't sign those forms, Lowe said.

For the other problem forms, voters told elections officials that they did want a ballot but that someone else had filled out the form for them, Lowe said. The date of birth on the forms doesn't match the original voter registration records, although some voters said the ballot request lists the correct date of birth, Lowe said. She said she needs written verification from those voters to change the date of birth.

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Posted on Tue, Oct. 21, 2003

Extra Broward mail-in ballots cause fear of fraud

Ballots have been sent to people who moved, raising questions about fraudulent votes in elections in four Broward communities.

BY ERIKA BOLSTAD
ebolstad@herald.com

People who have moved but who remain on Broward County's voter rolls have been sent ballots in an ongoing mail-in election, underscoring the county's problems in purging its list of voters who have died, moved or who just don't vote.

Florida Secretary of State Glenda Hood is investigating the matter and has sent it to her legal department for review, said Broward County Mayor Diana Wasserman-Rubin, who received three extra ballots at her Southwest Ranches home over the weekend.

Ballots for the special mail-in election came for Wasserman-Rubin, her husband and three of the previous occupants of the house. The last owners moved out in July 1999, Wasserman-Rubin said.

The extra ballots raise concerns about a fraudulent election, the mayor said.

"I don't know how many people this has happened to," Wasserman-Rubin said. "How do we make sure the right vote from the right voters gets counted? It's a matter of concern for the integrity of the election."

Four special mail-in elections are currently in progress: one in Southwest Ranches, another in neighborhoods near Cooper City and one each in Deerfield Beach and Pompano Beach.

Ballots in the two North Broward cities aren't scheduled to go out until today or later on this week. Voters must return the ballots by Nov. 4.

ISSUES ONLY

None of the elections involves candidates. Instead, voters are asked to decide on commission district lines, whether to issue bonds, change their charters or join a city.

But unscrupulous people who get ballots for long-gone former residents could fill them out, forge a signature and send them in to be counted, said Roy Fink, husband of Southwest Ranches Mayor Mecca Fink.

"How do you check it? That's the problem," said Fink, whose daughter received a ballot even though she moved out of state four years ago.

Southwest Ranches Town Administrator John Canada said the town received about a dozen phone calls from people who didn't know what to do with the extra ballots. He plans to draft a letter today to Broward Elections Supervisor Miriam Oliphant asking that the signature on each mail-in ballot be compared to the voter's signature her office has on file.

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"We want to make sure that only people who are legitimately here have their ballots counted," Canada said.

The extra ballots echo the findings of an August investigation by The Herald, which found that voter rolls in Broward and Miami-Dade counties are bloated with nearly half a million people who have never cast a ballot.

NO-SHOW VOTERS

In Broward, the elections office does not aggressively pursue voters who leave town but keep their county voting cards. The Herald found 475,069 South Florida voters who have ignored every Election Day since they registered. Tens of thousands of them have moved. Some have died or gone to prison.

In a random sample of 100 of these no-show voters, The Herald found people eligible to vote in Broward who had moved to Ocala, New York and as far away as Spain. One so-called active voter is a Coconut Creek man who died last year. Another was in jail for violating probation on an armed robbery conviction -- a felony that should have knocked him off the rolls.

The problem with the ballots comes the week after a team of observers from Hood's office visited Oliphant to see whether she was on track to run a special election early next year. Hood's office raised concerns after Oliphant fired four people earlier this month, including two veteran supervisors who oversaw absentee ballots and poll worker training. A report from the visit is expected to be released later this week.

Oliphant's office has been embroiled in a year of controversy, including a now-closed investigation by the Broward State Attorney's Office and culminating in a budget battle with the Broward County Commission.

Oliphant did not return a phone message from The Herald left at her home Monday night.



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Posted on Sun, Mar. 21, 2004

POLITICS

Ballot fraud charges investigated

Miami-Dade police question Hialeah housing authority employees and campaign workers about allegations of absentee ballot fraud.

BY REBECCA DELLAGLORIA AND KARL ROSS
rdellagloria@herald.com

A decade after a Hialeah City Council election was overturned for voter fraud, police are investigating whether another election in the city was tainted by absentee ballot abuse.

Miami-Dade public corruption detectives fanned across Hialeah on Friday, questioning employees of the city's public housing agency, as well as friends and relatives of politicians aligned with Mayor Raúl Martínez.

Sources close to the investigation say those interviewed were asked about their alleged handling of absentee ballots gathered from voters -- many of them elderly -- in the city's public housing units.

A decisive edge among absentee voters swung the result of at least one City Council race last November, prompting a federal lawsuit by losing candidate Adriana Narváez. She won at the polls but lost to the incumbent Eduardo "Eddy" González after he collected nearly three times as many absentee votes.

'POLITICAL MACHINE'

Narváez alleges the mayor's "political machine," including Hialeah Housing Authority employees, improperly solicited ballots from elderly residents living in subsidized apartments, even instructing them who to vote for in some cases.

City and housing authority officials have denied any wrongdoing, saying the inquiry is a desperate ploy by a losing candidate unwilling to accept her fate at the polls.

Hialeah Housing Director Alex Morales has acknowledged working long hours on the three council races, but says he did so only during free hours accrued through "comp time." He said Saturday he has not been contacted by police and did not want to comment.

On Friday, a team of Miami-Dade officers interviewed about a dozen people, including several with close ties to politicians on the Martínez-backed slate of candidates.

POLITICAL TIES

These included González's sister, Zoey Prieto; the wife of losing council member Julio Ponce, Yadelkis "Yadi" Ponce; and an aide to Councilman Esteban Bovo, Alfredo Llamedo.

Investigative sources also told The Herald federal agents from the U.S. Department of Housing and Urban Development, as well as the FBI, have been assigned to the case and are cooperating with police.

NO INVOLVEMENT

Martínez on Saturday acknowledged the police investigation, but said it didn't involve him.

"I didn't vote absentee," Martínez said. "I didn't pick up any absentee ballots. I didn't tell anybody to pick up absentee ballots. So should I worry?"

Martínez accused Narvaez's lawyer, Michael Pizzi, of using the media to publicize the allegations and scare those cited in

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the lawsuit. Pizzi, a Miami Lakes city councilman, has clashed with Martínez in the past over land use issues.

Pizzi applauded the involvement of investigators, saying he was encouraged by the preliminary results.

"It's a long time coming," Pizzi said. "And it's great news for the people of Hialeah, who've had to put up with this stuff for well over a decade."

Sworn statements given to private investigators working for Pizzi say several voters who live in the city's subsidized housing projects were given ballots and told whom to vote for.

Dinorah Quiros, a resident at 60 E. Third St., said councilman Ponce's wife visited her home in late October.

"She indicated I should vote for her husband, Julio Ponce, Guillermo Zuñiga and Eduardo González," Quiros said in the sworn statement, dated Nov. 28, 2003.

She added: "I voted for the candidates that Yadi Ponce indicated, because I was scared that if I didn't vote for them, I could suffer consequences."

BUILDING ACCESS

The statement noted Ponce is a former housing manager of the building, the Palm Centre, and still had access to its residents.

Ponce could not be reached for comment Saturday.

Another sworn statement, this one from Gloria Reyes of 70 E. Seventh St., tells of another encounter with a man she could not identify, but who had visited during past elections.

"This man filled out my form and I signed it," Reyes told investigators. "He showed me who I had to vote for, indicating where I should mark the ballot. I don't know who I voted for."

Bovo told The Herald that his aide Llamedo was among those questioned by police. He defended his employee's conduct and that of his council colleagues.

"I don't think anybody needs to be afraid of anything," said Bovo, who was not on the ballot in November. "I stand by what the people in the campaign did, and I don't think they did anything illegal."

venture capital subsidiary has committed to invest \$5 million in a venture capital fund that holds a 12 percent interest in Hart Intercivic, a vendor that has qualified to market electronic voting devices in Ohio.

Blackwell's office stated that while SAIC's subsidiary is a passive investor in the venture capital fund and has no role in its management, operation, or investments, the fully-diluted interest of less than 2 percent of Hart Intercivic disqualifies SAIC from assisting in the security inquiries.

Compuware Corporation, based in Detroit, will conduct a technical analysis of each of the four vendor's electronic voting devices. The review will include an examination of the computer source code, and scrutiny of the potential for penetration and points of failure specific to each voting machine.

InfoSentry, based in North Carolina, will conduct in-depth analysis, including on-site inspections and additional verification of claims made by the four vendors concerning security questions previously posed. Further, InfoSentry will assess the functionality and durability of qualified electronic voting systems in environmental conditions common to the use, storage and transport of this equipment. InfoSentry had assisted the secretary of state's office with initial security inquiries of potential vendors during the qualification process.

The four vendors qualified by the state to market electronic voting equipment in Ohio are: Diebold Election Systems; Election Systems and Software (ES&S); Maximus-Hart Intercivic/DFM Associates; and Sequoia Voting Systems.

CONNECTICUT PILOT PROGRAM SEEKS TO COMBAT ABSENTEE VOTE FRAUD

A new Connecticut pilot program, prescribed by law and designed to reform the absentee ballot process, focuses on the absentee ballot application process as a way of preventing fraud and abuse. Connecticut State Elections Enforcement Executive Director Jeffrey Garfield said the Commission believes absentee voting abuses are the number one problem in Connecticut's voting process.

In passing the law the legislature observed that absentee voting abuses persist despite attempts to impose sanctions. Further, it noted that many of these problems arose from a lack of control over the absentee ballot application process. Anyone may distribute absentee ballot applications. Garfield suggested the problem begins with a process that allows candidates and party and campaign workers to go door-to-door distributing applications, or distributing them en masse, coupled with the fact that the applications are open to public inspection. This has produced ballots cast by persons not qualified to do so, and intimidation to vote for or against a candidate.

In recent Connecticut history one elected official lost his job as a result of absentee ballot application abuses. During the past year the Commission has referred evidence of criminal violations to the Chief State's Attorney involving officials in Hartford and New Haven. Former state legislator Barnaby Horton was arrested in August and charged with seven felony counts of absentee ballot fraud in connection with a 2002 primary election. The Commission has also imposed thousands of dollars in civil fines and imposed other sanctions without eradicating the problem.

The new law required the Enforcement Commission to notify all municipalities of the law, and to select three, based on population size, for the pilot project -- one large municipality, one middle-

sized and one small municipality. The legislative body in each municipality must consent to participate, thereby accepting limitations on the absentee ballot application process in their municipalities for elections this year.

The following provisions apply to absentee ballot applications in the three cities.

Applications. Only municipal clerks, registrars of voters, and absentee ballot coordinators appointed by the registrar of voters may issue absentee ballot applications. Applications may be given only to persons who apply for themselves; have been identified by candidates or political parties as potential absentee voters; or are designees of the voter. Designees must be medical caregivers or member of the applicant's family who agrees to do so.

Assistance. Persons ill or disabled may designate someone to assist them in completing an absentee ballot application. For all others, only absentee ballot coordinators may be present and provide assistance in filling out an application outside the office of the registrar. Two absentee ballot coordinators of different parties must provide assistance to applicants who request it. For primary elections, two absentee ballot coordinators representing competing slates or candidates in the primary election must provide this assistance.

Privacy. The list of absentee ballot applicants who have executed applications remains confidential until the third business day before an election or a primary.

Pilot project results. The State Elections Enforcement Commission will survey the election officials and participants in the three municipalities and will report its findings to the General Assembly in January.

SUMMIT COUNTY, OHIO CHANGES PROCEDURES FOR PRE-CHECK SERVICE FOR CANDIDATE PETITIONS

The Summit County, Ohio Board of Elections is changing its procedures for "pre-checking" candidate nomination petitions after original petitions for a candidate for the Akron City Council disappeared too late for that candidate to replace them, triggering a major investigation.

As a service to candidates in the days prior a filing deadline, Summit County offered to pre-check candidates' original petitions to determine whether they were sufficient. If a candidate's valid signatures fell short of the number needed, that candidate still had time to obtain the additional signatures. Whether their pre-checked petitions were sufficient or not, candidates must formally file all the original pages together prior to the deadline.

This year, Joe Finley, a Democratic candidate seeking to represent Ward 2 in the Akron City Council, pre-filed his petitions. Election workers verified that the petition had sufficient valid signatures and recorded details in the computer. When Finley arrived to file his petitions before the deadline, election workers could not locate his petition papers.

Ohio law requires that only original signatures may be used for filing, therefore the board could not place Finley's name on the ballot. Finley obtained a court order placing his name on the September primary election ballot and won the election. His name will now appear on the November general election ballot.

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Former Hartford lawmaker accused of vote fraud

CT

(Hartford-AP) -- A Superior Court judge says a former Hartford lawmaker accused of vote fraud will get a special form of probation. Barnaby Horton was arrested last year on charges of unlawful possession of another's absentee ballot, being present as a candidate when ballots were filled out and making a false statement.

State elections officials said he had gone from room to room at a home for the elderly and handicapped and provided them with ballots. They said in some cases, he encouraged residents to check off his name.

A Superior Court judge is expected to detail the terms of the probation later this month. If he meets them, all charges can eventually be erased from his record.

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Top Stories

West Haven in pilot program to curb absentee ballot abuse

Rebecca Baker Erwin, Register Staff 09/25/2003

WEST HAVEN — The city will change the way it handles absentee ballot forms as part of a state experiment to reduce election fraud.

West Haven is the largest of three municipalities to join the pilot program, initiated by the state Elections Enforcement Commission.

Under the program, West Haven, Winsted and Kent will ban politicians and their supporters from handing out absentee ballot applications during campaigns for the Nov. 4 election.

Only the city clerk or designated absentee ballot coordinators will be able to send applications to voters. Political candidates can give them the names of voters interested in absentee ballots.

Absentee ballot abuse is "the greatest threat to the elections process," said Joan Andrews, the commission's principal attorney.

Too often, Andrews said, candidates flood elderly and disabled voters with absentee ballot applications and later show up to "help" them fill out the ballots "the right way."

"We'd like to sever that first connection," she said.

She cited the case of Angelo Reyes, a former political candidate in New Haven, who was convicted of tampering with elections in 2001 and 2002 in which he and his sister, Denise Maldonado, were candidates.

Reyes was placed on probation for three years, fined \$2,000 and ordered to do 100 hours of community service.

Andrews said absentee ballot abuse also is a problem in the state's largest cities.

The pilot would help state election commissioners learn if trying to fix "a big-city problem" would hurt small or medium-sized towns.

Under current law, the names of people who send in absentee ballot applications and the dates when absentee ballots are sent to voters are public records.

Andrews said "overzealous" candidates and campaign workers use those records to bombard residents with fliers, phone calls and unannounced visits, trying to steer votes.

"We've had complaints from voters who feel they've been harassed," she said.

So has City Clerk Deborah Collins, who said one frustrated resident received eight to nine political phone calls after requesting an absentee

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ballot application.

West Haven Mayor H. Richard Borer said former political candidates in West Haven have picked up hundreds of absentee ballot applications and handed them out on campaign stops.

"They say, 'Here, fill this out' and they know they have the vote in their pocket," Borer said. "The (pilot) program takes politics out of the process."

Borer said the city has "an unusually large number" of absentee ballots, especially during Democratic primaries.

During the 2001 Democratic primary, the city clerk mailed out 1,200 absentee ballot applications and received 600 back. But in the general election a few months later, only 700 applications were requested.

Borer's Republican challenger, Paul Messina, said he believes the program will bring positive results.

"I think people that vote absentee should remain anonymous in the way they voted and this way I hope it will," he said. "It will give them the privacy just like going in the booth."

The pilot program also seeks to cut down on voters who improperly use absentee ballots for convenience, Andrews said.



Under state law, absentee ballots are only for people who are ill, physically disabled, serving in the military, out of town on Election Day, working as a poll worker at a polling place other than their own or whose religion forbids secular activity on Election Day.

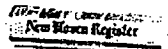
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CT

FBI in state to monitor elections for fraud

By [The Associated Press](#)

Published on 11/05/2002

Bridgeport (AP) — Federal authorities will step up monitoring for possible voter fraud statewide during Election Day, part of a national initiative.

The extra efforts come as the FBI is investigating potential fraud in Bridgeport's Democratic primary for probate judge and as two men face absentee ballot charges involving two New Haven primaries. A team of U.S. attorneys and FBI agents will be available to receive and review complaints of fraud or other election problems.

"Election fraud corrupts the essence of our representative form of government," U.S. Attorney John A. Danaher III told the Connecticut Post. "As a crime against both the individual and the government, it will be dealt with promptly, aggressively and in full cooperation with all appropriate state authorities."

Secretary of the State Susan Bysiewicz said Monday that uniformed and armed FBI officials would not be a presence at the polls. It wasn't clear where they would be working.

Bysiewicz also expressed concern over reports that the campaign of U.S. Rep. Rob Simmons, R-2nd District, had told Republican registrars to consider requesting police supervision at the polls today if they are concerned about voting fraud or disturbances. Posting police officers at voting places could discourage minorities from voting, said Bysiewicz' spokesman, Larry Perosino.

"We felt there was no basis for their (Simmons') communication to the registrars because there has been no evidence of problems with fraud in the 2nd District," Perosino said. "We're concerned about potentially discouraging people from going to the polls if they're worried about uniformed law-enforcement presence being there, and we thought it was bordering on voter intimidation."

The Simmons campaign said Bysiewicz, a Democrat seeking reelection, based her comments on political motives. The campaign's volunteers simply reminded registrars that Connecticut law allows them to request police supervision if they have reason to believe problems may occur, said Simmons Chief of Staff Todd Mitchell.

"Maybe the secretary of the state should spend a little less time politicking and less time wasting tax dollars on the eve of the election," Mitchell said. "This is page 139 in the national Democrats' playbook. When they are losing a race, at the last minute they pull out the voter-suppression card and put it on the table."

Mitchell said some registrars have reason to worry about voting problems today because union groups and Democratic supporters have told some residents incorrectly that they can register to vote at the polls or that they can vote if they can use mail with their addresses on it as proof of residency.

Regarding the FBI supervision of today's elections, Bysiewicz said that two to four federal officials from the Department of Justice would be on hand in Waterbury to ensure that voting materials are made available in Spanish for the city's Hispanic population. Those officials won't be at the polls, but most likely will work from the registrar's office, Bysiewicz said.

The Justice Department planned to dispatch monitors to polling places in 13 other states as well.

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The observers will be watching for any signs of discrimination based on race or problems encountered by the disabled, as well as whether all eligible voters are able to cast a ballot. Widespread voting problems were reported in 2000, particularly in Florida, where the results delayed the declaration of a presidential winner by a month.

Danaher said some election crimes are easily detected, such as bribery, intimidation and ballot forgery. But, he added, it's also a federal offense to "seek out the elderly, the socially disadvantaged or the illiterate for the purpose of subjugating their electoral will."

Federal law also prohibits assisting a voter with casting an absentee ballot, an allegation under investigation in Bridgeport. ■

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State probes absentee voting Many ballots cast in county board race

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By BERNARD SCHOENBURG
POLITICAL WRITER

The State Board of Elections has opened a formal investigation of possible irregularities involving absentee ballots in Sangamon County after questions about a county board primary race, executive director Dan White said Thursday.

"We're working with the county clerk at this point," White said. "We have the authority to conduct investigations under the Election Code."

If any apparent violations of the law are found, White said, the information will be referred to the Sangamon County state's attorney, the state attorney general or the U.S. attorney's office.

The investigation follows a contentious primary election for the Democratic nomination for the District 19 county board seat. Incumbent Doris Turner defeated Roy Williams Jr. by an unofficial count of 678 to 216. No Republican candidate was on the ballot.

In the 19th, 235 people had applied for absentee ballots and 201 absentee ballots were received by election officials.

Williams has sent allegations of potential wrongdoing to several agencies, including the State Board of Elections. Turner said there was no fraud.

White had indicated before the election that his agency was watching District 19. He said Thursday that the board has now opened a formal investigation.

On Election Day, reporters from The State Journal-Register checked on the whereabouts of 91 of the people registered to vote in District 19 who had applied for absentee ballots and found that more than half were in Springfield that day.

Absentee ballot applications from those people had included a check mark next to the statement: "I expect to be absent from my county of residence" on Election Day. Absentee voting is allowed only in certain circumstances, including when the voter cannot get to his or her polling place.

White said an investigator has been assigned to review the records, and interviews may follow.

"We're cooperating," said Sangamon County Clerk Joe Aiello. "We are providing them with any and all documentation they request. We're taking this thing very seriously."

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Calumet City gets new mayor

IL

Judge tosses ballots, gives city clerk election win

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By Manya Brachear and Stanley Ziembra, Tribune staff reporters. Tribune staff reporter Joseph Sjoström contributed to this report

September 3, 2003

A Cook County judge Tuesday reversed the outcome of April's Calumet City mayoral election, declaring Michelle Markiewicz Qualkinbush the winner over Greg Skubisz, who had been sworn into office after declaring victory by 24 votes.

Circuit Court Judge Michael Murphy threw out 38 absentee ballots that he determined to have been illegally cast for Skubisz and eliminated about 50 other contested ballots. He then ruled Markiewicz Qualkinbush, the city clerk, had won the election by 27 votes.

Skubisz's attorney, Mike Lavelle, said he filed notice of a planned appeal late Tuesday and also asked that the judge's order be stayed until the appeal is heard. He was given until 5 p.m. Wednesday to file the appeal.

Markiewicz Qualkinbush said if the stay is denied, she could take office by Wednesday night and would hold a news conference on Thursday to outline plans for her administration.

She would be Calumet City's first female mayor, serving the remaining two years in the term of former Mayor Jerry Genova, who was forced to resign in 2001 after being convicted on federal corruption charges. He is in federal prison.

In his ruling, Murphy said former alderman Skubisz deliberately targeted "the sick, the infirm and the confused" to generate absentee ballots.

"After evaluating all the evidence ... the court finds the actions described herein were intentional, deliberate and persistent pursuit of the absentee vote of handicapped voters," Murphy wrote. "The court finds that this pursuit was fraudulent and designed to win an election at all costs."

After copies of Murphy's decision were distributed to attorneys, Markiewicz Qualkinbush said she was elated by the decision.

"This has been a hard fight, and by no means has it been cheap," she said outside of Murphy's courtroom in the Daley Center. "But the people of Calumet City are worth fighting for. This victory is not about me. It's a win for all the people of Calumet City."

The attorney for Skubisz, who has served as mayor since the April 1 election, said the stay he has requested allows Skubisz to remain in office at least until there's a ruling on the appeal. That way, Lavelle said, a lot of "turmoil, confusion, disruption and upheaval" could be avoided if Murphy's ruling is overturned.

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"We're not done yet," Skubisz said. "There's no question we won the election. It's just that the election was set aside [at least temporarily] by a technicality."

As for Murphy's ruling, Skubisz, an attorney, said the judge's decision to disqualify absentee ballots could have "a chilling effect on people who want to cast their ballot absentee."

The judge ruled that state election law was violated because some of the absentee ballots cast for Skubisz were mailed or delivered to election officials by someone other than a blood relative, Lavelle said.

"One issue that will be brought up at appeal is that the state law is superseded by the Federal Voting Rights Act," Lavelle said. "The federal law allows absentee voters to choose anyone they want, not just a blood relative, to take their ballots to the mailbox or deliver them to the election office."

The outcome of the Calumet City mayoral election had been in doubt since May when Markiewicz Qualkinbush filed a lawsuit alleging that ballot errors at the polls and the mishandling of some of the absentee ballots by Skubisz's supporters denied her an accurate vote count. She requested a recount and nullification of any votes deemed to have been cast improperly. She contended the recount would show she had won by 78 votes.

During the recount, Markiewicz Qualkinbush's attorneys called more than 70 ballots into question, including absentee ballots they said were illegally handled by Skubisz's campaign workers.

After deducting the contested ballots from Skubisz's Election Day vote totals, Murphy counted a total of 2,530 votes cast for Markiewicz Qualkinbush and 2,503 for Skubisz--a difference of 27 votes. Cook County Clerk David Orr said in a written statement that the decision should serve as a warning to future candidates and their campaigns not to break election laws.

"In reversing the April 1 election, Judge Murphy has sent a strong message that overzealous political workers who take advantage of voters and make up their own rules will not be tolerated," the statement said. Reaction among Calumet City residents to the ruling was mixed.

Dave Ley, 22, a student at Purdue University-Calumet in Hammond, Ind. who works part-time at the Calumet City Library, said he voted for Skubisz because he thought Markiewicz Qualkinbush was too closely aligned with Genova's Democratic organization.

Skubisz "was elected the mayor, and I thought that was that," Ley said. "Everything has been running smoothly and I can't imagine what this (court ruling) will mean. It will bring a lot of confusion, though," he said.

Regina Whitelow, a five-year Calumet City resident, said she voted for Markiewicz Qualkinbush and was pleased with the outcome of the court case.

"I liked Michelle as city clerk. I thought she was very efficient," Whitelow said. City employees declined to comment, although one who had been hired since Skubisz took office said he now expects to be fired.

Skubisz has made several appointments to top posts, including veteran police officer Pamela Cap as police chief. Those could be rescinded if Markiewicz Qualkinbush takes office, Lavelle said.

Markiewicz Qualkinbush declined to say what changes she would make as mayor.

"We'll disclose what we plan to do at the appropriate time," she said Tuesday afternoon.

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016679



IN

Anderson gets green light on election challenge

BY JOSEPH RYAN
Times Staff Writer

SCHERERVILLE — A Lake County judge has handed a town judge challenger time and a microphone to prove that voter fraud, allegedly orchestrated by one man, kept him from winning May's primary.

Lake Superior Court Judge Mary Beth Bonaventura decided Thursday to move forward with Kenneth Anderson's election challenge, despite the argument from incumbent Judge Deborah Riga that it's too late.

Riga won the election by 11 votes. Anderson garnered more votes at the polls, but Riga eked out the lead with overwhelming support in absentee ballots.

Anderson tried to persuade an election panel in June to throw out more than 20 absentee votes in her favor. He showed the panel evidence four voters moved out of town years ago, with three of them now living in Illinois. He also said numerous signatures were blatantly forged.

But the election panel voted 2-1 to uphold the primary results, saying the apparent corruption wasn't rampant enough.

Bonaventura's ruling Thursday revitalizes Anderson's efforts to uncover what he believes is a stolen election.

The judge gave him 3-1/2 weeks to question absentee voters under oath and pin down the man he accuses of stealing votes — Bob "Bosko" Grkinich.

"We are going to get all the evidence we can," Anderson said Thursday. "This is a nice step in the right direction."

Riga, who has been avoiding the media, told Bonaventura on Wednesday to throw out Anderson's challenge because state law said the hearing had to be held by June 25. Anderson's attorneys said she can ignore the deadline because they hadn't received election material for the investigation until June 20.

Bonaventura sided with Anderson in Thursday's ruling and also set up a hearing for his appeal to the election panel's decision. Both issues will move forward Aug. 6.

If Anderson convinces the judge corruption spoiled the election, Bonaventura could order a new election for the whole town, or just in the precinct the tainted ballots came from. She could not throw out votes, according to Kristi Robertson, co-director of the Secretary of State's Election Division.

However, the judge also could agree with Anderson's appeal to the election board's decision, and throw out all the votes from the contested precinct, which is in the east side Novo Selo neighborhood.

It is in that precinct Anderson alleges Grkinich stole the election.

The ballots in the name of three Illinois residents were mailed to the home of Gus and Roberta Flores, both of whom have ties to East Chicago politicians.

But Gus Flores has denied he knew about the ballots. Instead, he has suggested his brother-in-law, Grkinich, was behind it. Grkinich, a registered nurse, visits the home regularly to care for his ailing mother.

Grkinich has not returned phone calls, but he has told Gus Flores he will one day clear his name.

Allegedly, the handwriting on the ballots mailed to Flores' home match roughly 20 other absentee ballot applications from the east side precinct. And Anderson said many of those ballot signatures are forged, claiming Grkinich either voted for them or signed the application ballots. Both actions are illegal and would void a ballot.

But Anderson has yet to prove that theory.

During the next three weeks he said he will question all 24 of the mail-in voters from the Novo Selo neighborhood. Twenty-three of those ballots were in Riga's favor.

He also wants to question Grkinich under oath to tighten his case that the votes should be thrown out or the precinct revote.

In the end, the judge will decide whether Anderson's efforts prove rampant voter fraud.

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Bonaventura's ruling on Anderson's appeal as well as his challenge also will determine who will hand out justice for traffic violations and minor crimes in Schererville for the next four years.

The Republicans failed to field a candidate for November's town judge election, handing whoever wins these court hearings the key to the courtroom.

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016681



IN

Judge rejects recount dismissal

BY JOSEPH RYAN
Times Staff Writer

CROWN POINT -- A LaPorte County judge rejected a move Monday by East Chicago Mayor Robert Pastrick to toss out the court challenge to his primary win, sending the contest chugging forward with testimony in Pastrick's defense against voter fraud accusations.

Pastrick's attorneys told LaPorte County Judge Steven King that challenger George Pabey, a city councilman, hadn't proved enough illegal votes to show the election was stolen. The attorneys said even if they gave Pabey the benefit of the doubt on many disputed ballots, he would still fall 143 votes short.

Pabey lost May's Democratic mayoral primary by 278 votes. He won at the polls, but Pastrick pulled out ahead when mail-in ballots were counted. Pabey is challenging the mail-in ballots and has presented evidence throughout the first two weeks of the trial he says shows a pattern of illegal voting spurred by Pastrick's political operation.

King sided with Pabey's argument that the law doesn't require the illegal votes cover the spread of the win. Instead, Pabey's attorneys said they need to show a series of strong-arming and ballot-stealing that leaves the validity of the election in doubt.

"This is not a numbers game," said Nathaniel Ruff, one of Pabey's attorneys.

Ruff contends Pastrick created an influence over voters that wouldn't exist at the polls because city workers were asked to vote absentee and acquire absentee applications, and political newcomers were allegedly given paid election day positions for bringing in absentee votes.

With King shooting down Pastrick's attempt to get the case thrown out, the focus of the trial shifted to his defense, which will attempt to prove the campaign had no malicious intent in signing up absentee voters.

"We readily admit we had a very active campaign to get out the vote," said Terry Smith, one of Pastrick's attorneys. "This is not some vast conspiracy dreamed up by the Pastrick campaign."

Pastrick's defense called election officials and political figures to the stand Wednesday to testify that circulating absentee applications was not an insidious conspiracy, but rather a natural part of a political campaign.

Lake County auditor and head of the county Democrats Stephen "Bob" Stiglich was called to the stand for Pastrick to testify about inner county political workings. Stiglich had unsuccessfully run against Pastrick in the 1980s and in 1999. The most recent face-off between the two was surrounded by voter fraud accusations.

Stiglich testified that flooding the campaign trail with absentee applications is normal and important in getting apathetic residents to vote.

"We do it every time," he said, adding that his own campaign in 1999 focused heavily on acquiring absentee votes.

Pabey's arguments mostly centered on the legal stipulations of absentee balloting, and whether Pastrick workers treated the mail-in ballots as applying to anyone who didn't feel like going to the polls.

"Just because this may be business as usual in East Chicago doesn't make it right," Ruff said.

State law lays out a series of reasons ballots can be sent through the mail, including disability, work and age.

In related matters, attorney Jim Wieser, who is overseeing the case for the Lake County election board, asked King to throw out the case, drawing immediate criticism from another Democratic primary mayoral candidate, Lonnie Randolph. Both Randolph and Wieser are respondents in the case and not working on behalf of either side.

"We are supposed to be neutral parties," Randolph said to Wieser.

Wieser also said he plans to turn over some of the voter fraud evidence to the Lake County election board with the intention that it be submitted to the county prosecutor.

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08/05/2003 1:06 PM



IN

Voter fraud trial heads into final stretch

BY JIM MASTERS
Times Correspondent

EAST CHICAGO – As the voter fraud trial against Mayor Robert A. Pastrick heads into closing arguments today, East Chicago residents brace for the final outcome.

The verdict will likely go one of three ways: All or some of Pastrick's absentee ballots will be tossed out; all votes will stand as counted; or LaPorte County Judge Steven E. King will order a new election.

City Councilman George Pabey, who brought the case against Pastrick after losing the Democratic primary for mayor by 278 votes, wants Pastrick's absentee ballots nullified on the basis of widespread fraud. While neither side wants to see a new election, including the Lake County Election Board, which was named as a co-defendant, it would seemingly bode well for Pabey, who won at the polls but lost by virtue of Pastrick's 1,093 absentee ballots.

If attorney Lonnie Randolph, who finished third in the primary and was also named as a co-defendant, chose not to run in a new election, many of his votes could go to Pabey, observers say.

Pastrick's attorneys, Terrance Smith and Michael Bosch, have not hidden the fact that absentee voting was encouraged and widespread in the election, but they say people cast ballots for the candidate of their choice and did so free of political strong-arm tactics, as Pabey has alleged.

Lake County Election Board attorney James Wieser warned against disenfranchising a large block of voters.

After 10 days of testimony and nearly 200 witnesses, Pabey has essentially put the political process on trial in East Chicago. Numerous witnesses could not produce a valid reason for voting absentee. Some witnesses admitted not residing in East Chicago while another admitted his vote was for sale.

Several political heavyweights have taken the stand to answer questions how – for better or worse – elections in East Chicago are traditionally conducted.

Lake County Democratic Party Chairman Stephen Stiglich testified that flooding the campaign trail with absentee ballot applications is normal and important in getting apathetic residents to vote. He admitted employing such practices during his unsuccessful runs against Pastrick in the 1980s and 1999.

Two elected officials with close ties to Pastrick, Lake County Councilman Joel Markovich, D-East Chicago, and North Township Trustee Greg Cvitkovich, both downplayed their roles in the campaign where absentee balloting is concerned.

Markovich described himself as a self-appointed coordinator of absentee balloting in his home precinct, helping people fill out applications "in order to expedite matters." Cvitkovich disavowed any knowledge that absentee ballot applications were being freely distributed from the township offices.

Former East Chicago Republican Party Chairman Robert Cantrell, who according to Cvitkovich works in the East Chicago office under no official title, testified he submitted a limited number of applications for both Republican and Democrat voters.

Cantrell denied any election-related work was conducted in the township offices.

However, township employees Lee Busby and Harry Dean Johnson told of their concerns about political activity taking place in the offices in violation of office policy. Johnson said he overheard Cantrell say he was responsible for Pastrick winning the primary by way of the absentee ballots.

Pastrick campaign operative Andrew Callas offered little in the way of damaging testimony. He testified that he took more than 1,000 absentee ballot applications to Crown Point and made photocopies of each, but destroyed them in the days after the election.

Numerous city employees were questioned about their roles in helping obtain absentee ballots. Quite often, the name Allen "Twig" Simmons surfaced as someone who pressed them into voting absentee.

Simmons denied any heavy-handed tactics, but was called by to court to answer to allegations of witness tampering.

Testimony also took aim at the involvement of East Chicago City Councilman Levones Tolbert, D-6th, who, witnesses said, offered them money to obtain absentee ballot applications.

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A blow to the Pastrick defense came Monday when King denied his motion to toss out the court challenge. Wieser also petitioned for the same.

All parties agreed on one thing, that a voting recount was unnecessary and should not be conducted as scheduled.

Pabey was present every day in court, with supporters filling the benches in the courtroom. King thanked the audience Tuesday for their demeanor throughout the trial.

Pastrick appeared on Monday this week and briefly Tuesday. His son, Lake County Coroner David Pastrick, was a frequent visitor.

It's unknown how long King will take to render a decision or how much evidence he'll require to rule if substantial voter fraud existed to the point where a remedy is in order. Until then, Pastrick's eight-term reign as mayor hangs in the balance.

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THE INDIANAPOLIS STAR
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IA

Officials hope to learn from vote-fraud probe

New state laws could turn on findings of Lake County panel, one legislator says.

Associated Press
August 25, 2003

CROWN POINT, Ind. -- Some state officials are watching a grand jury's investigation into vote-fraud allegations in Lake County as new laws are considered to prevent election problems.

State Rep. Chet Dobis, D-Merrillville, said new laws were needed to prevent the theft of elections through illegal absentee balloting, but legislators do not have a clear idea how to correct the problem.

Lake County Prosecutor Bernard Carter sought a grand jury to investigate reports of vote tampering by campaign workers in East Chicago, Schererville and other parts of the county.

Dobis, one of the top Democrats in the Indiana House, said discussions about new state laws could turn on what is discovered in the investigation.

"The only thing we can do is wait for some reports from the grand jury, from Bernie Carter or through a trial," Dobis told The Times of Munster for a story published Sunday.

Judge Steven King presided over a trial challenging absentee voting in the primary victory by East Chicago Mayor Robert Pastrick. King wrote in his opinion that the city's mayoral primary "may be a textbook example of the chicanery that can attend the absentee vote cast by mail."

King said mail-in absentee voting was vulnerable to vote fraud because the ballot is cast in an unmonitored setting where no election official or independent observer can prevent coercion or the offer of money, jobs or other incentives.

"This is what Lake County does," said state Sen. Rose Ann Antich, D-Merrillville. "They aren't afraid of the law, so they will go ahead and do business as usual."

Cam Savage, a spokesman for the Indiana secretary of state's office, said that office was working on proposals to address vote fraud.

"We hope to work with members of both parties and try to get some of those reforms passed," Savage said. "We think there are some significant changes that need to be made in the election code."

Some legislators say the punishment for vote-fraud convictions needs to be made more severe.

"I'd like to make it a felony, and it can't be lenient because he knows somebody," Antich said. "I think that would scare the hell out of people more than anything else."

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IN

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More absentee ballots, applications turned over

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net

October 31, 2003

Two more absentee ballot applications and two ballots were turned over by the Election Board to Evansville police Thursday, as an investigation of alleged fraud slowly moved forward less than a week before the Nov. 4 city election.

Assistant Evansville Police Chief Kent Burnworth said 18 absentee ballot forms are being "actively" investigated by three detectives and one supervising officer. That's down from a stack of 140 that the Election Board gave police on Oct. 14.

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One case file related to the investigation has been sent by police to Vanderburgh County Prosecutor Stan Levco. That file identified one suspect who has not been charged. Levco has said he will not consider filing charges until after the election.

Burnworth declined to comment when asked if police are looking at any other suspects.

The Election Office has received more than 3,000 requests for absentee ballots, many of which were turned in by Democratic Party workers.

Democrats have accused the Republican-controlled Election Board for handing the investigation to a police department run by Chief Dave Gullede, an appointee of Mayor Russ Lloyd Jr. But Election Board member Don Vowels, the lone Democrat on the three-member Election Board, said Thursday that he is pleased that the board has now inspected every ballot application called into question.

Questions regarding all but about 12 of those 383 applications were resolved by the board. At its Oct. 14 meeting, the board voted to send several applications to police, but did not review them before doing so.

"This seems to have taken on a life of its own," Vowels said of the controversy surrounding absentee voting. "But the Election Board has taken this into our own hands."

Vowels has, however, differed with County Clerk Marsha Abell and Election Board President Mark Foster about several matters, including the two Republicans' decision to send a absentee voting board to a homeless shelter, which produced about 25 applications for mailed ballots. The ballots should have been mailed, said Vowels. The shelter is near the Civic Center, where people can vote absentee in person.

During a Democratic Party rally for city candidates Thursday night at C.K. Newsome Center, speakers took aim at the investigation.

"Don't let the county clerk scare you from voting," said 3rd Ward City Councilman and local Democratic Chairman Steve Melcher, a frequent Abell critic.

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Abell, appearing Thursday on WNIN-PBS9's "Shively & Shoulders" program, said she has sought to verify that the large number of people requesting absentee ballots are eligible to vote.

"We made a lot of strides (Thursday)," Abell said. "We have a travel board, as we speak, voting people at the homeless shelter."

Abell said recent changes in state law regarding absentee voting and voter registration need to be reviewed.

"You can register your dog to vote now," Abell said, "because you don't have to be seen in person. I think the law needs to be changed where you have to show some identification."

Vowels, appearing on the same program, said he and Abell "are on common ground that the Legislature needs to look at this," but "my approach is we're stuck with the statutes they dealt us, and we have to deal with them accordingly."

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IAN

Fraud allegations spur absentee ballot review

BY WILLIAM LAZARUS

Times Staff Writer

In the wake of ongoing and widespread allegations of absentee ballot vote fraud, the Lake County election board plans to look at letting all voters cast absentee ballots by mail.

Such a change would have to be enacted through a state law and would do away with objections that voters cited the wrong reasons for voting absentee. Critics said it would greatly increase the danger of stolen elections.

"It's the worst reform imaginable. It's a gateway to wholesale election fraud," said William Kimberling, a former deputy director of the Federal Election Commission, who has now retired to his family home in Kokomo.

The county's newly formed Lake County Elections Integrity Subcommittee will consider absentee ballot voting by mail and other election issues after its first organizational meeting at 10 a.m. Friday in the commissioners courtroom at the county government center.

Attorney Justin Murphy, the subcommittee's chairman, said both Democratic and Republican Party chairmen are interested in liberalizing the law on absentee ballot voting.

"Oregon votes by mail, period, and 70 percent of the people vote," said Lake County Republican Party Chairman John Curley.

Curley said he believes voters should not have to give reasons why they want to vote absentee ballot by mail, but he said laws against fraud should have teeth.

In any case, Curley said the elections subcommittee should quickly decide on the changes it wants to push in the upcoming legislative session.

Fellow Republican and Indiana Secretary of State Todd Rokita likely won't agree that all voters should be able to cast absentee ballots, according to his spokesman Cam Savage. Rokita is one of the people named to serve on the election subcommittee.

"There are laws in place" to guard against fraud, Savage said. "We saw in the 1999 elections and the 2003 elections in Lake County that those laws aren't being followed. Doing away with the safeguards that are already there and opening (absentee ballot voting by mail) up to everybody might open it up to even more fraud."

Kristi Robertson, Democratic co-director of the Indiana Election Division, said last year the legislature changed state law to allow all voters to cast pre-election absentee ballots inside election offices, without giving reasons for doing so.

Robertson doubted the Indiana Senate would extend the change to absentee ballots by mail, though she believes such a change would make sense.

"If we really want people to vote, we've got to come up with ways of making it easier," Robertson said. "I understand people's concern about vote fraud, but there are already stiff penalties for that."

Kimberling sees it differently.

"It is a mistake to sacrifice the integrity of the process on the altar of turnout," he said. "We could have huge turnout if we allowed illegal voting."

One problem, he said, is that absentee ballot voting by mail occurs in private, without the checks and balances of a public polling place where parties watch each other to make sure voters aren't coerced.

Also, he said, coupling the right to register to vote by mail with absentee ballot voting by mail makes it possible to generate ghost votes en masse.

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"It's not as easy to discover as you think because no one ever looks," Kimberling said, adding that is true especially in Indiana where election records are put under seal for 22 months, after which they can be destroyed.

Richard Smolka, editor of Election Administration Reports, a 33-year-old national newsletter for election officials, shared Kimberling's perspective.

"The Department of Justice Public Integrity Section has frequently stated that absentee voting was the principal method of vote fraud in the United States," he said.

Smolka questioned whether existing criminal penalties work.

Also, Smolka said, "The more absentee ballots that are cast, the harder it is to identify the fraudulent ones because of the volume."

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<<Back



November 18, 2003

Four Charged in Alleged East Chicago Voter Fraud Case

JN

Four people were indicted by a grand jury Monday in an investigation into absentee voting in East Chicago's Democratic mayoral primary.

Allan Simmons is accused of receiving absentee ballots for people who were not eligible to vote in the primary and threatening them if they testified before a grand jury. The 35-year old East Chicago resident faces three counts of attempted obstruction of justice and six counts of ballot fraud.

City councilman George Pabey lost the Democratic nomination for mayor by 278 votes. He claims he would have won if not for hundreds of fraudulent absentee votes cast for Robert Pastrick.

Pastrick won re-election to his ninth term in the heavily Democratic industrial city two weeks ago. Jimmy Lee Franklin, 50, was also indicted and accused of failing to appear before a grand jury.

Robert Croy, 73, and Delores A. Croy, 66, are charged with voter fraud and lying to the grand jury.

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IN

December eyed for wrap on voter fraud

By **BYRON ROHRIG** Courier & Press staff writer 464-7426 or brohrig@evansville.net

November 19, 2003

Don't look for a conclusion to the city voter fraud inquiry until December - probably late December.

Vanderburgh County Prosecutor Stan Levco said the latest word he's received from police is that an investigation of alleged absentee voter fraud in this year's city election will be concluded "by the end of the year."

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"It would be my intention to try to resolve this before the first of the year," Levco said Tuesday. "But I've only seen one case. I would like to see what other things (police) have found in their investigation."

Police Chief David Gulledge, who was unavailable Tuesday, said last week that the investigation is continuing and that he did not know when it would be wrapped up. Gulledge said 14 more suspect ballots were turned over to police last week, about 30 others were being checked and detectives had finished examining 100 others.

The only case file now in Levco's possession involves Donald Mosby, a Democratic precinct committeeman and an uncle of Vanderburgh County Commissioner David Mosby. Investigators accused Donald Mosby of asking Nelson E. Detalente Sr., a former Evansville man who now lives in Henderson, Ky., to fill in his former Evansville address on an absentee ballot request form.

Levco said he would like to have a case to present next month to a grand jury.

Before the election, Levco declined to proceed with the Mosby case. He later said he would act after the absentee-ballot investigation by police is closed.

Heated, often partisan sessions of the Vanderburgh County Election Board, held for inspection of questionable absentee ballot applications, led up to the Nov. 4 election.

Part of the debate swirled around whether city police, headed by an appointee of Republican Mayor Russ Lloyd Jr., should investigate alleged absentee irregularities.

While some Republicans argued city law enforcement should check into matters involving a city election, some Democrats said the probe should have been handed over to Indiana State Police.

016691



IN

Vote fraud scrutiny to be heightened

BY BILL DOLAN
Times Staff Writer

HAMMOND — U.S. Attorney Joseph Van Bokkelen said his office is gearing up to investigate any vote fraud complaints made during this year's elections.

Lake County was a hotbed of scandal last year over allegations that hundreds of illegal absentee ballots were cast in 2003 in the East Chicago and Schererville spring primary.

Because last year's elections only involved municipal races, federal authorities kept their distance until recent weeks. Sources within federal government said the U.S. Justice Department will move in to assist, if not take over, a stalled investigation by the county prosecutor and Indiana Attorney General's offices.

There will be no delay if vote fraud rears its head in the spring primary, Van Bokkelen said.

"If there is any kind of illegal activity taking place, it's one in which we will have much more ability to look into than we would on just any local election," he said.

He said his chief weapon against voting irregularities is the 1965 Voting Rights Act.

"We can pursue the issues of civil rights, extortion or bribery. Because there is a federal election going on that we can bring in to play, that we could not normally bring into play on a purely local election," he said.

The Voting Rights Act has been used to protect language minorities. Lake County has sizable Spanish- and Serbian-speaking populations, who allegedly were victimized last year.

East Chicago Mayor Robert Pastrick won the mayoral primary last spring with hundreds of absentee ballots, many cast in the names of Hispanics who couldn't read the English instructions.

Pastrick's critics allege his campaign workers filled out many of the ballots for naive foreign-born city residents, in violation of state law that only the voters or their immediate family can write on the form.

The same allegations were made in Schererville, where voters for whom English is a second language said they received help from Bob "Bosko" Grkinich, a Schererville businessman and Democratic committeeman.

Bill Dolan can be reached at bdolan@nwitimes.com or (219) 662-5328.

016692



TIN

Feds stalk vote fraud bounty

BY BILL DOLAN
Times Staff Writer

HAMMOND -- U.S. Justice Department investigators see Lake County's vote fraud scandal as a big game hunt.

A source close to the U.S. Attorney's office said the federal government is targeting those who directed wholesale vote buying, intimidation or fraud to steal elections in East Chicago and Schererville.

Federal authorities said they suspect a conspiracy took place among East Chicago city officials, County Board of Elections and Registration officials and campaign employees of Mayor Robert Pastrick to coordinate the fraudulent casting of hundreds of absentee ballots in the May 6 Democratic primary. They believe a similar, but smaller, racket took place in Schererville.

Sources within the federal government said the U.S. Attorney's office is under pressure to take over an investigation in Crown Point by a special county grand jury that was at best spinning its wheels and at worst leaking evidence to those under suspicion.

U.S. Attorney Joseph Van Bokkelen is expected to announce as early as this week that he is not conducting a hostile takeover, but rather a merger with Indiana Attorney General Steve Carter and Lake County Prosecutor Bernard Carter, who were running the special grand jury in Crown Point.

Ned Ruff, an attorney for East Chicago City Councilman George Pabey, D-at large, said Friday their team of private investigators found a surplus of evidence, which was detailed last summer in Special Lake Superior Court Judge Steven King's 104-page opinion on that city's 2003 Democratic primary.

Pabey lost to East Chicago Mayor Robert Pastrick by 278 votes. Pabey contested that result. King heard three weeks of evidence from witnesses collected by Pabey's lawyers, and threw out 155 absentee ballots, leaving Pastrick with a 123-vote majority.

Ruff said they will continue to argue this March before the Indiana Supreme Court that all absentee ballots cast in Pastrick's name should have been thrown out because of what Ruff calls, "a pattern of fraudulent behavior."

"These were not isolated incidents," he said. "It covered the city. It happened to a lot of different people. It was centrally directed fraud in which the poor, young and naive were targeted.

An organized effort

The names of those who reportedly did the targeting were repeated over and over last summer by witnesses.

Ruff said there wasn't any evidence linking Pastrick to the illegal activity.

King's opinion named North Township Trustee Gregory Cvitkovich and Robert Cantrell, former East Chicago Republican chairman, but not as participants in vote fraud.

Rather, King quotes Cvitkovich and Cantrell as saying candidates (like Pastrick) hire hundreds of unofficial poll workers in the expectation they will cast absentee ballots in the name of their paymaster candidate.

Ruff said there was a large amount of evidence that East Chicago's parks department swelled before last year's primary with employees hired not to promote recreation but Pastrick's re-election.

"Park Superintendent Joe Valdez's name came up over and over," Ruff said. We were told park employees were ordered to vote by absentee ballot, because there was a fear they would get drunk on election day and not get to the polls."

Valdez is awaiting trial this summer on charges he and five other East Chicago political figures illegally spent \$20 million on sidewalk and other concrete work on private property to curry favor with voters before the 1999 Democratic primary election. He is pleading

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innocent in that case.

Others named by King as prime players in the East Chicago mayor election include:

* Andrew Callas, who directed Pastrick's campaign, including the collection and photocopying of more than 1,000 absentee ballot applications at Pastrick campaign headquarters before they were sent on to the election board.

* Lake County Councilman Joel Markovich, a precinct committeeman and Pastrick supporter, who admitted hiring 40 people to work at the polls.

* East Chicago Precinct Committeeman Ramon Guillen, who recruited, collected and delivered absentee ballot applications by the dozens, many of them in identical handwriting even though applications are supposed to be filled out only by the voters themselves.

* Alan "Twig" Simmons, a city employee, who was present, according to King, when Lisa Bailey and her mother, Stella Bailey, filled out their ballots. She said Simmons promised to help the two women get jobs and that he would fix Bailey's car.

* Alfred "Bit-a-man" Rodgers, a Pastrick supporter and unsuccessful candidate for City Council, who allegedly promised to pay for an absentee ballot.

* Milan Kesic, who manages a temporary employment service and a Pastrick operative, who obtained 90 absentee ballot applications from his employees and could have had more.

More absentee questions

Allegations in Schererville center on the absentee ballots cast for Schererville Town Judge Deborah Riga and the activities of Bob "Bosko" Grkinich, a Schererville businessman and Democratic committeeman of Schererville's heavily Serbian 10th Precinct.

Riga won the primary by 11 votes, but her nomination was reversed last year by a recount judge who declared challenger Kenneth Anderson the winner after disqualifying 23 absentee ballots in Riga's name.

At the hearing, Anderson's lawyers alleged Grkinich was involved in the illegal possession of absentee ballots and the illegal assistance of absentee voters. Grkinich refused to answer questions about his role in alleged vote fraud on grounds it might incriminate him.

There is no solid indication yet who federal authorities are targeting within the county elections board, but Ruff said Pabey's team believed someone on that staff was helping's Pastrick's campaign.

Ruff said he believes the elections board delayed by several hours reporting their count of nearly 2,000 absentee ballots cast in the East Chicago mayoral primary.

Michael McPhillips, assistant director of the elections department, said the elections board staff from both major parties counted about 7,500 absentee ballots cast throughout the county in the spring of 2003. He said absentee vote totals weren't held back.

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IN

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Abell: It's time to end vote fraud probe

However, clerk still convinced it occurred

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net
February 11, 2004

Investigations of alleged fraud in the 2003 Evansville city government election will proceed no further.

Vanderburgh County Clerk Marsha Abell, who said last month that the County Election Board should continue an examination of the election, said Tuesday that it's time to move on.

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"I think our energies would be better served making sure these things don't happen again," Abell said.

"These things," according to Abell, included irregularities in the absentee voting process. The county election office received more than 3,000 applications for absentee ballots, and signature issues on several ballots led the Election Board to request an Evansville Police Department investigation.

Results of that investigation were presented after the election to a Vanderburgh County grand jury, which returned no indictments.

But Abell said she remained convinced that fraud took place. She said she had evidence a voter knowingly cast two ballots and heard about problems with absentee voting among residents of a Downtown homeless shelter.

There were roadblocks, though, in investigating the issues further, Abell said. She said she asked the police department for its investigative file, but she said the police department said the Election Board would have to issue a subpoena to view it. Don Vowels, the lone Democrat on the Election Board, said moving forward with an investigation would have raised legal questions.

"Mrs. Abell is right about the difficulty of going forward on this because we don't know what the grand jury looked at," Vowels said. "If a grand jury looked at a case and there is (no indictment), they can't be looked at (again) unless new information comes to light after the proceeding."

The investigation of alleged voter fraud became politically charged in the last days before the Nov. 4 election. Mark Foster, the other Republican Election Board member, said he believes the board sent a message that "those who may want to bend the rules know we're not going to sit idly by and let it happen."

In another matter, Vowels made an unsuccessful motion that business cards, which give instructions about the new voting machines, not be distributed by those who demonstrate the county's new election equipment. He objected because the cards, which list the dates of this

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year's primary and general elections, twice list Abell's name, and Carla Hayden's name is listed once. Both are candidates in the November election.

The cards also have the names of the other two election board members, including Election Board member Vowels. On the reverse, Abell's name appears with Hayden, the chief deputy clerk who is running for county clerk, and Election Supervisor B.J. Farrell.

Abell is running for Vanderburgh County Council at-large.

Foster said the cards are meant to instruct voters on the new touch-screen voting machines, and the names on the cards, which include county phone numbers, indicate who residents can contact to schedule demonstrations.

Vowels' motion died for lack of a second.

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IN

Election Board to act on claims of illegal voting

BY DAVID MITCHELL

Times Staff Writer

VALPARAISO -- The Porter County Election Board voted Tuesday to conduct a hearing on claims of illegal voting in last year's election by children of the former Porter Town Council president.

Board member Dale Brewer requested the action at the close of the group's regular meeting, and asked the county Sheriff's Department to investigate the claims.

According to Brewer, the allegations involved absentee ballots cast by Wesley and Nicole Kozuszek, children of Kathy Kozuszek, who lost her re-election bid last year. Brewer prepared a statement and additional material for the other members of the board.

"The challenge to the ballots was based upon independent, reliable public information obtained from the Chesterton Police Department that the individuals casting the absentee votes did not reside in that voting district, and therefore, were ineligible to cast a vote," according to Brewer's statement.

Brewer had information from the Chesterton Police Department related to a report filed by Wesley Kozuszek in October 2003, after he told police someone stole his vehicle. Police records show a Chesterton address for Nicole and Wesley Kozuszek, making them ineligible to vote in a town of Porter election.

Kathryn Kozuszek said her children have an attorney and would have been at the board's regular meeting had they known the issue would be addressed. Instead, a special meeting is scheduled for April 30, when the Kozuszekes will state their case.

Kozuszek said her children live and are registered to vote in Porter. While her son maintained an apartment to get out of the house on occasion while the family dealt with difficult times last year, Kozuszek said he lived at home in Porter.

"That will be up to the Sheriff's Department to investigate," Brewer said.

Aside from the absentee ballot issue, Kozuszek charged Brewer with abuse of power as a member of the board. On Election Day, Brewer was notified of a Porter poll worker authorized by the county Democratic Party chairman, but that person neither lived in nor was registered to vote in Porter County.

Brewer asked the person to leave. Kozuszek claimed the person tallied people entering the polling place -- a poll book holder -- and is not required to be a county resident.

Brewer agreed the person did not have to be a resident but said he never identified himself as a poll book holder.

Meanwhile, the board resolved a number of alleged campaign finance violations reported following last year's elections. Accusations mainly targeted Democratic candidates in Porter and Hebron, claiming they filed inaccurate campaign finance disclosure forms.

Board Chairman James Bozik said all candidates in question subsequently corrected any errors previously filed. Board officials plan to send an additional letter to candidates reminding them of their obligation to accurately file their paperwork. No more exceptions will be made, and candidates who fail to abide by election laws will pay fines or legal fees, Bozik said.

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FOCUS - 45 of 142 DOCUMENTS

Copyright 2001 Times Publishing Company
St. Petersburg Times (Florida)

July 23, 2001, Monday, 0 South Pinellas Edition

SECTION: EDITORIAL; LETTERS; Pg. 7A

LENGTH: 1836 words

HEADLINE: Election debacle will resonate for years to come

BODY:

Along with the striking story in the New York Times of July 15 on Republican behavior during the Florida election crisis is a second story about Joe Lieberman. He, of course, was the Democratic vice presidential candidate who lost out along with Al Gore, possibly due to his own decency - perhaps naivete - in the face of the raw-knuckled political infighting of this ballot count.

The first story relates how the Republicans pressured Florida election officials to disregard faulty absentee ballots in Bush-leaning counties. The Times' six-month study reports that ballots were flawed because they had no witnesses as required by law, they were without postmarks or were postmarked too late, many were mailed from within the United States, and there were even ballots from voters who voted twice. Florida Secretary of State Katherine Harris had declared that only proper ballots deposited on time should count, but she waived that requirement for overseas ballots which were known in advance to be right-leaning.

While the Republicans were launching their hardball campaign to get every last pro-Bush ballot counted - proper or improper - good-hearted Lieberman said on Meet the Press on Nov. 19 that he favored giving "the benefit of the doubt" to military personnel. He felt their votes should count. It all smacks of Leo Durocher, the hard bitten manager of the New York Giants in the 1950s, who snarled, "Nice guys finish last."

The dispute on Florida absentee ballots in 2000 will resonate for years as will the Republican effort to disenfranchise black voters. We can't kick George W. Bush out of office; that would be unconstitutional. But we can recall the 2000 debacle in 2004.

Edward Rapp, Inverness

Let states tackle election woes

Re: Another good idea for election reform, by Philip Gailey, July 15.

In a timely reminder, editor Philip Gailey references a report out of the Brookings Institution regarding election reform in which author Thomas Mann "warns against seeking a federal solution to a problem that is . . . primarily a state and local responsibility." Mann also suggests "the federal government should create a new independent agency to assist states" seeking solutions to electoral problems.

As a Libertarian, I flinch from suggestions that the federal government should take on more tasks - there is nothing in the Constitution that allows the federal government to do so. On the other hand, there is nothing in law or the Constitution that prevents the states, whether two or 50, from forming the Interstate Cooperative Committee on Ballot Technology and doing precisely what Mann suggests.

If there is to be a nationwide dialogue on how to run an election, let it be managed by the states rather than by Washington's bureaucrats. The Interstate Cooperative Committee won't be able to force a one-size-fits-all solution on its members, but the Federal Ballot Technology Administration might.

Frank Clarke, chairman, Pinellas County Libertarian Party,

Oldsmar

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How Bush will be remembered

Re: Bush focus: Get in overseas votes, July 15.

The article regarding the overseas ballots is not very surprising.

What is surprising is that White House spokesman Ari Fleischer believes "the election was decided by the voters of Florida a long time ago" when, in reality, the election was decided by the U.S. Supreme Court.

George W. Bush will always be remembered as the "selected" president.

Sandra Harris, Safety Harbor

Scanner system makes sense

Re: Voting machines.

I am unaware of the individual costs of the units under consideration, but there should be a great difference in the numbers required when comparing "touch screen" and "scanner" use. A polling place would probably require as many touch screen units as the punch card booths now in use. However, polling places would need two or three scanners, (more in high-activity polls) ensuring backup for failures. The scanner would be virtually as fast as dropping a ballot in the ballot box, except where a ballot is rejected. Even then, little time is lost at the machine! Voters would require only privacy stalls, much like those for the punch card system, in which to mark their scanner ballots.

Far fewer electronic devices are required, a "paper trail" is retained, and a "real time" count can be maintained and/or fed directly to an "election center" computer. Costs aside, the "scanner" system should require less inventory, maintenance and "glitch" worry. May common sense prevail!

E.C. Whipple, St. Petersburg

Times should stop obsessing

When will your paper stop obsessing about the Florida presidential recount? It's over. Your guy lost. Forget it!

Pat Jennings, Dunedin

A painful loss . . . or theft

Re: Vote controversy turns to computer records,

July 17.

Gov. Jeb Bush's communication director, Katie Baur, says it's painful to lose an election, but we should all move on.

Losing a precious possession would be painful, but if I suspected it had been stolen from me, it's unlikely I would just move on without an investigation, though I'm sure the alleged thief would appreciate it.

Kay Lawrence, Largo

Harris' role should be scrutinized

Re: Scrutiny of Harris' role revived, July 16.

Thanks for the excellent follow-up story on the shocking New York Times story on how the Republicans corrupted the recount of military ballots.

Note to Mac Stipanovich who says that some people believe Katherine Harris is "evil personified": Count me as someone who doesn't believe that, Mac.

Do, however, count me as someone who believes that if the Times' allegation that Harris allowed her non-partisan office to be used as a partisan "war room" during the recount debacle is correct, Harris should resign.

Pronto!

Jack McCarthy, Tallahassee

An elections chief with ethics

Re: Elections chief recuses herself, July 18.

What a concept, an elections chief with ethics. Deborah Clark is to be commended for taking the high road. It's refreshing to witness such character.

Too bad we cannot say the same for Katherine Harris. From the many articles I've read in the St. Petersburg Times and the New York Times, the screw-up with the overseas absentee ballots lay squarely on her shoulders.

As has been reported, state election law requires overseas ballots to be postmarked by Election Day. She knew this, she even reminded the supervisors of elections statewide in a public statement. But she allowed some 680 flawed (illegal) ballots to be counted. Ballots with late, illegible or missing postmarks. Overseas ballots with domestic postmarks. Ballots with no witness signature. Even absentee ballots that were not requested by the voter. Harris allowed her very partisan wishes (and possible ambassadorship) to blind her to the letter of the law concerning absentee ballots in Florida.

The governor saw the nature of the beast and realized the possible hint of a conflict of interest. He did the only thing he could do and stepped aside (even if only in public).

Now we learn that records on computers used in Harris' office during this period have been erased. Now this brings back some memories.

Gilbert A. Sullivan, St. Petersburg

Be sure your vote is counted

Once again, the liberal Times has seen fit to revisit the 2000 presidential election with articles on the counting of the military votes, Katherine Harris and so on. Will this never die? After the myriad lawsuits for weeks, the Supreme Court spoke and we swore in a new president - George W. Bush - on January 20, 2001.

It's over, kaput; you're beating a dead horse. Let's move on.

That said, let our voters, or those intending to do so, know that there are several essential steps they should take to ensure the proper counting of their vote. Remember, voter error is not sufficient cause for a recount. Familiarize yourself with the ballot you will be using, know what identification is required in order to cast your vote, know what precinct you are in and where your polling place is located, and then - this is important - know your candidates for the various offices. If any of these pose a problem, ask for help from a friend, relative, an attorney or your supervisor of elections. If people go to vote unprepared, they have only themselves to blame if their vote is not counted.

Jim Wright, Clearwater

We won! You lost! Get over it!

As a transplanted Yankee, I often see bumper stickers, etc., relating to a certain war that took place almost 150 years ago in America. Those who lost that war still bemoan the fact and insist that the war isn't really over at all. To them I say, "The war is over! We won! You lost! Get over it!"

Now, as a conservative Republican, I am seeing more and more articles in the Times bemoaning the fact that yet another study has been done concluding that those nasty Republicans did everything in their power to win the 2000 election, and though nothing illegal has been uncovered, the Democrats and the liberal media are just sure that some awful crime was committed. (Of course, to them a Republican in office is a crime.) To them I also say, "The election is over! We won! You lost! Get over it!"

J.R. Carrel, Safety Harbor

Encourage effective solutions

International leaders are meeting in Germany this week to resume negotiations on the implementation of the Kyoto Protocol on Climate Change. President Bush has repudiated the United States' obligation to develop details on how the world will minimize global warming. During the president's recent European tour he pledged that he would not obstruct progress during the climate talks. I hope that Americans will hold President Bush accountable to his word, given that even without our participation, the Kyoto Protocol is a crucial step toward addressing this century's greatest environmental challenge.

As the world's largest emitter of climate changing pollution, the United States should take a lead in reducing emissions.

Americans are renowned for innovative leadership in the business world, yet when it comes to acknowledging our role in global warming we have become an international embarrassment. We must encourage leadership from all elected officials to develop effective solutions to climate change.

Lyndy Worsham, Clearwater

An image that doesn't inspire

Why must you print, seemingly, a picture of President Bush with every article concerning him? We all know what he looks like, and his crafty face certainly does not attract readers or inspire them.

James Wilkins, St. Petersburg

Share your opinions

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GRAPHIC: BLACK AND WHITE CARTOON, DON ADDIS; George W. Bush sitting on a tree stump labeled "THE STEM CELL DECISION," thinks to himself "What would Charlton Heston do?"

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KY

Suspicious absentee ballots?

Political accusations fly both directions

By JOHN MARTIN Courier & Press staff writer 464-7594 or jmartin@evansville.net
October 21, 2003

A Vanderburgh County government attorney said he's worried that an investigation of suspicious absentee balloting is not being handled properly, but the county clerk claims the concerns are simply "a political ploy."

Kevin Winterheimer, attorney for the Democratic-majority Vanderburgh County Commissioners, called into question Monday night how the investigation has been handled by County Clerk Marsha Abell, a Republican.

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Abell has turned over about 100 absentee ballot applications and fewer than 10 unmarked absentee ballots to Evansville police, who say they are investigating possible fraud.

The ballot applications, Abell said, have irregularities such as incorrect signatures or birth dates.

She said the actual ballots turned over to police were mailed from the Election Office to city voters who supposedly applied for them, but the ballots bounced back to the senders because no one lived at those addresses.

Elections for Evansville mayor, City Council and city clerk will be Nov. 4.

During his regularly scheduled report at Monday night's commissioners meeting, Winterheimer, citing news reports about the voting probe, asked for an emergency meeting of the county Election Board to ensure that the investigation is being done legally. The commissioners do not have the legal authority to call for an Election Board meeting, but Democratic Commissioner Catherine Fanello said the move was meant to relay the commissioners' concern about the investigation. The two Democrats on the three-member commission voted to call for an emergency meeting if Winterheimer's concerns are not settled during a meeting today with Election Board Attorney Les Shively.

Shively said County Commissioners should not issue an "edict" that the Election Board should meet.

"This should be dealt with from an attorney-to-attorney standpoint," Shively said.

The three commissioners agreed that the two attorneys should meet. But Republican Commissioner Suzanne Crouch parted with Democrats David Mosby and Fanello to call for the emergency meeting of the Election Board.

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Winterheimer said his concerns include the fact that Abell was quoted as saying she ran the names of some people seeking absentee ballots through court records and found one person with multiple arrest warrants.

The fact that someone has warrants is irrelevant to his ability to legally vote, said Winterheimer.

Winterheimer said he spoke with a co-director of the Indiana secretary of state's Election Division, who described practices such as running would-be absentee voters through court records and giving irregular applications to police as "highly unusual."

Under state law, the Election Board, on which Abell serves, along with Republican Mark Foster and Democrat Don Vowels, is in charge of administering elections. Abell last week told the Election Board that she had discovered irregularities in absentee applications, and she made a motion that police and the county prosecutor's office investigate. The motion passed 3-0.

Winterheimer acknowledged that County Commissioners have no role in running elections, but he said he wants to make sure the right to cast an absentee ballot is being protected.

"This could put a chilling effect on the fundamental right to vote," Winterheimer said.

He also said that if someone sued over being denied an absentee ballot, the county could be liable.

Winterheimer's comments "generated heat but not much light," Shively said.

"No one is interested in doing anything that discourages people from voting in this very important election."

Abell said she's "not the least bit concerned" about Winterheimer's comments. She said everyone who is registered to vote and legally seeks an absentee ballot will get one.

"This is a political ploy," Abell said. "It's strictly political."

Evansville police say they have given high priority to their investigation of possible absentee voting fraud, and detectives are working on the case full-time. The deadline to receive an absentee ballot for the Nov. 4 elections is Monday.

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KY

Lexington Herald Leader (KY) - Posted on Mon, Nov. 04, 2002

**Eastern Ky. voting under scrutiny
HIGH NUMBER OF ABSENTEE BALLOTS RAISES CONCERN AMONG ELECTION
WATCHDOGS**

As usual, high numbers of absentee-ballot requests and complaints in some counties have attracted the attention of state and federal election watchdogs, who vowed in news conferences to watch for vote buying, voter intimidation and ballot forgery.

As of Friday, 278 of 47,418 registered voters in Pike County had cast absentee ballots -- a relatively low number compared to 572 in Martin County, where there are only 9,887 registered voters.

The state attorney general's office last week picked up copies of absentee ballot applications in Martin and Pike counties, officials said, but veteran political observers were not impressed.

"I call them 'paper tigers,'" said Gary Ball, editor of the weekly Mountain Citizen in Martin County.

"They're just paying lip service to the problem, coming on Election Day," Ball said. "If they were serious, they would have been in here six weeks ago."

Assistant U.S. Attorney Thomas L. Self, who last week was appointed election officer for the Eastern District of Kentucky, declined comment on Friday.

In Magoffin County, which Salyersville lawyer Gordon Long once described as "the vote-buying capital of the world," newspaper publisher David Prater decided to take the problem into his own hands.

The Salyersville Independent last week offered \$2,500 for information leading to a federal vote-buying indictment.

"We've outbid the buyers," said Prater, who estimated the selling price for votes in the current county election is \$75.

"We're already receiving tips."

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Thursday, October 24, 2002

Clay County voting under investigation

Federal agents subpoena records of May primary

By Alan Maimon
 amalmon@courier-journal.com
 The Courier-Journal

MANCHESTER, Ky. -- Federal prosecutors are investigating voter fraud in Clay County, five months after a primary campaign during which shots were fired at the county clerk, a supporter of his opponent was wounded and absentee voting was stopped twice.

The clerk, Jennings White, said federal authorities handdelivered a subpoena to his office on Monday asking that all records from the May 28 primary be turned over by this morning.

Barbara Hadley Smith, a spokeswoman for Kentucky Attorney General Ben Chandler, said Chandler's office was notified about the subpoena of election records by the U.S. attorney's office for the Eastern District of Kentucky.

Sheriff Edd Jordan, who twice suspended absentee voting leading up to the primary after long lines of unruly voters showed up at the polls, said he hoped the investigation would expose any vote buying that took place.

"This was no surprise. That election needs to be straightened up," Jordan said of the federal probe.

White lost the Republican primary in his bid for a third term as clerk to challenger Freddy Thompson, who got 59 percent of the vote. But White won the absentee vote count, 522-331.

In all, nearly 5.5 percent of Clay County voters cast their ballots early. Only four other Kentucky counties had a higher percentage of absentee voting, and the statewide average was 1.16 percent.


After the primary, Secretary of State John Y. Brown III said a high percentage of absentee voting is generally a sign of vote buying.

White said Tuesday that he wasn't concerned about the subpoena. "I have no problems with it. Why should they single me out? We're just the bookkeepers," he said.

Thompson said he was confident the investigation would find no wrongdoing by his supporters.

Officials at the U.S. attorney's office declined to confirm that an

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investigation was under way. But federal authorities conducted a similar probe following a 1998 election in Wayne County in which 54 people admitted selling their votes. Four men who were subsequently indicted pleaded guilty to conspiracy to commit vote fraud.

The Clay County primary was marked by a number of unusual circumstances.

On the day of the primary, a Thompson supporter was removed from a voting precinct after he started campaigning for Thompson. At another precinct, more than a third of approximately 700 voters needed assistance reading the names of the candidates in the voting booth.

A week before the vote, White's vehicle was sprayed by gunfire while he was driving, forcing him to get out and flee over a hillside. Hours later, gunfire was reported at Thompson's house. It was unclear whether the shot came from inside or outside the house.

In a separate shooting incident, one of Thompson's supporters was wounded but was not seriously injured.

And four days before the primary, a lawsuit was filed by two election workers claiming that White selectively delayed telling a number of poll workers about mandatory training classes until it was too late for them to attend. A judge declined to intervene in the dispute.

Clay County Attorney Clay Bishop Jr. said he was concerned about the high number of absentee voters in the primary.

"I didn't want anything to do with that foolishness," Bishop said, referring to lines of several hundred people who stood in front of the clerk's office to vote absentee. "I kept my distance from it."

Jordan, the sheriff, said the only way to figure out who may have bought votes would be to subpoena every absentee voter and question them.

The subpoena comes two weeks after Chandler announced an effort to prevent voter fraud in the Nov. 5 election.

Chandler said investigators from his office would coordinate with Kentucky State Police and visit every county clerk before the election to identify potential problems. Chandler said his office would determine from those visits which counties would receive "concentrated monitoring" through Election Day.

The campaign in Clay County this fall has been quieter than the one preceding the primary, although Jordan said a Democratic poll watcher was arrested last week following a verbal attack on employees in the clerk's office.

Yesterday, only a handful of people were in the clerk's office to vote

absentee, and White said only about 25 people voted absentee in the first three days that such voting was available.

Winning the primary often amounts to winning the election in Clay County because most officeholders run as Republicans. Thompson, Jordan and Bishop all have no Democratic opponents.

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The Herald Bulletin Online Edition

Thursday, May 1, 2003, 2:08:32 PM

ISP investigating allegations of absentee voting fraud

Tuesday, April 29, 2003

IN

BY KEN de la BASTIDE

Senior Reporter

Indiana State Police are investigating allegations that Democratic primary absentee ballots were delivered to nursing home residents who traditionally voted for the Republican ticket.

Republican candidate Kevin Smith heard about the allegations. His campaign then turned it over to Madison County Prosecutor Rodney Cummings.

"My campaign filed the complaint," said Smith. "I was contacted about a questionable absentee ballot application. There was something amiss."

Cummings asked Indiana State Police to investigate.

"The investigation should be completed at any time," said Cummings. "The allegations are of felony crimes, depending on the report from the state police."

A worker for the Democratic Party allegedly went to a local nursing home and obtained signatures for two people to cast an absentee ballot.

The two people have always voted Republican. Their switch in parties was noted at the Voters Registration office. The two people said they have always voted Republican and one of them told investigators that if he voted Democrat his ballot was stolen.

Amanda Williams, Republican Party representative in the Voters Registration office, said people in a primary election have to request either a Democrat or Republican ballot.

"It was not proper for me to investigate what I found out as a candidate," Smith said. "There needed to be an independent investigation."

"This is exactly one of the major reasons why I decided to run for mayor," Smith said. "I want to restore honesty and integrity to city government. It is appalling that any person is denied the right to vote."

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JN

Absentee ballot requests seized; probe launched

By Vic Ryckaert

vic.ryckaert@indystar.com

November 01, 2002

The Marion County prosecutor's office seized dozens of suspicious absentee ballot applications Thursday as it launched a criminal probe into possible election fraud.

"If people are forging signatures on absentee ballots, that's a crime, and it is our job to investigate it," Prosecutor Scott Newman said in a written statement.

Workers in the Marion County clerk's office reported irregularities in 78 absentee ballot applications for Tuesday's election.

The problems include signatures on applications that do not match those on file with the voter registration board, applications in which the voter's name is misspelled, and correction fluid used to change voters' addresses.

The Marion County Election Board on Wednesday held an emergency hearing on those suspicious applications. It voted to send the ballots to those listed on the applications. But members of the board also made it clear that those absentee ballots will be scrutinized closely on Election Day.

Republican County Clerk Sarah M. Taylor, a member of the Election Board, welcomed the criminal investigation.

"Some violations of election law do cross into criminal matters and are punishable," Taylor said.

She said she found ballot requests for three different voters that appeared to be signed by the same individual. She said it is likely that someone who did not understand the law was trying to help senior citizens or a relatives cast legitimate votes.

"In some cases, people have misunderstandings about their ability to get an absentee ballot on somebody else's behalf," she said. "Until the appropriate people can review it, we're really not sure what we have on our hands."

Call Vic Ryckaert at 1-317-635-7592.

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Absentee voting in East St. Louis investigated

By Doug Moore
Of the Post-Dispatch
Wednesday, Jan. 05 2005

Mo

A second investigation into claims of voter fraud in East St. Louis during the election Nov. 2 has been launched, this time by St. Clair County State's Attorney Robert Haida.

Haida's investigation is limited to 13 absentee votes that were cast from a boardinghouse in East St. Louis. The federal government has declined to talk about its case, but a search warrant issued during an FBI raid at East St. Louis City Hall on Nov. 23 indicates that the reach is much greater.

"Our investigation is separate but not in conflict with the federal government," Haida said Wednesday.

Oliver Hamilton, a Democratic precinct committeeman, owns the boardinghouse, at 1232 Cleveland Avenue, targeted by the investigation.

Hamilton was not among the city's precinct committeemen who were called before a federal grand jury over the past two months. He could not be reached for comment Wednesday.

However, Haida has subpoenaed all those who voted absentee from the house in the election Nov. 2.

Haida would not say when the voters would have to appear before the grand jury, but he said it would not be on Friday, when the next jury meets.

At a news conference at East St. Louis' Election Board four days before the election, state Republicans referred to the house on Cleveland Avenue as one of the "potential instances of massive voter fraud" in East St. Louis.

At that time, Judy Baar Topinka, Illinois treasurer and chairwoman of the state's Republican Party, urged local prosecutors to take the steps to ensure "a free and fair election."

Haida, a Democrat, said Topinka's October visit had nothing to do with his office's decision to begin a vote-fraud investigation.

"We had information that came before, during and after the election that resulted in our action," Haida said.

Republican Party spokesman Jason Gerwig said it did not matter who or what precipitated the county investigation.

"We came down there because it was an issue of fairness, not partisan politics," Gerwig said. "We're pleased to see the state's attorney is moving on an issue worth looking into."

Haida said his office routinely checks absentee ballots after each election and, in this instance, found something that his office wanted to bring before a grand jury. He would not provide details. According to the East St. Louis Election Board, 566 of the 13,442 votes cast in the election Nov. 2 were absentee.

Eleven computer hard drives seized in the East St. Louis City Hall raid were returned on Monday. FBI agents said other items seized were being retained as the investigation continues. The federal government search warrants say the items were taken to help in the investigation of election fraud, mail fraud and "obstruction of an official proceeding by the destruction of records."

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*ELECTION*Notes

San Bernardino County, California recruiting Assistant Registrar of Voters. San Bernardino County, Cal. is seeking an Assistant Registrar of Voters to assist with the planning, organizing, implementing, evaluating, and directing the department's election activities. Required: bachelor's degree in business or public administration or a closely related field; three years of management experience, including one year in election work. County application required. An oral examination covering management and problem and issue resolution may be required. Recruitment is open until a sufficient number of qualified applicants have applied. Salary range: \$64,730 to \$82,805. For further information (909) 387-8304, or by e-mail at employment@hr.sbcounty.gov.

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Nevada legislative candidate indicted for absentee vote fraud. An unsuccessful primary election candidate for the Nevada state legislature was indicted this month on charges related to absentee vote fraud in the November, 2002 general election. According to press reports, the indictment charges Gary Lee Horrocks, a tavern owner, with 28 counts of felony voter fraud, 31 counts of forgery, two counts of misdemeanor conspiracy, and one count of burglary. The burglary charge is based on entering a county office with the intent to commit a felony -- deliver fraudulent absentee ballots. Horrocks wife Pam, who allegedly completed absentee ballots and delivered them, was named as an unindicted co-conspirator. Horrocks was one of several candidates in the Republican primary in the 37th Assembly district. The winner of that primary, Francis Allen, lost in November to Democrat Marcus Conklin by a margin of 134 votes.

New Jersey Election Officials get tips on activities for student poll workers. New Jersey election officials attending the 66th annual meeting of the Election Officials Association in Atlantic City recently got ten ideas on how to use student poll workers. The suggestions: set up and break down machinery; give demo on a dummy machine; show demo chart to those in line; help senior citizens move around; bilingual students as interpreters; smile and wear an "ask me" sign; instruct voters on how to get to their correct polling place; thank people after they have voted; before election day visit senior centers and give a demonstration; and, *get the donuts*. The suggestions were offered in material distributed by Freedom's Answer, a non-profit group designed to engage young people in the political process. Doug Bailey, co-founder of Freedom's Answer, spoke at the conference.

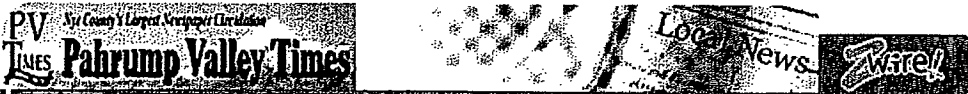
FEC continues disclosure exemption for Socialist Workers Party. The Federal Election Commission (FEC) last month voted to continue to exempt the Socialist Workers Party from disclosing campaign finance information through December 31, 2008. The Socialist Workers Party was granted an exemption from disclosure provisions of the campaign finance law by a federal court in 1979. The court later extended the exemptions to 1988. The FEC has granted the exemption since that time. The FEC based its decision on evidence suggesting a reasonable probability that contributors and vendors doing business with the party could face threats, harassment, or reprisals if their names and information about them was disclosed. The FEC renewed a provision that requires SWP committees to assign a code number to each individual contributor from whom it receives contributions in excess of \$200 during a calendar year. This allows the FEC to determine whether that contributor has exceeded the contribution limits of federal law.

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Merlino, Beckett welcome FBI voter probe

By DOUG McMURDO and RICH THURLOW October 23, 2002



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County clerk believes investigation could last well beyond Nov. 5 general election

Eight FBI special agents armed with a subpoena rolled into Tonopah early Monday morning and confiscated roughly 60 banker boxes containing thousands of records regarding the 2000 general election and the Sept. 3 primary election. That was viewed as good news by District Attorney Bob Beckett and County Clerk Sam Merlino.

Special Agent Daron Borst had virtually nothing to say regarding what occurred at Tonopah, or why.

"I can't say anything on this due to Dept. of Justice guidelines and other federal laws," Borst said Monday afternoon. "I cannot provide any details on this investigation. Dept. of Justice guidelines are the ones I have to go by."

Borst said he could not comment on the number of agents reported to have gone to Tonopah or why that many might be required. He did offer that the FBI prefers to send as many agents as possible on an investigation in order to conduct it quickly.

Borst said the type of investigation being conducted would not allow for information to be released to the public prior to the conclusion of it, and, "I have no idea when that's going to be."

Nor would Borst say what the FBI was looking for. "It's forbidden for me to talk about that," he said.

Nye County Clerk Sam Merlino said the agents were equally tightlipped with her, though one of them told her the investigation "specifically" addressed allegations of voter fraud. The agents, she said, were precluded from informing Merlino who it was that contacted them.

Sources said Deputy Attorney General and Nye County District Attorney candidate Brian Kunzi contacted the FBI after he was presented with allegations of voter fraud. Kunzi was not available for comment by press time. At any rate, Kunzi reportedly told several people he was compelled to contact the FBI after he received the complaints due to his status as a state prosecutor.

"They took all records from the 2000 general and the 2002 primary elections," Merlino said. "I believe they want to sift

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primary elections, Merlino said. "Because they want to go through them to be sure the people who have requested absentee ballots actually exist."

Merlino said the agents arrived unannounced in four white sedans and left the county seat late Monday morning and headed back to the bureau's Las Vegas field office. The records seized included voter ballots, absentee ballots, poll books and registers, said Merlino, who was followed by all eight agents when she had to drive to the old Tonopah courthouse to retrieve records from the 2000 election that are kept in a vault.

"They were polite to us," she said. "They were all wearing black suits and driving white cars and they would not let me out of their sight. It was kind of intimidating, but there was no problem whatsoever."

While FBI officials are prohibited from talking about the investigation, Merlino indicated the inquest might not conclude anytime soon. "They said they would be back right after the (Nov. 5) general election to take those records," she said.

Merlino welcomes the FBI's involvement. "If this cleans it up and we're squeaky clean, that would be good. If they find something we'll deal with it as we're supposed to. If they don't find anything, that would be wonderful."

District Attorney Bob Beckett was also thankful the FBI has become involved. "We'll run our investigation parallel to theirs," said Beckett. "The federal government has many more resources than we do, and hopefully we'll be able to take advantage of those resources."

In the meantime, Beckett said his office has begun its investigation into allegations that Chuck Bondi and others committed perjury or entered into a conspiracy to commit perjury when they filed over 1,200 voter challenges earlier this month. Nearly 200 of those challenges were duplicates or triplicates of the same challenge.

At issue is the manner in which the challenge was mounted. The group, most who are members of Concerned Citizens for Fair Elections, signed their names to each of the written notices, swearing under penalty of perjury they physically inspected each residence they said was abandoned or otherwise not occupied by a registered voter.

More than 220 of the challenges were improper, and several of the signers testified in court last week they did not actually inspect the suspect voter residence.

Of decidedly more importance is the issue of the more than 850 voter registrations that were cancelled due to listing a PO box as the voter's physical address. Such listings are illegal in Nevada and last week Fifth District Judge Robert Lane ordered them expunged from the rolls until and if the voter corrects the defect in his or her registration.

While the figures continue to be studied, a preliminary count conducted by the district attorney's office concluded 232 of the 1,045 voters challenged (minus the 198 duplicates) participated in the Sept. 3 primary. Of those, 141 who voted were subsequently cancelled last week. Those 141 will be

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precluded from voting Nov. 5 if they fail to correct any defects listed on their voter registration. The method under which they voted, whether via absentee, early or on election day, has not been determined though those numbers would likely be crunched later this week.

Illegal registrations can be remedied in writing or by providing proof the voter has a physical address in Nye County when they go to the polls.

By 8 a.m. Tuesday, the second day of early voting, election board Chairwoman Kay Floyd said five voters who had been impacted had taken advantage of the opportunity to properly register.

In a Las Vegas Review-Journal article on the subject in Tuesday's edition, the writer quoted unnamed sources as saying they were upset with the results of the Sept. 3 primary. Specifically mentioned was the fact incumbent Sheriff Wade Lieseke was losing badly to challenger Tony DeMeo until absentee ballots were counted and those totals "swayed the race (Lieseke's) way."

Lieseke prevailed over challenger Doug Richards in a similar fashion in 1998. Not mentioned is the fact that Lieseke also pulled majority numbers in early voting in both races as well. DeMeo garnered 2,313 votes to Lieseke's 2,184 in the primary. During early voting held in late August, Lieseke received 779 votes to DeMeo's 565 and Lieseke earned nearly one hundred more votes in absentee voting, 223 to 128 cast for DeMeo.


On FOX 5 News on Tuesday morning, a newscaster said "dead" people were voting in Nye County. She did not mention the source of that information.

There is no evidence to support the allegation, said Merlino, adding, "This is getting out of hand."

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Debate bogs down absentee-ballot-fraud probe

By THOMAS BARLAS Staff Writer, (609) 272-7201, [E-Mail](#)

Efforts to get someone to investigate allegations of absentee-ballot fraud during the June primary in Atlantic County apparently are getting bogged down in a debate, waged by letter, over procedure.

It also is creating the unusual situation in which the county's Democratic leader is trying to prod Republican Atlantic County Superintendent of Elections Joanne Armbruster into investigating his own party.

Armbruster apparently is the key to any investigation. Both the state Attorney General's Office and the state Division of Elections contend she is the person to begin any investigation.

At issue is an absentee-ballot drive orchestrated by Atlantic City Council President Craig Callaway.

The Atlantic County Board of Elections formally requested an investigation into the absentee-ballot situation in a recent two-sentence letter to Armbruster.

"You are aware of allegations that have been made in the primary 2003 election," the letter reads. "The board asks that when you take control of the write-in absentee ballots, you take the action you deem appropriate."

However, Armbruster apparently has some problems not only with the letter, but also with election board proceedings, and won't take action until those problems are cleared up.

She contends the board "failed to identify what the allegations are and exactly in what phase of the process you would have this office take appropriate action," according to a letter sent to the election board.

Armbruster further appears to be chastising the election board in the letter for failing to properly review all absentee ballots, a process the board must take before she begins any investigation.

"It is incumbent upon the full board to exhaustively carry out their responsibilities in the processing of the absentee ballots," she writes.

Neither Armbruster nor Mark Stein, the election board chairman, were available for comment Tuesday.

However, Atlantic County Democratic Party Chairman Chuck Chiarello contends Armbruster is finding excuses for avoiding an investigation.

"She can pass the buck and say the Board of Elections didn't do what it should have done," Chiarello said. "She can say that she doesn't have the help she needs."



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"I believe big-time fraud was committed with the absentee ballots. She needs to really get moving on this," Chiarello continued.

"I've seen almost an entire month of buck passing from all the different players here," he said.

Callaway, who is a Democrat, and his supporters have run a series of absentee-ballot drives in recent years that have significantly influenced some election results.

Callaway said after the most recent primary that the absentee-ballot drive he orchestrated for Deon Garland was designed to reprimand Democratic 2nd District state Senate candidate Tom Swift for allegedly supporting Atlantic City Council candidates Stephenine Dixon and William Marsh.

Dixon ran against Callaway in the 4th Ward race, and Marsh didn't have Callaway's support.

Another Callaway-orchestrated absentee-ballot drive helped Callaway's brother, Maurice, unseat a popular incumbent in Pleasantville.

Election board members are mixed as to whether many of the write-in candidates' names appear to have been written on the absentee ballots by only a few people.

To e-mail Thomas Barlas at The Press:

TBarlas@pressofac.com

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King event becomes 'march on Board of Elections'

By DEREK HARPER Staff Writer, (609) 272-7203

ATLANTIC CITY - It all started with just a simple flag-raising in tribute to an American civil-rights leader.

But by the end, the police were called and some participants, claiming bias and abuse when they were stopped from protesting alleged voter fraud in the county Board of Elections, promised litigation.

At about noon, more than two dozen people gathered between City Hall and the Atlantic County Building to raise a flag with the image of the Rev. Martin Luther King Jr. in honor of the 40th anniversary of the civil-rights march on Washington.

"We thought it was very good to raise this," said Pleasantville resident Davine W. Reid, 57, who worked for several days to secure city permission for the flag-raising. "We are still not free as a people," said Reid, who is black.

After a short service, Reid said that to her surprise, people were asked to form a line. When they did, they were led around, then inside the county building.

Once inside, the group, which included former NAACP President Pierre Hollingsworth, independent 3rd Ward City Council candidate Willie Norwood and Atlantic County Democratic state Senate candidate Tom Swift, tried to go into the Board of Elections office.

They wanted to protest potential voter fraud issues raised by the use of absentee ballots in the last Atlantic City Council election.

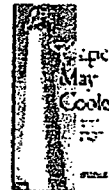
"We want an investigation and we want it now," Hollingsworth said. "We're calling on the attorney general and the county prosecutor. We're just asking for help."

When building security stopped them and called police, the group demanded to see Superintendent of Elections Joanne S. Armbruster and then sang "We Shall Overcome" in the hallway. After some angry speeches, the group broke up and left.

Afterward, building supervisor Wayne Mills said he offered the group a large room nearby to use, but they refused. He said the elections office was too small for the group: "The fire marshal comes up there, he's kicking everybody out."

"Then they start singing 'We Shall Overcome,'" he said. "What are you trying to overcome?"

Outside the elections office, the King flag flew between the U.S. and New



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Atlantic City, NJ



Jersey flags. Reid still was perplexed about how her peaceful flag-raising turned into a protest.

"I guess this will be known as the march on the Board of Elections," she said.

To e-mail Derek Harper at *The Press*:

DHarper@pressofac.com

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


PITTSBURGH TRIBUNE-REVIEW

PA

Ruling ends vote practice

By Glenn May
TRIBUNE-REVIEW
Wednesday, March 10, 2004

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Able-bodied voters casting absentee ballots either must hand-deliver or mail the ballots themselves, the state Supreme Court has ruled.

The decision Monday ends a longtime Allegheny County practice of allowing third parties to gather and deliver the ballots to elections officers.

Disabled or handicapped voters still can have third parties deliver their ballots.



The ruling doesn't change the outcome of the Nov. 4 whisker-thin loss by Westmoreland County Common Pleas Judge John Driscoll for state Superior Court. In fact, the decision took votes away from Driscoll, a Democrat.

The state's highest court invalidated 56 absentee ballot votes cast in Allegheny County in the Nov. 4 election. The 6-0 decision issued Monday unlikely will reverse the outcome of any other races here, officials said.

Several Democrats said the Supreme Court's decision could erect hurdles to voting. Republican officials said the 6-0 ruling closes a potential avenue for election fraud.

"It's a break with tradition that will have effects far beyond this decision," said Lawrence Tabas, the lawyer for state Superior Court Judge Susan P. Gantman, who defeated Driscoll in November. Gantman, a Republican, is a party in the case.

Supreme Court Justice Ronald D. Castille wrote in the court's decision that state election law clearly requires absentee voters to either hand-deliver their own ballots or to mail them to elections officials.

"Our precedent is clear," Castille wrote. "We cannot simply ignore substantive provisions of the elections code."

Allegheny County Elections Director Mark Wolosik did not return telephone calls for comment yesterday.

The dispute stems from an Oct. 27 decision by the Allegheny County Board of Elections to continue to allow third parties to deliver absentee ballots for the Nov. 4 general election.

Before the election, John Pierce and Thomas Stepnick -- last fall's GOP candidates for county treasurer and register of wills -- asked the U.S. District Court in Pittsburgh to halt the practice. U.S. District Judge Joy Flowers Conti determined that the issue should be decided in a state court.

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Allegheny County elections officials eventually determined that 56 absentee ballots in the November election had been delivered by third parties.

Pierce and Stepnick filed a lawsuit after the election, asking the Allegheny County Court of Common Pleas to review the validity of the absentee ballot-delivery system. Gantman later joined in the lawsuit.

Allegheny County Judge Joseph James upheld the practice, and Pennsylvania Commonwealth Court affirmed his decision. Pierce, Stepnick and Gantman appealed to the state's top court.

Although the Allegheny County Elections Board might have wanted to encourage more people to vote by allowing third-party deliveries, Castille wrote, the practice is "more likely to invite, rather to remedy, fraud."

Clifford Levine, lawyer for the Democratic State Committee, said no allegations of fraud ever were made over the 56 ballots.

He said the third-party delivery system in Allegheny County had made it easier for people to vote.

"We think it's best for democracy when eligible voters are allowed to vote," Levine said.

Richard Stampahar, chairman of the Republican Committee of Allegheny County, said it used to be common to see Democrat activists carrying bundles of ballots for delivery at election time. He said the practice encouraged fraud.

Stampahar said the Supreme Court decision means Allegheny County will end a tradition long since abandoned in other counties in the state.

Tom Flaherty, chairman of the Allegheny County Democratic Committee, said third-party delivery has been used since before he became politically active more than 25 years ago. He said the deliveries were handled by self-motivated activists and were not party strategy.

Flaherty said it is hard to understand why a voter can mail a ballot but isn't allowed to have someone else deliver it. Still, he said, the local party will abide by the ruling.

Ken Snyder, spokesman for Democratic State Committee Chairman T.J. Rooney, and Dan Hayward, executive director of the Republican State Committee, both said their parties mail absentee ballots to voters, but voters are told to mail or deliver them personally to county elections offices.

Flaherty said the number of ballots delivered by third parties is usually too small to change the outcomes of races.

Gantman defeated Driscoll by 28 votes for the state Superior Court seat.

Tabas said most of the 56 challenged ballots favored Driscoll. Since the Supreme Court invalidated the 56 ballots, Gantman's 1,125,543 to 1,125,515 margin of victory will grow slightly.

Pierce lost by about 65,000 votes; Stepnick lost his race by more than 75,000 votes.

An author on a book about Pennsylvania election law, Tabas said the ruling is another step toward ensuring election practices do not differ from county to county.

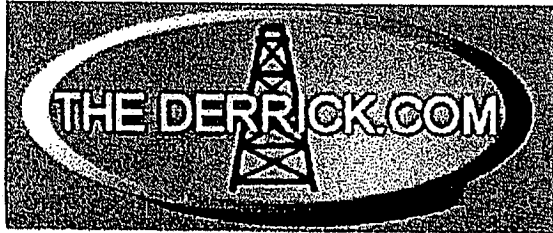
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"A court sitting in Westmoreland County may not interpret a statute differently than a court in Dauphin County," he said.

The decision voids the absentee ballots of some prominent Allegheny County residents, including U.S. Attorney Mary Beth Buchanan; U.S. Rep. Melissa Hart, R-Bradford Woods; and Elsie Hillman, a prominent GOP power broker.

Glenn May can be reached at gmay@tribweb.com or (412) 320-7844.

016723



Tuesday, December 23, 2003

The Derrick & NewsHerald

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Judge to hear arguments in election case

PA

Top Stories

A HEARING IS SCHEDULED MONDAY REGARDING THE CLARION COUNTY DISTRICT JUSTICE CONTEST BETWEEN NANCY KADUNCE AND DUANE QUINN.

Sports

News-Herald

CLARION - A visiting judge will hear arguments Monday concerning legal challenges in the election involving a Clarion County district justice position.

Clarion-News

Good Times

Judge Carson Brown has been appointed to preside over a 9 a.m. hearing scheduled in response to motions filed by Nancy Kadunce and Duane Quinn.

Local Classifieds

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Quinn, the Republican candidate who currently holds the office, was declared the winner by eight votes over Democratic opponent Nancy Kadunce in the Nov. 4 general election.

Contact Information

Kadunce has requested a recount of all ballot boxes in the district as well as the disqualification of more than 100 absentee ballots.

She claims in court papers there is a substantial risk of absentee ballot fraud due to the election board's practice of allowing third-party delivery of the ballots.

Quinn has filed documents asking the judge to dismiss Kadunce's

016725

requests.

The election board's certified results showed Quinn with 1,508 votes to Kadunce's 1,500.

Clarion County Judge James Arner and Senior Judge Charles R. Alexander had recused themselves from the matter.

Quinn, of Fisher, has served as district justice since his appointment in 2001. The post serves Sligo Borough and Farmington, Highland, Knox, Millcreek, Monroe, Paint, Piney and Washington townships.

Kadunce, a resident of Highland Township, served as judicial administrative assistant for the district justice office from 1976 until her resignation earlier this year in order to run for the post.

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September 25, 2004 Saturday SOONER EDITION

SECTION: LIFESTYLE, Pg.A-9

LENGTH: 755 words

HEADLINE: FAX-THE-VOTE PLAN BRINGS MANY UNHAPPY RETURNS

BODY:

Somewhere en route to becoming the villain of the week, Pat Williams put out a bid to collect and transmit the votes of Americans overseas — primarily members of the military, but also citizens living abroad in places the mails don't always reach. Think of Antarctica, Afghanistan and the sands of Iraq.

The idea was simple enough: military and other overseas voters from Missouri and North Dakota could send their requests for absentee ballots either by e-mail, or more likely fax, to Williams' Omega Technologies, in Alexandria, Va. Omega would, in turn, fax those requests to elections offices in those two states, with which it has contracts.

The elections offices would ship the ballots to the voters, who would fill them out and scan them into an e-mail or a paperless fax that would go to Omega's computers. Omega would check the cover sheet and route the ballots in the form of faxes to the elections offices and, it is to be hoped, democracy would be served.

In the spring, Missouri received 22 ballots in this fashion. The rest came by regular mail.

Since that time, Williams has been painted as a Republican operative and a general threat to the republic. She has been accused of subverting the secret ballot and opening the door to election theft on the scale of a Ferdinand Marcos.

"I'm a citizen as well," Williams protested. "I'm a veteran as well." These claims are, of course, a thin defense in an age when veterans put up TV ads attacking one another's service in combat. But Williams, whose own e-mail account recently filled up with hate mail, would like the world to know that she has no plans to steal the election.

Her problems began when the suspicious noticed that Williams had donated more than \$6,000 to the Republican Congressional Campaign Committee — not a terribly impolitic move for a business that bids on government contracts in a town run by Tom DeLay. Initial accounts overlooked the fact that she had also worked as a volunteer and donor in the presidential campaign of Democrat Wesley Clark.

A graduate of Tuskegee Institute, Williams joined the Army straight out of school, worked her way up the ranks into an Army think tank, then retired in 1996 after arthritis overtook her.

"I resent it to my soul when people say I would commit a felony to manipulate the vote," she said.

Such alarms went off because the service members who send their ballots this way must sign a form waiving their rights to a secret ballot, because a faxed ballot is signed to prevent fraud, and someone has to check that signature. The most likely viewer will be the person at the end of the fax machine in Missouri, said Terri Duardaller, a spokeswoman for the elections department there.

She also notes that Article 8, Section 3 of the Missouri Constitution requires that elections workers be sworn not to disclose how any voter voted.

The outcry against Williams also ignores the fact that under the current system, all 50 states will take faxed ballots that also must be signed and witnessed. It just happens that two — Missouri and North Dakota — work directly with Omega to process the ballot requests.

"It is always suggested first and foremost — mail your ballot. The government has never said, 'We want you to send your ballot through this program,'" Williams said.

Of the 22 service members who sent their ballots through the Williams program this spring, Williams saw none of them.

"The process is completely electronic. I don't get any hard copy. It is computer-to-computer, talking, receiving the information," Williams said.

Elections can, of course, be stolen. Legend has it that many years ago, in Westmoreland County, some ballot boxes had false bottoms and unfriendly votes simply fell into a basement room for immediate replacement. In other places, boards have been known to simply issue a fraudulent count. Doubtless some unease over the spectacle in Florida four years ago, where the head of the Bush campaign was also the person who conveniently certified the disputed Palm Beach count, has a few folks nervous.

Then again, technology is often scary to people who easily forget that the same outlet that can electrocute someone can also provide current to a heart-lung machine. It's a matter of how we use it. That's what Pat Williams was thinking.

"It was simple. It was secure. It was practical," she said.

It was also new, and that's why her e-mail is filling up with stuff she'd rather not count just now.

NOTES:

Dennis Roddy can be reached at droddy@post-gazette.com or 412-263-1965.

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NY

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DA says jury out on probe of voting

Albany-- Clyne awaiting final tally before deciding whether to launch investigation of allegations

By CATHY WOODRUFF, Staff writer
First published: Wednesday, March 10, 2004

Albany County District Attorney Paul Clyne is weighing whether to investigate alleged voting irregularities in last week's special primaries for the County Legislature but won't decide until all the ballots are counted.

"At this point, I don't have a specific complaint," Clyne said. "So, I'm going to wait until the dust settles at the Board of Elections," Clyne said.

County elections officials are scheduled to begin counting hundreds of controversial absentee ballots today.

Concerns about the handling of absentee ballots in some legislative districts emerged a few days before the March 2 voting when it was revealed that Third Ward Democratic Leader Jamie Gilkey had filled in more than 140 signed absentee ballot applications with instructions that the ballots be released to him.

In one case, Gilkey acknowledged crossing out the mailing address written in by one voter and replacing it with his own. He said he was worried about proper delivery and handling of the ballots by the elections board staff.

More concerns were raised on primary day, when elections officials found that at least 40 voters had been assigned to the wrong legislative district and polling place. As a result, as many as 10 people apparently cast votes in the wrong legislative contest.

The state Board of Elections has begun investigating one complaint related to Albany's Democratic primaries, said a spokesman for the board, who declined to reveal the specific allegations or the person who submitted the complaint.

Albany County Legislator Wanda Willingham is the Democratic incumbent for District 3 in Albany's Arbor Hill, where many of the alleged irregularities occurred. She is locked in a close race with challenger Jestin Williams, who has Gilkey's support.

Willingham said she expects to submit complaints to both Clyne and the state Board of Elections regarding the primary, but she will wait for more counting to be done.

"We're just working on making sure we file the right papers and make the complaint as complete as possible," she said.

Albany County's election commissioners and their staff began canvassing machines used in last week's voting, which also included a Democratic presidential primary, on Monday.

Willingham and two other candidates -- Ward DeWitt in District 4 and Lucille McKnight in District 2 -- secured a court order Friday impounding all the voting machines and paper ballots used by voters in

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their districts.

Willingham was slightly ahead of Williams in the first machine tally, while McKnight, an incumbent, trailed challenger Marilyn Hammond. In District 4, incumbent Virginia Maffia-Tobler is ahead of challenger DeWitt.

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N4

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Ballot count may end, but not fight

Albany-- Possible losers in county primaries vow to stay in general election

By MICHELE MORGAN BOLTON, Staff reports
First published: Friday, March 12, 2004

Incumbent Wanda Willingham was 15 votes ahead of challenger Jestin Williams Thursday as elections officials pored over absentee ballots from the County Legislature's controversial primary.

But the final tally is still unclear in the District 3 race, where ballots have been plagued by missing signatures, bad addresses and what some consider a questionable effort by Third Ward leader Jamie Gilkey to have 140 of them set aside for personal distribution.

Albany County Board of Elections commissioners Michael Monescalchi and John Graziano Sr. will examine an additional 117 contested District 3 ballots at 3 p.m. today

After they rule on whether the ballots should be opened, a state Supreme Court judge will decide on those that remain in dispute.

Willingham said the number of irregularities could be an indicator that "something went on."

"That remains to be seen in the end," she said. "Will it cost me the primary? It's quite possible, but not the general election."

She was temporarily ahead at 228 votes to Williams' 213 votes.

Paul DerOhannesian, who represents Willingham, said some District 3 residents received ballots with the wrong candidates listed.

Other ballots were sent to people who had never registered to vote. And on and on, he said.

"Every voter in this district should be concerned," he said, indicating that Gilkey seemed to be involved in many of the irregularities.

"What we have here is an effort to keep people from being able to vote because they think they'll lose the election," Gilkey replied, denying any wrongdoing.

"I'm not judge and jury," Williams added. "But now is the time to protect the senior citizens' right to vote."


Williams' attorney, Joshua Ehrlich, called the objections an effort to exclude elderly and disabled people.

On Wednesday, it appeared that Marilyn Hammond had defeated incumbent Lucille McKnight in the Democratic primary for a South End seat, but McKnight vowed to keep running on another ballot line.


With 20 absentee ballots for District 2 still sealed due to objections by McKnight, Hammond is ahead

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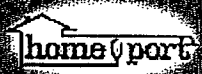
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by 29 votes, 243 to 214.

District 4 ballots, which were discussed late Thursday, involved incumbent Virginia Maffia-Tobler and challenger Ward DeWitt.

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NY

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Ballot dispute heads into court

Albany-- Justice to hear testimony on disputed Democratic primaries

By CATHY WOODRUFF, Staff writer
First published: Wednesday, March 17, 2004

A hearing on scores of disputed absentee ballots that could expose operations at the Albany County Board of Elections to intense public scrutiny is scheduled to begin this morning before state Supreme Court Justice Joseph Teresi.

Teresi is being asked to decide whether some 162 absentee ballots cast in three Albany Democratic primaries for County Legislature should be opened and counted -- or whether their distribution and completion was so flawed that they should be thrown out.

Democratic Elections Commissioner Michael Monescalchi and voters who have complained about the handling of their ballots are among the witnesses expected to testify.

Allegations of irregularities abound concerning absentee ballots issued for the March 2 primary. Most of the objections center on ballot applications and ballots distributed by 3rd Ward Democratic Leader Jamie Gilkey and two associates.

One complaint already made public is from a voter whose ballot application was altered by Gilkey, who replaced her mailing address with instructions that her ballot be given to him. After receiving a complaint from the woman, the board issued a new ballot for her.

In another case, a voter whose ballot was released to Gilkey said a man brought both an application and a ballot to his home at the same time. The board is supposed to issue a ballot only after receiving a valid application.

In his complaint, the voter also said the man tried to leave with his signed ballot envelope without allowing him to vote.

Allegations concerning the ballots Teresi now is being asked to decide include:

Reasons listed for needing the ballots were insufficient and weren't properly scrutinized by the board. Among the reasons given were: "senior citizen, not mobile," and "single mother with child."

There are no applications on file for some ballots returned.

Signatures on ballot envelopes or applications don't match others on file with the board.

Ballot envelopes with signatures of people who say they did not vote.

A proposed settlement that could have averted a hearing and called a new election in District 3 between incumbent Wanda Willingham and Jestin Williams fell apart Tuesday, according to sources close to the candidates and their attorneys.

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Williams wants the 115 unopened ballots counted. The current vote totals show Willingham leading by 15 votes over Williams, 228-213.

Joshua Ehrlich, the attorney for Williams and leading candidates Marilyn Hammond in District 2 and Virginia Maffia-Tobler in District 4, said he will ask the judge today to accept the results as they stand in Districts 2 and 4 without the disputed absentees.

There are not enough uncounted ballots in those districts to change the results.

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Jurist hears of ballot handoff

Albany-- Democratic ward leader, candidate testify about absentee voting arrangements

By CATHY WOODRUFF, Staff writer
First published: Thursday, March 18, 2004

Third Ward Democratic Leader Jamie Gilkey testified Wednesday that he was the point man for a network of campaign workers who channeled absentee voting applications and ballots for the March 2 Albany County Legislature primary through him to the Board of Elections.

Gilkey said his responsibilities included filling in reasons why voters could not get to the polls and writing instructions that the ballots be released to him by the elections board staff.

He was unable to say, however, whether the voters knew in all cases that he was completing their applications or that their ballots had been designated for pickup by him.

"They were told that, if they were all right with it, we could get the ballots for them," Gilkey said. The option for voters to have the ballots mailed to them "did come up sometimes, but it was not a part of the usual conversation," he added.

Gilkey and Jestin Williams, who is challenging incumbent District 3 Legislator Wanda Willingham, outlined the system during testimony before state Supreme Court Justice Joseph Teresi. The judge is being asked to determine whether some 162 disputed absentee ballots in three Democratic primaries for the Albany County Legislature should be counted.

Testimony is expected to continue today, with lawyers saying it may be necessary for proceedings to move to the homes of some disabled absentee voters to obtain their testimony.

In his testimony Wednesday, Gilkey said that when he did not collect applications personally he relied on oral reports from those who visited the voters and on notes placed on the forms to determine the reasons why absentee ballots were needed.

Williams said he and supporters, including Common Council Member Michael Brown and Gilkey, agreed on the absentee ballot process during a campaign meeting. He and Gilkey have described the strategy as an effort to counteract what they allege were forgeries of ballots in a race against Willingham just over four years ago.

"Mr. Gilkey wanted the ballots to come back to him, because we were talking about trying to protect people's rights to the absentee ballot box," Williams testified. "The absentees I received, I trusted Mr. Gilkey and his honesty. We agreed that the ward leader would be responsible."


Wednesday's testimony was the latest twist in a hotly contested special election ordered by federal courts earlier this year to correct district lines that shortchanged minority voters.

The District 3 race, where Willingham now leads Williams by 15 votes -- with 115 disputed absentee ballots still unopened -- is the closest and most fiercely fought race. But testimony Wednesday pointing to widespread voting irregularities also could also call into question the integrity of balloting in

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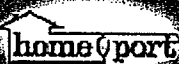
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Districts 2 and 4.

Albany County Democratic Elections Commissioner Michael Monescalchi testified the board has no formal policies for evaluating applications and determining whether ballots should be issued.

"Any employee working in the front office is authorized to review an application for an absentee ballot and issue a ballot if they believe it complies with New York State Election Law," he said.

When asked by attorney Paul DerOhannesian whether he considered some reasons given on applications to be legally sufficient, he said: "The staff made a decision to issue the ballot and I stand by it."

Also on Wednesday, voters Bernard Bryan and Lasone Garland-Bryan testified that they learned after voting that they had been directed to the wrong polling place and voted in the wrong primary.

A poll watcher for the Willingham campaign testified that one machine at School 20 was improperly set up, listing candidates from two different districts.

Second Street resident Ashley Perez testified he was persuaded to vote by absentee for the sake of convenience by a group of visitors that included Williams and said he later regretted the decision.

He also said the reason listed on his application for needing a ballot -- "working during the hours the polls are open" -- was not written by him and is inaccurate. "I am unemployed," he said.

Perez said the application, ballot envelope and ballot all were produced during the same visit. That account raises another issue for Teresi to consider because the Board of Elections is not supposed to issue absentee ballots without an approved application.

Williams later testified that he has never met Perez and did not visit his apartment.

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NY

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Court hits road in voting dispute

Albany-- Justice Teresi to visit homebound residents for testimony on contested absentee ballots

By CATHY WOODRUFF, Staff writer
First published: Friday, March 19, 2004

State Supreme Court Justice Joseph Teresi is scheduled to bring his court to the kitchens and living rooms of homebound voters today hear their testimony about how and why they cast absentee ballots in the March 2 Democratic primary for Albany County Legislature.

Stops are planned for this afternoon at one home in Albany's South End and three in Arbor Hill to help Teresi determine whether some 162 absentee ballots cast in three Albany Democratic primaries for County Legislature should be opened and counted.

Three candidates -- incumbents Wanda Willingham and Lucille McKnight and Ward DeWitt -- are contesting the ballots, many of which were distributed by Third Ward Democratic leader Jamie Gilkey and associates including city Common Council President Pro Tempore Michael Brown.

Gilkey has acknowledged filling in much of the information written on scores of ballot applications after they were signed by the voters, including instructions that the ballots be released to him.

Candidate Jestin Williams, a political ally of Gilkey who trails Willingham in District 3 by 15 votes, is adamant that the 115 unopened ballots in that district should be opened and counted.

Several voters called to testify on Thursday were unclear about how their ballot applications were filled out after they signed them and other details about their ballots. And in his own testimony, Gilkey acknowledged that, in several instances, he did not have authorization from the voters to pick up their ballots.

He described the absentee voter application drive that he and others with the Williams campaign conceived as the most ambitious effort he's been involved in in several years as a ward leader.

He said the idea was to counteract potential delays at the county Board of Elections and to prevent ballots traditionally entrusted to 12th Ward Leader Joe Jennings, the brother of Mayor Jerry Jennings, from being "flipped" by an opposing campaign.

Phillip Moore, proprietor of the Silver Slipper tavern on Henry Johnson Boulevard, testified that he signed an absentee ballot application after he was approached by Brown, the council leader, because he's busy and he had a dental appointment on March 2.

Despite instructions on his application that the ballot be released to Gilkey, Moore said he never asked for that.

Another voter testified that she recalled signing an application brought to her by Williams and recognized her signature on an absentee ballot envelope, but does not remember marking a ballot.

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Another voter said he and his relatives all filled out absentee applications when Gilkey and Brown came to their house, but it was unclear whether the reasons written on the forms for needing absentees were sufficient to meet legal standards.

While the absentee plan was formulated by the Williams campaign team in District 3, Gilkey said the strategy also was used to a lesser degree in District 2, where Marilyn Hammond is running against incumbent legislator Lucille McKnight. Gilkey is the campaign manager for both Williams and Hammond.

He said he expressed doubts about the board's ability to deal with absentee ballots when he visited Deborah Williams-Muhammad, a longtime absentee voter who already had a permanent application on file with the Board of Elections.

"We knew she was on the (permanent absentee) list, and we wanted to see if we could expedite getting that ballot to her," he testified. "We said we did not know how things were going to work with the special election, so she might want to fill out another application to make sure she would get her ballot."

Gilkey acknowledged that he crossed out Williams-Muhammad's mailing instructions without her permission and, instead, wrote his own name and address because "we were not certain how the Board of Elections was going to handle people whose absentee ballots were normally mailed."

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Vote to end ballot crisis

Albany -- Judge orders new District 3 primary after election dispute

By CATHY WOODRUFF, Staff writer
First published: Saturday, March 20, 2004

It will take a special election to settle a dispute over a special election for the Albany County Legislature.

Two candidates who vied in a March 2 special Democratic primary in District 3, which covers parts of Arbor Hill, downtown and North Albany, will face off again on April 8.

Under the settlement reached Friday by the candidates in three Democratic primaries, in which scores of contested absentee ballots remain unopened, the current leaders in two other legislative districts will be certified as winners without counting the absentee ballots.

The agreement came as state Supreme Court Justice Joseph Teresi was about to hear a third day of testimony that would have taken him to the residences of four homebound voters. They were to testify about their absentee ballot experiences in the weeks leading up to the March 2 special primary.

The deal also came after hours of testimony embarrassing to the city Democratic organization. The testimony linked city party leaders, including Common Council President Pro Tempore Michael Brown, to a campaign that diverted almost 150 signed absentee ballot applications to 3rd Ward Leader Jamie Gilkey. He would then complete and submit them to the Board of Elections.

Under the agreement outlined by attorneys for the candidates and approved by Teresi, there will be a new District 3 primary between incumbent Wanda Willingham and challenger Jestin Williams. Willingham led Williams 228-213 and had challenged about 115 absentee ballots collected by Gilkey and others involved in Williams' campaign.

The primary will be run with enhanced security, including sheriff's deputies at each of nine polling places, and strict limits on the use of absentee ballots.

The settlement lets stand the results in District 2, where challenger Marilyn Hammond defeated incumbent Lucille McKnight, 244-215, and in District 4, where incumbent Virginia Maffia-Tobler won over Ward DeWitt, 218-168.

McKnight and DeWitt had challenged several absentee ballots, but there were not enough unopened ballots in either election to change the results.

But the candidates in Districts 2 and 4 will meet again in a special election on April 27 for all 39 seats in the County Legislature. McKnight is running on the Working Families Party line, and DeWitt has the Republican line.

Williams and Willingham both said they were satisfied with Friday's settlement, even though it will put them through yet another compressed primary campaign and election.

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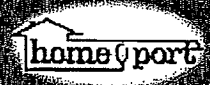


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Willingham said it was worth letting go of her potentially winning lead in the March 2 primary count to reveal such a systematic abuse of absentee ballots.

"The exposure of the absentee ballot process was critical for my community," she said. "That was an age-old process. Never again."

Williams, who had been adamant that he wanted the challenged absentee ballots counted, said he's reassured by the agreement to have a police presence at all the polling places and limits on the number of poll watchers to help keep order. Tensions between the two campaigns boiled over at one polling place during voting March 2.

"I think it's for the common good of the community," he said of the settlement.

Attorneys Joshua Ehrlich -- who represented Williams, Maffia-Tobler and Hammond -- and Paul DerOhannesian -- who represented Willingham, DeWitt and McKnight -- spent much of Friday morning in settlement talks.

The settlement is the latest chapter in the hotly contested special election in new districts created after the 2000 census. Last November's election was postponed amid a court battle over the original district lines drawn by the Albany County Legislature, which shortchanged minority voters. Federal judges ordered the special March primary and special election next month based on a new map.

DerOhannesian, who also represents two civil rights groups that sued the county in the redistricting case, called the revelations in the absentee balloting dispute "further proof of what was proven in federal court. This county has a history of violating minority rights and the rights of all voters."

He described the March 2 primary as "contaminated, corrupted and compromised," undermining the gains in minority voting strength that the redistricting was intended to achieve.

It is unclear whether Gilkey and others involved in the absentee ballot irregularities will face criminal charges as a result of their actions. District Attorney Paul Clyne, who previously said he would wait for the issues to be cleared at the Board of Elections, was unavailable for comment.

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TX

Posted on Thu, Feb. 12, 2004

Arrest follows irregularities in water board voting

Associated Press

EL PASO, Texas - West Texas law officers have arrested a precinct chairwoman in connection with an investigation into bogus mail-in ballot requests during recent water board elections.

Patricia "Patty" Lee Pinon was arrested Tuesday on charges of four counts of tampering with government records, each of which is a second-degree felony, El Paso County sheriff's spokesman Rick Glancey said.

Authorities said three of the counts are related to Saturday's El Paso County Water Improvement District No. 1 board elections, while the fourth relates to last year's mayoral election.

Pinon, a Democratic chairwoman of Precinct 81, was free on \$5,000 bond.

"She's been a very involved precinct chair for the longest time, and once she gets behind her candidate, she's a hard worker," county Democratic Party Chairman Rick Melendrez told the El Paso Times in Thursday's editions.

In the early-voting period for the water improvement district's election, the district received about 50 suspicious applications for mail-in ballots that appeared to have been filled out by the same person.

The county Elections Department found that four of those applications were in the names of people who had been removed from the voter rolls because they were dead, said Jesus "Chuy" Reyes, the district's interim general manager.

Glancey could not say whether the charges against Pinon are related to those ballot applications or to others.

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Borderland Friday, February 13, 2004

Arrested Demo implicates others

David Crowder
El Paso Times

TX

Patricia "Pattie" Lee Piñon, who was charged in connection with a voting fraud scheme this week, implicated other unnamed Democratic Party precinct chairpersons in an interview with an investigator, according to the investigator's arrest warrant affidavit.

Piñon

Sheriff's deputies on Tuesday arrested Piñon, the Democratic Party chairwoman for Precinct 81, on four charges of tampering with government records in connection with requests for mail-in ballots from deceased voters.

Three charges were in connection with Saturday's El Paso County Water Improvement District No. 1 election, and the fourth involved last year's El Paso mayoral election.

Sheriff's spokesman Rick Glancey said, "We are pleased with the direction of our investigation, and by no means is it over by virtue of this arrest."

Sheriff's Detective Neil Baker, in his affidavits to obtain three arrest warrants, said Piñon admitted in an interview with him that a year ago she had voters sign numerous blank applications for mail-in ballots that would be used in future elections.

"The defendant Pattie Lee Piñon then admitted that she did not get anyone's permission to send in the application for mail-in ballots (and) that other Democratic Party precinct chairs also did the same," according to one of Baker's affidavits.

Piñon, in the affidavit, said she didn't know the dead voters had died when she sent in applications for early mail-in ballots using their names.

Piñon could not be reached for comment, nor could County Democratic Party Chairman Rick Melendrez. But the previous party chairwoman, Enriqueta "Queta" Fierro, said Thursday that she was aware that some party leaders went after mail-in ballots in elections but she "wasn't close to anybody doing it."

"I didn't know they made copies like that," she said.

Such activities are highly questionable, she conceded, and when asked whether the party needs to deal with the issue, she said, "It probably does, and it probably

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will in light of what's happened."

In the affidavit to support the fourth arrest warrant involving last year's mayoral election, sheriff's Detective Regan Conner refers to an earlier investigation that looked into 29 applications for mail-in ballots that the County Elections Department received in one envelope last April.

Among them was one in the name of Verda Ponce, who died in 2002. Baker's affidavit states that Piñon took responsibility for the mail-in ballot applications from dead voters in the water board election, one of whom was Ponce.

Before her arrest Tuesday, Piñon telephoned the interim general manager of the water improvement district, Jesus "Chuy" Reyes, and told him of her involvement, according to Baker's affidavit. Reyes, in turn, called the Sheriff's Department, which led to Piñon's arrest after she voluntarily submitted to an interview.

The four counts of tampering with a government record that Piñon faces are second-degree felonies, each punishable by two to 20 years in prison and a \$10,000 fine.

David Crowder may be reached at dcrowder@elpasotimes.com; 546-6194.

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The Monitor

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Print

TX

Ballot-tampering probe requested -- Secretary of state appeals to attorney general

February 26, 2004

Alma Walzer and Ryan Gabrielson

The Monitor

EDINBURG — Texas Secretary of State Geoffrey Connor wants an investigation into the ballot-tampering claims made by four Hidalgo County voters earlier this week.

Connor requested the assistance of Texas Attorney General Greg Abbott to look into complaints filed by four county residents that at least four mail ballots were tampered with.

"We're drafting a letter to the attorney general's office that will be sent today," said Jennifer Waisath, director of communication for the secretary of state. "The matter in Hidalgo County over the mail ballot issue is now in the hands of the A.G.'s office for a full investigation."

The letter sent by Connor to the attorney general, and obtained by The Monitor, indicates that Connor believes several criminal election offenses may have occurred.

"If these allegations are true, several criminal election offenses may have occurred including unlawful assistance, unlawfully influencing a voter and illegal voting," Connor wrote. "I have enclosed a courtesy copy of a newspaper article from the McAllen Monitor, dated Feb. 25, 2004, detailing the alleged criminal conduct.

"In accordance with the recently adopted policy between our offices with respect to alleged criminal election law violations, we are hereby referring these allegations to your office for investigation," Connor wrote.

Hidalgo County Elections Administrator Teresa Navarro hopes the state investigation will be fully under way shortly.

"It could be — the attorney general moves quite quickly," Navarro said. "They are swift and they don't just send one person down, they send two or three."

Two voters from Weslaco and two from the North McAllen/South Edinburg area contacted Navarro on Tuesday, claiming their mail ballots had been tampered with.

Navarro said the voters should have received a blank ballot to fill out that they would then place in an envelope, sign the back of the sealed envelope and mail to the elections department.

Instead, the four voters said they received a sealed envelope with a ballot already inside, along with a note asking them to simply sign the envelope and mail it.

Navarro contacted the secretary of state's office Tuesday afternoon and asked for assistance. An official from the A.G.'s office contacted her on Wednesday and told her that an investigation had been opened, she said.

The A.G.'s office would not comment on the matter.

Tom Kelly, spokesman for Texas Attorney General Greg Abbott, said once they officially receive a letter requesting assistance from the secretary of state, they will "exercise their independence and

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latitude" to determine whether they pursue the investigation.

The four voters have been cleared by the elections department and can vote in person on their own, Navarro said. The mail ballots in question remain sealed and are being held under lock and key until the investigators arrive, she said.

Also on Wednesday, a fifth voter came forward about a problem with his mail ballot.

"A mail ballot was returned to the elections department, which is unusual for the post office, for them to mark it as 'moved,'" Navarro said. "The voter said he was told by a politiquera that the ballot was going to be mailed to his home. And he assumed that is what she would do."

A politiquera is a paid representative of a political candidate. The fifth voter claimed the politiquera to whom he referred sent his mail ballot to an address other than his home.

The address on the voter's registration card and the address to which the ballot was mailed do not match, Navarro said.

"We don't know the name of the politiquera, but we're in the process of trying to obtain that information," Navarro said.

All five voters who complained of problems with their mail ballots are older than 65. State law protects their identities, Navarro said.

"I'm disappointed because I don't know how I can prevent someone from going to a voter and tampering with their (mail) ballot," Navarro said.

Anyone caught tampering or stealing mail could face some pretty stiff penalties.

"The crime would be considered mail theft," said Vanessa Kimbrough, a U.S. postal inspector. "It's a felony that carries penalties of up to five years in prison and \$5,000 in fines per piece of stolen mail."

Kimbrough said mail carriers aware of stolen mail are supposed to report it to the postal inspection service.

"If anyone has information about these cases, they should call the inspection service in Houston at (713) 238-4400," Kimbrough said.

Alma Walzer covers Hidalgo County government and general assignments for The Monitor. You can reach her at (956) 683-4422.

Ryan Gabrielson covers Pharr, San Juan, Alamo and general assignments for The Monitor. You can reach him at (956) 683-4462.

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The Monitor

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Rangers launch mail ballot probe

March 06, 2004
Ryan Gabrielson
The Monitor

EDINBURG — With general voting in the primary election just days away, the Texas Rangers have begun an investigation of the mail ballot fraud allegations that arose last week.

Texas Ranger Sgt. Israel Pacheco said he started his inquiry Thursday after meeting with Hidalgo County Elections Administrator Teresa Navarro to get details of the complaints.

There is no deadline for this investigation, Pacheco said. "We'll just be looking into things as they come."

Two voters in McAllen and two in Weslaco, all older than 65, complained that when their mail ballots arrived, they were already sealed and included a note: "Just sign here."

The complaints were lodged with the elections administration Feb. 24. Two days later, Navarro said she received a mail ballot request from an individual who died in 2001.

Navarro and Hidalgo County District Attorney Rene Guerra said they suspected the complaints stemmed from the work of paid political operatives known in the Rio Grande Valley as politiqueras.

Pacheco has been given the victim names and the names of the politiqueras they suspect are responsible for the fraud, Navarro said.

The Texas Rangers were assigned the cases after Navarro forwarded the complaints to Texas Secretary of State Geoffrey S. Connor, who in turn moved them to the state Attorney General.

Pacheco said the investigation does not have a timeline and that the scope will be determined by the amount of information he receives. While Guerra's office first had indicated it would not have the staff to investigate the ballot fraud claims, he has agreed to prosecute should the Rangers build a case.

"We've already talked to the DA's office and they confirmed they will take the case," Pacheco said.

"(The DA's office) will consider any case generated by our office or any law enforcement having to do with voter fraud," Guerra said. "We don't want to protect any vote fraud."

Friday was the last day of early voting. General voting in the primary begins Tuesday.

"This (investigation) is a good, positive thing they're not waiting until after the election," Navarro said. "I'm glad they are not waiting until after the voting, that they're interviewing people now."

By Friday afternoon, more than 30,000 Hidalgo County residents had voted, Navarro said.

Ryan Gabrielson covers Pharr, San Juan, Alamo and general assignments for The Monitor. You can reach him at (956) 683-4462.

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SD

Vote drive worker charged in forgery

By DAVID KRANZ
Argus Leader

published: 10/19/2002

A Rapid City man working for a Native American voter registration drive has been charged with five counts of forgery related to documents submitted under the program.

Lyle Nichols, 45, was arrested Friday and probably will be arraigned Monday, said De Glasgow, chief deputy sheriff for Pennington County.

This is the first arrest arising from recent allegations of voter fraud in and around Native American reservations in South Dakota. Auditors in several West River counties have reported suspicious cases in which documents were submitted in the names of people who were deceased or too young to vote.

Most of the suspected misdeeds focus on a Flandreau woman who formerly worked as an independent contractor for a registration program backed by the Democratic Party.

The Native American Voter Education and Registration Project paid Nichols \$3 for each completed registration. He allegedly forged some names, Glasgow said.

Officials said Nichols turned in 226 registration cards, most of which were fraudulent.

Workers at the Pennington County Auditor's office called the sheriff's department after noticing discrepancies in several forms. In one case, they received a voter registration form for a man who had already registered. But the signature and other information on the new form did not match the old one.

"It looks like what he was doing was pulling names out of the phone book or newspaper," said Pennington County Sheriff Don Holloway. "There were at least two people that were deceased."

Nichols also had worked briefly for the state Democratic Party as an independent contractor, according to its spokeswoman, Sarah Feinberg.

"I am told he worked four hours with the South Dakota Democratic Party in September," she said. "He passed out literature and registered four new voters. We paid him \$46. Those registrations are not the ones that are in question."

Two of the registrations Nichols submitted to the Democrats were duplicates that were not sent to the auditor or turned over to authorities.

"We found it in our system that they were already registered. It is not uncommon to have someone think they are not registered and then register again," Feinberg said.

Nichols' brother also was questioned in connection with the situation, but there was no indication of wrongdoing, officials said.

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The South Dakota Republican Party issued a statement late Friday applauding the charges in Pennington County.

The statement, which was not attributed to an individual Republican official, said voter fraud needs to be investigated thoroughly in the state.

“Those found responsible should be prosecuted to the fullest extent of the law,” the statement said.

The attorney general’s office is working in conjunction with federal law enforcement officials to determine the extent of the problem.

The Flandreau woman, Becky Red Earth-Villeda, also known by her Dakota name, Maka Duta, is suspected of falsifying voter-registration and absentee-ballot documents. She has denied any wrongdoing.

Attorney General Mark Barnett has said Democratic Party officials have cooperated with the investigation into Red Earth-Villeda’s case. The party terminated its relationship with Red Earth-Villeda and is not implicated in the case.

The Native American Voter Education and Registration Project is an effort by the United Sioux Tribes. It began in late August with the help of a \$200,000 grant from the Bauman Foundation in Washington, D.C.

Clarence Skye, executive director of United Sioux Tribes, estimates there are 28,000 Native Americans of voting age in South Dakota.

Twenty-one people are part of the effort, canvassing both reservations and off-reservation communities, Skye said. He said workers have registered 5,166 new voters in Rapid City alone, where the last census showed 15,000 Indians.

The Native American Voter Education and Registration Project also is encouraging county officials to provide more polling places on reservations, Skye said. Many Indians do not vote because they cannot get to polls that often are 30 to 40 miles away, he said.

“A lot of our Indian people on the reservations don’t have vehicles. We don’t have good voter turnout because of distances and lack of transportation,” Skye said.

Plans are in the works to hire people to drive Indian voters to the polls, Skye said. A California foundation is being asked to help fund that effort, he said. Some Indians don’t vote because they prefer to remain anonymous, Skye said.

“Many people on the reservations feel that if they register to vote, then the government’s going to be after them for something. It’s kind of a paranoia.

They’re afraid the Internal Revenue Service or somebody else will show up at their door and harass them,” he said.

Skye insists it is not apathy that keeps many Indians from voting.

“I haven’t seen where they don’t care,” he said.

The Associated Press contributed to this story. Reach reporter David Kranz at dkranz@argusleader.com or 331-2302.

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**Some S.D. counties list more voters than adults
Dewey, Ziebach among 26 counties showing surplus**

By Carson Walker
Associated Press Writer

SIOUX FALLS - Most South Dakota counties have more adults than registered voters.

But in 26 counties - more than a third of the state's 66 - the voters outnumber people 18 and over, according to a comparison of 2001 census estimates and the latest voter registration numbers.

"People who move away but still use that as a residence to vote - that explains some of the difference," said Kea Warne, election supervisor in the Secretary of State's office.

Of all counties, big or small, Dewey County shows 470 more registered voters than adults. The census estimates its population in 2001 as 3,696. Its voter registration list as of Thursday was 4,166.

Ziebach County also has 226 more registered voters than people 18 and older, according to the numbers.

Dewey and Ziebach are two of several counties where state and federal investigators are looking into allegations of voter registration and absentee ballot fraud.

But several other counties without large American Indian populations also appear to have more voters than people, according to the numbers.

Some counties might appear to lose registered voters because auditors can now more easily eliminate duplicate names, Warne said.



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Fraud cases cloud S.D. elections

By DAVID KRANZ, CORRINE OLSON and PETER HARRIMAN
Argus Leader

published: 10/20/2002

10 counties review questionable voter records; observers speculate about effect on Nov. 5

When Harding County Auditor Kathy Glines sifts through voter registration cards each election year, she usually can tell when something isn't right.

She knows, for instance, that among the 17 new registrations her office has received this year are several high school seniors who will vote for the first time next month in this ranching area in northwest South Dakota.

"I would say I know 100 percent of the people here," Glines said.

Familiarity is the first defense against voter registration fraud in South Dakota's rural counties. Auditors, many of whom have lived in the communities for decades, recognize misspelled names, unfamiliar addresses or forms filed by a person who has left town or died.

But this year, in a South Dakota election that has drawn the attention of the nation because it could determine the congressional power structure, the task of verifying voter registrations in places such as Gann Valley and Timber Lake has become more difficult. Thousands of new applications have poured into county auditors' offices as political parties and other advocacy groups conduct extensive registration drives, primarily on the state's Indian reservations. Requests for absentee ballots are running far ahead of typical election years in many counties. And with the stakes so high, every inconsistency and questionable voting document is being scrutinized.

One man has been charged with submitting fraudulent voter registration cards, and a woman who worked as a private contractor with the state Democratic Party is being investigated for falsifying registration cards.

More than 16,700 names have been added to South Dakota voter registration lists since the June primary. More than 4,100 of the registrations - about 25 percent - were filed in

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counties near or on Indian reservations.

Argus Leader reporters surveyed South Dakota county auditors, finding:

- Auditors in 10 counties, all but one adjoining a reservation, have forwarded questionable registration forms or absentee ballot requests to the sheriff or state's attorney for investigation.
- Of the nearly 400 questionable documents discovered by the auditors, 338 came from Shannon and Pennington counties, where the two investigations into possible voter fraud are under way.
- Sixteen questionable registration forms have been turned over by Ziebach County officials. Twelve documents in Todd County and at least 10 in Bennett County were forwarded to investigators, according to the survey.

Media coverage of the fraud investigations has put the state's voter registration and absentee ballot system under the microscope. But Attorney General Mark Barnett bristles at the categorization of the two investigations as evidence of widespread voter fraud.

"I'm still only aware of two cases where criminal law may have been violated, and you've heard about those," said Barnett. "I just don't want the suggestion out there that there is widespread fraud when we don't have any evidence of that."

Two investigations

Concerns about possible voter fraud surfaced in South Dakota earlier this month. On Oct. 3, Dewey County Auditor Adele Enright alerted Democratic Party officials to possible irregularities with four absentee ballot applications in her county. According to the party, those documents were submitted by Becky Red Earth-Villeda of Flandreau - also known by her Dakota name Maka Duta - an independent contractor working through the Coordinated Campaign, a get-out-the-vote program organized by the Democratic Party.

Democratic Party lawyers said they contacted the four people named on the absentee ballot applications in question and determined that two of the applications contained signatures not made by the person purporting to make them.

Red Earth-Villeda was terminated as a contractor, according to Sarah Feinberg, a spokeswoman for the Democratic Party and the Coordinated Campaign. Feinberg said Red Earth-Villeda was responsible for a large number of registrations from around the state, and so far the rest of them have checked out.

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Federal Election Commission reports show the South Dakota Democratic Party paid Red Earth-Villeda \$12,867 since the beginning of her contract work in mid-June. The money included reimbursement for travel costs and making copies.

Barnett and FBI officials then acknowledged that an investigation, led by federal authorities, was under way.

No charges have been filed. A woman identifying herself as Red Earth-Villeda called a public radio program last week saying she was innocent. Repeated attempts to contact her have been unsuccessful.

On Friday, in a separate case, a Rapid City man, 45-year-old Lyle Nichols, was charged with forgery for allegedly submitting five fraudulent voter registration cards. Workers at the Pennington County auditor's office called the sheriff's department after noticing irregularities in several registration forms.

In one case, the office received a voter registration form for a man who had already registered. But the signature and other information on the new form did not match the old one.

The Native American Voter Education and Registration Project paid Nichols \$3 for every form he returned. That registration effort is a United Sioux Tribes project funded by a grant from the Washington, D.C.-based Bauman Foundation.

Officials said Nichols turned in 226 registration cards, most of which were fraudulent.

If convicted, he faces up to 25 years in prison.

Registration process

Each state determines voter registration and absentee ballot procedures, and those processes vary greatly.

South Dakota law requires eligible voters to register and sets a deadline - 15 days before the election - for registration forms to be filed with county auditors.

In contrast, Minnesota voters can register at the polls on Election Day. North Dakotans are not even required to register to vote. They simply show identification at the polls. In Iowa, voter registration forms are printed in telephone books.

In South Dakota, once a registration is received, the county auditor's office sends a confirmation card to the person who registered. When the voter returns that card, the signature is compared to the original registration.

If the confirmation card is not returned, the voter's name is put on an inactive list, and in order to vote on Election Day,

the person is required to show a picture identification card.

Several auditors surveyed say they aren't familiar with many residents of the state's Indian reservations, and that makes it more difficult for them to verify the validity of those registrations. In addition, many of those new voters list a general delivery mail address, meaning they pick up their mail at a post office.

It's hard for officials to place those residents in a precinct because the auditor doesn't know exactly where they live. Other new reservation voters don't have telephones, so officials cannot call to verify registration information.

Still, the auditors say, many of the irregularities found among registration forms are simple mistakes.

"Two or three people sent in two or three absentee applications, and we caught it," said Lisa Schieffer, Meade County auditor. "I contacted one of the persons, and he explained to me he just wanted to be sure he got a ballot, so he sent one for his post office box, for his work address and for his home address."

In Brookings County, some South Dakota State University students requested absentee ballots, not realizing that they have to make that request in the counties in which they are registered.

Enright, the Dewey County auditor who discovered some questionable absentee ballot requests, said it's not surprising to find irregularities considering the number of new people being registered.

"With a voter registration drive, you have those mistakes every time, and you have a voter drive every time there's an election," she said.

The county voter registration lists are not exact directories, either. Sometimes, residents move to a new address, or out of a county, and don't retract their old registration. Other times, the resident maintains his old voting address in order to vote in that county or city.

The lists are periodically examined and updated to remove names of those who have died or moved, but the registration records still can contain duplications and inaccuracies.

For example, 26 South Dakota counties, including many reservation counties, have more registered voters than their adult population, according to an Associated Press analysis.

But several counties that do not have large Native American populations also appear to have more voters than people, according to those numbers.

Minnehaha County Auditor Sue Roust said those registration numbers may include inactive voters - those who have not

voted in at least four years. If those voters go to the polls on Election Day, they will have to fill out a new voter registration card before being allowed to vote and should not be included in the count of registered voters.

As of Oct. 19, Minnehaha County had 87,221 registered voters, according to Roust. There are also 11,386 inactive voters.

Effect uncertain

Registration efforts are important in the state this election year because the battle for the U.S. Senate between Democratic incumbent Tim Johnson and Republican Rep. John Thune is considered a dead heat. A few thousand votes could determine the outcome, and ultimately the decision could sway the makeup of the Senate over which South Dakota Sen. Tom Daschle now serves as majority leader.

Many of the potential new voters live on Indian reservations where registration numbers and Election Day turnouts are notoriously low but where Democrats are traditionally the favored candidates.

In 1968, just before Bobby Kennedy spoke to Los Angeles supporters in the hotel where he later would be assassinated, he placed a call to South Dakota. He had just won the presidential primary here and wanted to know how he had fared on the Indian reservations. His supporters told Kennedy that he had scored a landslide victory on the Pine Ridge reservation, receiving 878 votes. Eugene McCarthy had earned only nine votes and Lyndon Johnson, 2.

Thirty-four years later, some Native Americans say reservation voters still look to Democrats in national elections.

"The vast majority are voting the Democratic ticket. They probably have no idea who the Democratic candidates are. They don't know who Stephanie Herseth is. But they know who gives them problems," said Herbert Hoover, University of South Dakota history professor and author of several publications on Indian-white relations.

The questions of voter fraud this year, however, probably will hurt the Democratic candidates, said former Republican legislator Lola Schrieber of Gettysburg.

"If there is fraud, it will affect the Democrats. They were the ones who hired the persons to get the registrations," she said.

Bob McCaughey, who ran Republican Sen. Karl Mundt's campaigns, agrees.

"I say that at the coffee group mixed with Republicans and Democrats, and I get a pretty unanimous agreement on that," he said.

Some analysts believe the voter fraud investigations may turn Native Americans away from the polls on Election Day. Some may be fearful of being involved in a controversy, and others could be disillusioned with the entire process.

But Hoover says the issue could play out the opposite way as well.

"When tribal people feel put upon, they will react with greater resolve," he said. "They are no different from any other group. If they are falsely accused, they rally. It could backfire."

Bob Burns, political science professor at South Dakota State University, said it is difficult to predict whether news of the registration investigations will interfere with the fortunes of Sen. Tim Johnson, who heads the Democratic Party ticket in the state.

If the election is decided by a small margin, the loser also may decide to challenge the outcome in court because of fraud concerns.

Past controversy

This is not the first time there has been election-time controversy surrounding attempts to get reservation voters to the polls.

In 1980, Democratic Sen. George McGovern's re-election campaign planned to give away a free television on a reservation.

"It (the television) was in the building next door to the polling place. You came in, looked at the TV, and they had brochures. Winning it didn't require you to vote," said George Cunningham, McGovern's top aide at the time .

Attorney General Mark Meierhenry heard about the giveaway and told the McGovern campaign what they were doing was illegal. The raffle ended immediately, and the television was removed.

"We probably lost some Native American votes because a lot of them never came back. They were scared away. But we weren't the only ones involved in something like that. There were a lot of places giving free food, and nothing was said," Cunningham said.

In the past, buses traveled through the reservations taking people to the polls, and giveaways, including free cigarettes, were used to attract voters.

Cunningham says the current controversy surrounding reservation voter registration forms is likely to hurt the Democrats on Nov. 5.

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"It is hardly a positive thing," he said.

Are changes needed?

Voter registration investigations in South Dakota generate national interest because of the nature of the races this election year. But the issue also is newsworthy because South Dakota has such a good election record, said Burns. The state traditionally has among the highest voting turnouts in the country.

"South Dakota has no history of voter fraud. We really have a history of clean politics," Burns said. "That really explains the splash this has made. Even the hint of fraud generates a major stir in South Dakota."

Concerns about the process have caused some to speculate that changes should be made, tightening requirements for registration and absentee balloting.

Barnett said he is generally satisfied with the state's election laws but said the Legislature may want to look at the rules concerning absentee balloting.

In Barnett's view, there is a potential for problem in the fact that voters can register and cast an absentee ballot without ever being seen in the auditor's office.

But Kea Warne, elections supervisor for the secretary of state, said the state's election laws already provide adequate protection against voter fraud.

"Just by seeing what's happening now shows the system is working because county auditors are catching the problems," she said.

Burns said some have suggested the state outlaw the practice of hiring people to collect new registrations.

But Roust questions the wisdom of that move.

"When we have groups who are vastly underrepresented - and we know a lot of people on the reservations aren't registered - it's a big job to get those people involved, and I don't know if you can do that with volunteers," she said.

Burns agrees. "I don't really think the law needs to change. Volunteers can be overzealous as much as workers."

Burns said the potential fraud cases being investigated suggest the people involved were trying to defraud their employers in order to make more money rather than deliberately attempting to defraud the election process.

He wishes people would look at the registration drives from another side.

"All of South Dakota should celebrate the fact that 17,000

(people) previously not registered are going to participate in the election," he said. "That's democracy."

Registration Investigation

- Nearly 17,000 people have registered to vote in South Dakota since the June primary. There are 523,063 potential voters.
- County auditors have turned over to law enforcement nearly 400 voting registration cards or absentee ballot applications because of discrepancies ranging from misspelled names to ballot requests from deceased residents.
- A Rapid City man has been charged with forgery for allegedly submitting fraudulent registration cards.
- The Minnehaha County Auditor's Office has processed more than 4,800 absentee ballot requests. One was questionable and was sent to the state's attorney's office.

The Associated Press contributed to this report.

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**Suspicious voter registrations found
Attorney general denies widespread fraud**
THE ASSOCIATED PRESS

SIOUX FALLS - Auditors in 10 South Dakota counties have turned over nearly 400 questionable voter registration forms to investigators.

All but one of the 10 counties adjoin an American Indian reservation, the Sioux Falls Argus Leader reported Sunday.

Officials in Ziebach County have turned over 16 suspicious voter registration forms to investigators. Twelve documents have been turned over in Todd County and at least 10 in Bennett County.

One man in Pennington County has been charged with submitting fraudulent voter registration cards. And a woman who worked as a private contractor for the state Democratic Party is being investigated for falsifying voter registration documents.

But South Dakota Attorney General Mark Barnett bristles at the idea that the two investigations are evidence of widespread voter fraud in the state.

"I'm still only aware of two cases where criminal law may have been violated and you've heard about those," Barnett said. "I just don't want the suggestion out there that there is widespread fraud when we don't have any evidence of that."

Verifying voter registrations has become more difficult in

this year's election, which has drawn the attention of the nation because it could determine control of the Senate.

Thousands of new applications have poured into county auditors' offices as political parties and other advocacy groups conduct extensive voter registration drives. The state's Indian reservations have been the main focus of those registration drives.

Of the 16,700 new voter registrations in the state, 4,100 of them - about 25 percent - were filed in counties on or near Indian reservations.

Many counties are also seeing a spike in requests for absentee ballots.

Several auditors surveyed by the Argus Leader said they are not familiar with many residents of the state's Indian reservations and that makes it harder for them to verify the validity of those registrations. In addition, many of those new voters list a general delivery mail address, meaning they pick up their mail at a post office.

Still, many of the irregularities found among registration forms are simple mistakes, auditors say.

"Two or three people sent in two or three absentee applications, and we caught it," said Meade County Auditor Lisa Schieffer. "I contacted one of the persons, and he explained to me he just wanted to be sure he got a ballot, so he sent one for his post office box, for his work address and for his home address."

In Brookings County, some South Dakota State University students requested absentee ballots, not realizing that they have to make that request in the counties in which they are registered.

Adele Enright, the Dewey County auditor who discovered some questionable absentee ballot requests, said it is not surprising to find irregularities considering the number of new people being registered.

"With a voter registration drive, you have those mistakes every time, and you have a voter drive every time there's an election," Enright said.

Each state determines voter registration and absentee ballot procedures, and those processes vary from state to state.

South Dakota law requires eligible voters to register and sets a deadline of 15 days before the election for registration forms to be filed with county auditors.

But Minnesota voters can register at the polls on Election Day. North Dakotans are not even required to register to vote. They simply show identification at the polls.

In South Dakota, once a voter registration form is received, the county auditor's office sends a confirmation card to the person who registered. When the voter returns that card, the signature is compared to the original registration.

If the confirmation card is not returned, the voter's name is put on an inactive list, and to vote on Election Day, the person is required to show a picture identification card.

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15 false absentee ballot applications found

David Kranz
Argus Leader

published: 10/25/2002

A voter-fraud investigation has turned up 15 bogus absentee ballot applications in South Dakota so far, and more may be coming, Attorney General Mark Barnett said late Thursday.

State and federal agents targeted 25 South Dakota counties after allegations of misconduct surfaced earlier this month, Barnett said.

In each case, signatures were forged on the applications that a person uses to obtain a ballot, he said.

All the alleged instances of ballot fraud discovered so far are tied to Becky Red Earth-Villeda, Barnett said. Red Earth-Villeda - also known by her Dakota name, Maka Duta - was an independent contractor in the Democratic Party's efforts to increase Native American participation in the election.

Investigators believe Red Earth-Villeda, whose contract was terminated by the Democratic Party, may be linked to as many as 1,750 absentee ballot applications in the state, Barnett said.

"I have no idea how many of those might be false," he said.

Also Thursday, the Fall River state's attorney said the names of two women there were used to forge voter registrations in Codington and Minnehaha counties.

The discoveries are the latest development in a controversy over voter registration and absentee ballot discrepancies. The FBI also is investigating allegations that documents were filed on behalf of dead people and children, particularly in and around Native American reservations.

The allegations have raised political tension in South Dakota with 12 days left until the Nov. 5 election, which features particularly tight contests for U.S. Senate and House.

Barnett, a Republican, said charges will be forthcoming. At this point, the activities of Red Earth-Villeda remain the sole

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focus of the investigation, he said.

"We have 15 cases that we believe were forged absentee ballot applications, and at the end of the day we expect she will be charged," he said.

The Democratic Party initiated an aggressive get-out-the-vote campaign, particularly around reservations, in preparation for the November elections. While both parties traditionally pay staffers to sign up new voters and pursue possible absentee ballot possibilities, the Democrats this year also initiated a program of paying independent contractors on a per-piece basis.

Sarah Feinberg, spokeswoman for the South Dakota Democratic Party, reiterated that the party initiated an investigation on its own when problems first surfaced in early October and notified Dewey County officials of two questionable ballot applications.

The Democratic Party has zero tolerance to anything less than full compliance with state and federal election regulations, she said.

"It is still about one person's activities, and we think it is important that it be resolved before Election Day," she said. "There is no evidence to suggest that one ballot has been affected."

Last week, a Rapid City man who was working under a separate program, sponsored by the United Sioux Tribes, was charged with forging signatures on five registration cards.

On Election Day, it will be up to individual county auditors to determine whether they are comfortable with a signature before they put the ballot in the box, Barnett said.

He would not say how authorities determined which counties Red Earth-Villeda was involved in. The list of counties where the 15 applications were found was not available.

In each case, the investigator tracks down the person whose name is on the application to verify the signature.

"We have interviewed 15 people so far who said, 'That is not my signature.' You have to go out and grind it," Barnett said.

During the probe, one signature was found to be legitimate, and a few people were not sure about theirs, he said.

"We have to go to the bottom and do as many (of 1,750) as we can," Barnett said. "Federal and state agents feel reasonably confident in saying an arrest is likely, but first we want to nail down as much of the facts as we can."

A routine check by the secretary of state's office discovered

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at least two more cases of possible forgery on voter registration cards under the names of women in Fall River County, in the southwest corner of the state.

The cards were filled out in July in Minnehaha and Codington counties. But the two Fall River women say they didn't file the registrations, said State's Attorney Lance Russell.

"This is the first time we've had anything regarding Fall River County," Russell, a Republican, said Thursday.

The duplications were discovered after a routine records purge by the secretary of state's office. Using a computer check first initiated in January, the office compares voter registrations from across the state in order to eliminate multiple registrations by the same person.

A duplicate registration isn't necessarily a cause for suspicion, however. More than 9,000 such cases have been discovered since January, said Chris Nelson of the secretary of state's office. But most of the names come up because people move and re-register without telling the first county they have left.

That's not the case with the two Fall River women.

Lynn Putnam received a card in the mail about a month ago, asking her to confirm her registration information. The 27 year-old Edgemont woman - who is Russell's administrative assistant - brought the card with her to work and dropped it off at the auditor's office.

Auditor Sherrill Dryden told Putnam she received a lot of the cards because of the statewide purge.

"She said it's a coincidence that there is a Lynn Putnam in Watertown with your exact same birth date," she said. "She thought it was kind of suspicious because the person in Watertown had registered at the end of July."

Dryden and Russell did some research and discovered there wasn't anybody by that name living in Codington County.

"I don't know who would do it," said Putnam. "I've never lived there."

She didn't think much of it when she received the verification card in the mail.

"I guess, honestly, I thought maybe they sent those cards to anybody," she said. "I thought maybe it was kind of an update thing, that it was standard before the election."

Russell declined to identify the second woman, who was registered in Minnehaha County, citing confidentiality.

Minnehaha County Auditor Sue Roust said Dryden contacted her about a problem after the secretary of state sent out a

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list Monday showing duplicate registrations.

"The Fall River County auditor recognized her and talked to her. She said she doesn't live in Minnehaha County and doesn't plan to vote here," Roust said.

When Roust's office was contacted about the possible duplication, she checked the two registrations and found that the signatures on the cards were radically different. Surprisingly, the birth date of the woman was correct on the bogus registration, she said.

In both of the Fall River cases, Republican women were registered as Democrat.

Roust said the registration in Minnehaha County was done in July and was part a voter registration drive. A code is required on the cards which indicates it is part of a drive. It does not tell the auditor which program it was a part of or who registered the person.

The suspected registration in Codington County also was a part of a registration drive, according to Auditor Cindy Brugman.

Both Brugman and Roust said an absentee ballot was not requested for the people who were registered in their counties.

State Editor Patrick Lalley contributed to this article. Reach reporter Corrine Olson at colson@argusleader.com or 331-2311.

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Will possible fraud cases shake voters?

Terry Woster
Argus Leader

published: 10/27/2002

Observers debate long-term effect

PIERRE - Elections are fairly fragile institutions.

They are, after all, organized and policed by the same political organizations that compete for the gift of power.

In South Dakota, this social contract has emerged largely unscathed through more than 100 years of electing public servants. But the investigation of possible fraudulent filings of voter registrations and absentee ballot applications - currently under way and focused on two people working under separate voter drives - has prompted discussions of the impact on the Nov. 5 general election.

Officials are quick to point out that the irregularities discovered thus far have not manifested in even one fraudulent vote. But is it possible that in a small state such as South Dakota, where campaign shenanigans are as rare as ballot chads, one bad event could have a disproportional impact on the psyche of the electorate?

The investigation might make headlines and coffee-shop talk, but it should have little impact on public confidence in the state's election system, says a Harvard University government professor with ties to the state.

Thomas Patterson, author of several books about elections and politics in the United States, said drawn-out campaigns and attack advertising are more likely to shake voters' confidence in the election system than will reports of voter registration problems, especially if the possible fraud isn't found to be an extensive and ongoing condition.

"I'm not surprised that this would be a big story there, which it probably wouldn't be in New Jersey, for example," Patterson said. "According to our surveys, voters seem much more likely to be discouraged by the way campaigns are conducted, the endless campaigns. I don't know that they lose trust in the system itself as much as become disenchanted with the way it is run."

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Patterson - who has recently published "The Vanishing Voter," a study of voter involvement in elections and campaigns - is with the Kennedy School of Government at Harvard. He did undergraduate study at South Dakota State University.

State and federal authorities in South Dakota are looking into allegations that a woman working as an independent contractor with the Democratic Party forged signatures on registration cards and absentee ballot applications.

Attorney General Mark Barnett said last week that agents have focused on 25 counties and found 15 apparent cases of forgery on ballot applications. More than 1,700 applications have been linked to the worker - Becky Red Earth-Villeda of Flandreau, also known by her Dakota name Maka Duta - and agents are tracking down each of the applicants to verify their signatures. Charges are probable against Red Earth-Villeda, but the Democratic Party has not been implicated, Barnett said.

A Rapid City man who was working for a voter drive program organized by the United Sioux Tribes has been charged with five counts of forgery in Pennington County for submitting false registrations.

It's unusual to have reports of fraud focusing on individuals in the voter-registration process, as is the case in South Dakota, Patterson said.

"Where the shenanigans usually take place is with those who control the process, not an individual," he said. "What you're facing seems pretty rare."

It's rare enough that Alice Kundert of Mound City can remember nothing quite like it in her four decades as a county official, state auditor, secretary of state and Republican legislator. Unlike Patterson, though, Kundert thinks that just the possibility of wrongdoing in the voting process erodes public confidence and could cause people to shy away from the polls.

"What shakes you about this kind of thing is that the whole system is built on trust, and I'm just sick about this," she said. "It has blemished our image of ourselves. I don't care what other states think. I'm sad that we may think less of ourselves. We should have a lot of pride and confidence in our system of government and in elections. The vote is sacred. If we lose confidence in that, maybe it means some people don't bother to vote who might otherwise take the time."

Mary Ann Bear Heels Cowan of Pierre tends to side with Patterson and sees the investigation as a way to make people understand how important it is to register and vote.

"It bothers us, in a way, when we first hear the news, but as

we listen and read, we see that this really is a problem with perhaps two individuals, not the whole system," said Bear Heels Cowan, a Lakota rights advocate with the group First Voices. "The focus is kind of high right now on it, but I believe the trust is still there, and most people will be responsible."

Merle Lofgren, longtime newspaper publisher in McLaughlin, blames the practice of paying for registrations.

"It's prostituting the vote, and how can you expect people to trust the system after that?" he asked. "Yes, people are going to lose confidence in the system. Maybe it's a big case, and maybe it's small, but no matter how extensive this thing is, how are you going to know if your votes are all real and equal? Democracy shouldn't be paid for with money, not any part of it."

The news that the name of a woman who had died three weeks earlier in a car wreck appeared on a registration card is especially offensive to Lofgren.

"They used to say the biggest voting precinct in Chicago was the cemetery, and now it looks like the littlest precinct in South Dakota is the cemetery in Dewey County," he said.

Kundert said her only personal experience with money in voting was when she campaigned once for a term as auditor and asked for a vote in a small convenience store in a western town.

"The man said, 'How much will you pay me?' I said, 'You just lost it. I don't need your vote,' " she said. "That kind of stuff just

doesn't happen in South Dakota."

That's probably a typical reaction to the news of the investigation, Patterson said. When the Florida voting system came into the national spotlight during the protracted counting of the presidential ballots two years ago, many states believed their own systems were safe from that kind of problem, he said.

"The idea was, this is Florida's problem; this isn't the way we operate," he said.

While he doesn't think one election cycle with questions about voter registration will cause people to lose confidence in the system, Patterson does see the possibility of doubts accumulating over time.

"All of these things are kind of shots at the system, and they could be additive in a way," he said. "If people are already disenchanted with campaigns, and you add this, it possibly could have some effect."

Bear Heels Cowan said the effect may be to encourage

Native Americans and whites to work together on voter registration and voting drives.

"These kinds of things happen for a reason," she said. "It's kind of a push-pull thing: Go vote, make sure you're registered, and now we have a few problems. I believe the people have done a good job overall of getting registrations, and perhaps these questions being raised now will make us all more aware of how much the system relies on trust, maybe even to the point that we'll all work together."

Kundert said South Dakota seldom experiences the pressures of big-time campaigning the way it has this year with the U.S. Senate race between Democrat Tim Johnson and Republican John Thune carrying the potential of deciding political control of that body.

"I don't remember anything like this," she said. "So, you get these reports something might be wrong, and 99 percent of you says real voter fraud couldn't happen here. But 1 percent of you says, gosh, I never thought there'd be any cases of false registrations like this, either. So you start to doubt your trust in the whole thing. And that's pretty sad."

Reach Terry Woster at 605-224-2760 or twoster@midco.net.

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Suspect in voter fraud threatens suit

By DAVID KRANZ
Argus Leader

published: 10/29/2002

Flandreau woman says she's the victim of conspiracy

The Flandreau woman suspected by federal, state and Republican Party officials of being linked to possible voter fraud in several South Dakota counties is fighting back, saying she is a victim of a conspiracy to keep Native Americans from voting.

Becky Red Earth-Villeda, also known by her Dakota name, Maka Duta, said in a statement distributed to news media that she is innocent of any links to the forging of absentee ballot applications, voter registration cards and other wrongdoing in the election process.

She also is contemplating charges of her own against those who accuse her.

Attorney General Mark Barnett expects to file charges against her in the near future, saying at least 15 absentee ballot applications handled by her were found to be irregular.

Red Earth-Villeda, 49, accuses officials of a collective conspiracy against her. They continue to "conspire as Republicans to single out my voter registration and absentee ballot application work product for their explanation to the end of charging only me with violations of state and federal law," she said.

The sole purpose of their probe and threats of charges against her is to increase vote totals for Republican candidates in the Nov. 5 election in South Dakota under "color of law," she said.

Barnett has said he has investigators in 25 counties looking for discrepancies in absentee ballot applications.

So far, there is evidence that she handled more than 1,700 such documents. Of those inspected so far, 15 have been found to be invalid. That process is determined by finding the person who has his name on the application. The person then tells investigators whether it has his actual signature.

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Responding to Red Earth-Villeda's conspiracy charges, Barnett said: "It will all sort out in the court of law. We have been conducting hundreds of interviews and continue on the course that I discussed in the past."

Red Earth-Villeda describes herself as "the mother of nine beautiful children, a grandmother of five wonderful grandchildren."

Red Earth-Villeda said that during the course of the year, she has devoted her time and energy to getting Native Americans in South Dakota to register to vote in federal, state and local elections. She said she thoroughly read the South Dakota statutes and laws before beginning her work.

"Through libelous assertions, inferences and innuendos by South Dakota Republican Chair Joel Rosenthal, Republican U.S. Senate candidate John Thune and Republican Attorney General candidate Larry Long ... defamation of my character as a campaign worker to register voters ... is now to my emotional and financial detriment," she said in a written statement.

As a result, South Dakota voters have the false impression that she is responsible for "massive voter registration fraud," Red Earth-Villeda said.

Rosenthal said he has always had the position that there appear to be thousands of irregularities, voters that can't be found, dead people requesting absentee ballots and irregularities in at least 20 counties.

"To my recollection, I have not accused her. She gets her day on trial. Democrats have already said she falsely did two of them," Rosenthal said, referring to voter documents.

"There are a lot of things uncovered, and something isn't right. The people on the reservation deserve to be registered to vote. Both parties ought to be able to register their favorable voters, but I want to have a good election and want people to have confidence," Rosenthal said.

The Thune campaign's position is that Red Earth-Villeda says one thing and the Democratic Party says another.

"We hope the truth will emerge before election day," said Christine Iverson, communications director for the Thune campaign.

Red Earth-Villeda also said Matthew Miller, an FBI agent who interviewed her, did not advise her of her rights. He distorted information she gave him when he filed a written report, she said. Because of the inaccuracies she refused to sign the statement for Miller. She plans today to release a photocopy of the Miller document.

"We're referring all calls to the U.S. attorney's office," said

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Dave Heller, supervisor for the FBI office in Sioux Falls.

U.S. Attorney James McMahon would not discuss the case. "I'm not commenting on ongoing investigations," he said.

In the recent controversy, only Red Earth-Villeda has a direct connection to the state Democratic Party registration program, Barnett said.

A Rapid City man, who was working under a separate program run by the United Sioux Tribes, has been charged with five counts of forgery.

Meanwhile, Rosenthal accused Democrats on Monday of "judge shopping" when a law firm for the state Democratic Party asked Federal Judge Lawrence Piersol to be available on election day if they decide to seek an injunction.

Rosenthal said the Democratic Party is putting Piersol in "this untenable ethical position."

Rosenthal should know better, said Sarah Feinberg with the South Dakota Democratic Party.

"He knows it is a standard letter you write at election time. Our lawyer even covered Rosenthal with a copy of the letter as a courtesy," she said.

"In the course of a week, Joel Rosenthal has tried to suppress Native American voting, alienated every state auditor and the secretary of state by suggesting a need for federal election monitors and now discrediting a well-respected federal judge," Feinberg said.

Reach reporter David Kranz at dkranz@argusleader.com or 331-2302

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Barnett: No illegal ballots found

David Kranz
Argus Leader

published: 10/31/2002

Contract worker likely to face charges for submitting forms

The investigation into allegations of voter fraud in South Dakota has not turned up any illegally cast ballots but the woman at the center of the controversy still likely will face charges, Attorney General Mark Barnett said late Wednesday.

Barnett said last week that state and federal authorities had found 15 absentee ballot applications with apparently forged signatures. The bad documents surfaced during an investigation of voter abnormalities in 25 counties including registrations for people who were dead or too young to vote.

News of the probe has fueled nationwide speculation about the integrity of Tuesday's election in South Dakota, which features close races for U.S. Senate and House that are part of fierce struggle for control of Congress.

Throughout the controversy, Barnett has smothered discussion of widespread voting irregularities, saying the investigation was focused on one woman, Becky Red Earth-Villeda of Flandreau who was working as independent contractor under a Democratic Party voter drive.

On Wednesday, the attorney general said the woman's actions, while likely criminal, have not led to fraudulent voting.

"So far I have not found that she had any ballots that have been illegally voted," he said in an interview.

Meanwhile, Red Earth-Villeda was interviewed by state and federal agents for six hours Wednesday. Before the meeting she released a statement admitting she signed absentee ballot applications in the name of the 15 voters in Dewey and Ziebach counties but that she did so only after a mix up about how the system works.

She said the 15 voters in question filled out the applications, which she intended to personally deliver to the auditors in

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those two West River counties. But a Democratic Party worker informed her that, in nearly all cases, those forms must be sent through the mail.

At that point, Red Earth-Villeda admits, she duplicated the signatures on new applications and sent them through the system.

"If I erred in doing so, I pray that Attorney General Barnett will agree with me that I erred on the side of angels," she said in a written statement. "I did not abrogate the spirit and letter of the absentee voting law of South Dakota and I did not work fraud on the county auditors"

Barnett said agents have interviewed the 15 people and ballots have not been submitted by them or in their names.

"It is my suspicion that the voter was not involved in the fraudulent procurement" of the ballot, he said.

Interviews in the case will conclude today, he said.

Red Earth-Villeda likely will be charged "sometime next week or possibly sooner," Barnett said.

Those charges probably will include forgery and theft by deception, he said.

Red Earth-Villeda said she hopes to continue her work to bring more Native Americans into the electoral process.

"I pray that the truth will set me free to get as many Native Americans out to vote as I can so that they exercise their most precious and self-determinative right as citizens of the United States, that being the right to vote," she wrote.

An Argus Leader/KSFY-TV poll of likely South Dakota voters shows the much-publicized investigation has some positive effect for Republicans in the election.

Fifteen percent of those surveyed said they are more likely to vote for Republicans because of the controversy. Four percent said they were more likely to vote Democrat.

But the majority, 79 percent, said the allegations would have no effect on Tuesday.

The poll of 805 randomly selected South Dakotans has a margin of error of plus or minus 3.5 percentage points.

The controversy wasn't a deciding factor when James Miller, 64, of Meadow made up his mind to vote Republican in the Senate race.

"But it does seem like the Democrats have their fingers in it with voter problems. I don't think their candidates are responsible, though, probably just the workers," he said.

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Both major political parties have engaged in substantial get-out-the-vote campaigns in the run-up to Tuesday's election.

The race between incumbent Sen. Tim Johnson and U.S. Rep. John Thune is among the closest in the nation. A few hundred vote here and there could mean the difference in the race and ultimately control of the Senate.

But the Democrats' practice of paying independent contractors for each registration and absentee ballot application has come under criticism since the allegations of fraud emerged.

Sarah Feinberg, spokeswoman for the South Dakota Democratic Party, said Barnett's statements Wednesday provide a measure of vindication for the voter drive.

"The attorney general's comments show the allegations that have been coming from the state Republican Party and the Thune camp for what they truly are, which is pure political spin," she said.

State Republican Party Chairman Joel Rosenthal could not be reached for comment late Wednesday.

State editor Patrick Lalley contributed to this article. Reach reporter David Kranz at dkranz@argusleader.com or 331-2302.

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Absentee forms found burned

Staff & Wire Reports

published: 11/1/2002

Barnett: Flandreau woman tried to destroy originals

Investigators have recovered charred pieces of absentee ballot applications from a Flandreau woman suspected of forging voters' names on such forms.

Attorney General Mark Barnett said Becky Red Earth-Villeda apparently tried to burn the original applications but then decided to retrieve them.

Investigators suspect Red Earth-Villeda tried to copy information including signatures onto new applications.

"It gets stranger every day," Barnett said. "She claims they are the legitimate signatures (on the charred paper)."

The Flandreau woman told Barnett that she copied the names of the applicants from the real documents in order to comply with instructions from Democratic Party officials. Barnett said the woman was told that she could not turn in ballot applications that had been signed but not filled out correctly.

"Many hundreds of those absentee ballot applications that were turned in by her, in fact were her signature, attempting to trace or duplicate the signature on the original form, which was rejected by the party," he said.

Red-Earth-Villeda was hired as an independent contractor by the state Democratic Party. She was fired after a county auditor alerted party officials that forged signatures were showing up on applications for absentee ballots.

Barnett said last week that authorities had found 15 absentee ballot applications with apparently forged signatures. Those documents were discovered during an investigation of voter irregularities in 25 counties.

Despite the suspicions of authorities, only those 15 have been verified by contacting the person whose name is on the application, Barnett said.

Democratic officials have cooperated with the investigation,

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Barnett said.

The probe has been laborious because of the sheer volume of election documents in question, he said. Each person whose name is on the application must be contacted by investigators to verify whether it is their signature on the form.

"I have almost 30 agents on this full time, spread out all over South Dakota, going as fast as we can go. We're doing everything we can to sort it out and advise the county auditors," Barnett said. "We're going to be sorting this out for a long time."

No absentee ballots tied to the questionable ballot application forms have been discovered, he stressed.

Investigators interrogated Red Earth-Villeda for several hours on Wednesday. She also released a written statement admitting that she had duplicated signatures but denying wrongdoing.

Kea Warne, state election supervisor, said county auditors are being advised to set aside any absentee ballots that look suspicious.

"If the signatures on the envelopes containing absentee ballots don't match up with the signatures on the applications for those ballots, we're telling auditors to set the ballots aside," she said.

Joyce Hazeltine, secretary of state, said she thinks the election will go smoothly and there will be no problems if questionable absentee ballots are rejected.

"If there's any question, I'm not taking any chances on having a contested election. Let's just not use them," she said.

If absentee ballots are set aside, they would only be considered if any races are within vote margins that allow for recount requests, Warne said.

"The recount board would have the authority to review those uncounted ballots," she said.

Red Earth-Villeda worked in several counties that encompass or border Indian reservations, he said.

"In Buffalo County alone, we probably have 80 or 100 absentee ballot applications that she signed instead of the voter," Barnett said, adding that forgery charges likely would be filed soon in Minnehaha County because that's where the election forms were turned over to the Democratic Party.

SD

**Forged absentee ballot applications could total between 500 and 1,000
Flandreau woman may have charges filed against her today or Monday**

By Joe Kafka
Associated Press Writer

PIERRE - Forgery charges may be filed today or Monday against a Flandreau woman who has worked to get more American Indians and others to vote on Election Day, Attorney General Mark Barnett said Thursday.

State criminal agents, in conjunction with the FBI and tribal authorities, have investigated the activities of Becky Red Earth-Villeda in 25 counties, Barnett said.

The woman was hired as an independent contractor by the state Democratic Party. She was fired after a county auditor alerted party officials that forged signatures were showing up on applications for absentee ballots.

Barnett said investigators have talked to hundreds of people and hoped to finish up their last interviews Thursday night. He said Red Earth-Villeda is suspected of forging voters' names on 500 to 1,000 absentee ballot applications.

"We've found several hundred voters who say, 'That's not my signature,'" the attorney general said.

When Red Earth-Villeda was told by a Democratic Party official that she could not turn in ballot applications that had been signed by voters but were not filled out correctly, she filled out new forms and traced the voters' signatures on them, Barnett said.

"Many hundreds of those absentee ballot applications that were turned in by her, in fact were her signature, attempting to trace or duplicate the signature on the original form, which was rejected by the party," he said.

Investigators interrogated Red Earth-Villeda for several hours on Wednesday. She also released a written statement Wednesday admitting that she had duplicated signatures but denying wrongdoing.

"I did not abrogate the spirit and letter of the absentee voting law of South Dakota," the statement said. "If I erred . . . I pray that Attorney General Barnett will agree with me that I erred on the side of angels."

Democratic officials have cooperated with the investigation, Barnett said.

The probe has been laborious because of the sheer volume of election documents in question, he said.

"I have almost 30 agents on this full time, spread out all over South Dakota, going as fast as we can go. We're doing everything we can to sort it out and advise the county auditors," Barnett said. "We're going to be sorting this out for a long time."

No absentee ballots tied to the questionable ballot application forms have been discovered, he stressed.

"So far, I've found no evidence that she got her hands on any actual ballots," Barnett said. "I'm not saying no illegal ballots were cast."

Kea Warne, state election supervisor, said county auditors are being advised to set aside any absentee ballots that look suspicious.

"If the signatures on the envelopes containing absentee ballots don't match up with the signatures on the applications for those ballots, we're telling auditors to set the ballots aside," she said.

Joyce Hazeltine, secretary of state, said she believes the election will go smoothly and there will be no problems if questionable absentee ballots are rejected.

"If there's any question, I'm not taking any chances on having a contested election. Let's just not use them," she said.

If absentee ballots are set aside, they would only be considered if any races are within vote margins that allow for recount requests, Warne said.

"The recount board would have the authority to review those uncounted ballots," she said.

Barnett said questionable absentee ballot application forms have been found in several counties, although he was not able to immediately identify all of them Thursday because not all criminal agents had yet filed their final reports. Red Earth-Villeda worked in several counties that encompass or border Indian reservations, he said.

"In Buffalo County alone we probably have 80 or 100 absentee ballot applications that she signed instead of the voter," Barnett said, adding that forgery charges would be filed in Minnehaha County because that's where the election forms were turned over to the Democratic Party.

The attorney general said he doesn't think voters who signed the original forms that were incorrectly filled out have done anything wrong.

"I'm convinced that virtually all these voters are completely innocent."

When Becky Red Earth-Villeda was told by a Democratic Party official that she could not turn in ballot applications that had been signed by voters but were not filled out correctly, she filled out new forms and traced the voters' signatures on them, Attorney General Mark Barnett said. Dakota Briefs Visit www.aberdeennews.com American News Friday, November 1, 2002 7A

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No prison in election fraud case

Activist will spend 6 months at House of Correction for absentee ballot forgeries

By DAVE UMHOEFER
dumhoefer@journalsentinel.com

Posted: Feb. 20, 2004

Bolstered by prominent character witnesses, voting-rights activist Vincent Knox avoided prison Friday on three felony convictions that stemmed from an investigation into absentee-voting fraud in a Milwaukee County recall election last March.

Circuit Judge David Hansher rejected a prosecution request for prison time and sentenced Knox to six months in the House of Correction with work-release privileges.

A prosecutor urged Hansher to hold Knox partly responsible for forgeries on 40 of 160 absentee ballots turned in by workers under Knox's supervision during the recall election involving County Board Chairman Lee Holloway. Knox ran a novel absentee drive that put ballots in the hands of his employer, an organization known as the African-American Coalition for Empowerment (ACE).

"Are we going to tolerate ghost votes being cast?" asked prosecutor Kurt Benkley, who sought a three-year sentence for Knox, half of it in prison time. Benkley recounted how a voter in the 5th District race had gone to vote for Holloway's opponent, Yolanda Staples-Lassiter, but effectively was canceled out because an ACE worker had forged an absentee ballot in the voter's name for Holloway.

Benkley argued that the perjury conviction against Knox, for lying to investigators at a John Doe hearing, alone deserved prison time.

"If citizens feel they can lie (at a John Doe hearing) it renders it dull," Benkley said of the seldom-used investigative tactic, in which witnesses are questioned in secret in front of a judge.

Benkley pressed the prosecution's argument that Knox's effort was designed to help Holloway - an allegation that Holloway and Knox have denied under oath. Holloway won the election handily.

Hansher said evidence at trial left it unclear whether there was a grand scheme to defraud, or merely widespread short-cutting by Knox's crew, or both.

"There's more to this than we know," Hansher said, citing the perjury charges leveled against various ACE workers in separate cases.

A jury found Knox guilty last month of three counts relating to a single forged registration card and perjury at a John Doe investigation. The maximum possible sentence was 13 years in prison.

The absentee drive, which city election officials discouraged Knox from undertaking, put absentee ballots in ACE's hands. Knox's crew went door to door in Holloway's district getting people to apply to vote absentee and agree to have the ballot sent to ACE, which then returned to the would-be voters' homes, witnessed their votes and turned in the ballots at City Hall. The drive did not follow that script, trial testimony showed. The unusual process - which Knox calls "vote by mail" - is legal under state law if performed correctly.

Hansher said the case was not a victimless crime. It had tarnished the city's reputation for clean elections, he said.

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Knox pleaded for leniency Friday, citing his long activism for minority voting rights. His attorney, Tom Erickson, sought probation and community service for his client.

Three witnesses vouched for Knox's character, among them Vel Phillips, a pioneer in electoral politics who was Milwaukee's first black alderman. In addition, state Sen. Gwendolynne Moore, former county executive candidate Tyrone Dumas and many co-workers, friends and neighbors wrote letters of support.

In addition to the House of Correction time, Knox must serve three years of probation. As a convicted felon, he cannot vote while under supervision. Hansher forbade him from doing voter registration work while on probation.

So far, prosecutors have had mixed success in the absentee investigation, in which nine people were charged. One of the ACE workers, Barbara Triblett, was acquitted at trial last month. Prosecutors shortly after that reduced the charges in another case, against Velma Jackson, to two misdemeanors. Jackson pleaded guilty and was fined \$200.

Barbara A. Burton, another field worker in the absentee drive, pleaded guilty to a misdemeanor in December and was fined \$200.

Five others who worked for ACE under Knox's supervision are awaiting trial on felony charges.

From the Feb. 21, 2004 editions of the Milwaukee Journal Sentinel

WI

Original URL: <http://www.jsonline.com/news/metro/jan04/199958.asp>

Voting-rights activist convicted of fraud

Knox mishandled drive during county recall election, jury decides

By DAVE UMHOEFER
dumhoefer@journalsentinel.com

Posted: Jan. 14, 2004

Milwaukee voting-rights activist Vincent Knox was convicted Wednesday on three felony counts stemming from irregularities in an absentee-balloting drive he ran during a county recall election last March.

A year after he thought he had hit on a novel idea for boosting sluggish African-American voter turnout, Knox is fighting to stay out of prison.

A Milwaukee County Circuit Court jury deliberated five hours before agreeing with the state's contention that Knox, a 25-year veteran of voting-rights causes, had criminally mismanaged aspects of the absentee drive.

Judge David Hansher set sentencing for Feb. 5. Prosecutors, who pledged to seek prison time, sought to hold Knox in jail until sentencing, but Hansher rejected that idea.

Knox's attorney, Tom Erickson, cautioned his client against commenting after the verdict but questioned why Knox was prosecuted for a voter-registration error.

He mentioned the numerous problems with elector signatures in Milwaukee County Sheriff David Clarke's mayoral nomination papers and asked why that was not being investigated.

"It seems curious that Vince Knox, who's spent his whole life getting people to vote, is on trial," Erickson said.

The absentee drive was run by Knox for an organization known as the African-American Coalition for Empowerment (ACE). The move surfaced just days before the recall campaign won by Milwaukee County Board Chairman Lee Holloway.

Holloway hired ACE to help with his campaign, but he testified that the group's absentee drive was separate from his own campaign work and that he was unaware of it. He has not been charged.

The drive, which election officials discouraged Knox from undertaking, put absentee ballots in ACE's hands.

Knox's crew went door to door in Holloway's district getting people to apply to vote absentee and agree to have the ballot sent to ACE, which then returned to the would-be voters' homes, witnessed their votes and turned in the ballots at City Hall. The unusual process - which Knox calls "vote by mail" - is legal under state law if performed correctly.

District Attorney E. Michael McCann responded aggressively when the alleged ballot problems became public. His investigators were at polling places for the March 4 election on Milwaukee's north side and challenged and sealed 10% of the votes cast.

A police handwriting expert had labeled as suspicious the signatures on dozens of absentee ballot envelopes.

In all, Knox and eight other ACE workers were charged. One pleaded guilty to a reduced charge last month. The others are standing trial separately in the weeks ahead.

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For Knox's trial, prosecutors argued that ACE's motive was to get absentee votes for Holloway, an allegation they tried to back up through testimony about absentee ballots cast for Holloway by fictitious voters at non-existent addresses.

Although evidence suggested forgery and other mischief plagued the absentee effort, Knox's case turned on one voter registration card bearing his signature as a deputized voter registrar. The purported voter, Willie Dawson, had his name forged on the card by a girlfriend, testimony showed. And Knox's explanation of how he could have witnessed Dawson sign the card apparently held little weight with jurors.

Jury foreman Mark Scott told a reporter that while the jury respected Knox's political credentials, the number of mistakes made by Knox's voter-recruitment crew suggested tampering.

"Your voting rights are a privilege," Scott said. "It's not to be taken lightly."

Knox was convicted of perjury, misconduct as a voter registrar and election fraud, which carry a combined penalty of up to 13 years in prison.

The perjury count stemmed from his testimony at an investigative hearing conducted before charges were filed.

Knox and ACE are well-known in political circles. Knox successfully sued Milwaukee County on a race-related redistricting case.

From the Jan. 15, 2004 editions of the Milwaukee Journal Sentinel

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THE ROANOKE TIMES

roanoke.com

Tuesday, August 02, 2005

VA

State charges former mayor with vote fraud

By Laurence Hammack

981-3239

The indictments allege voters were persuaded to cast illegal votes by absentee ballot. [Background on the disputed Gate City voting](#)

GATE CITY - Charles Dougherty was charged Monday with running a campaign of fraud and deceit to win another term as mayor of Gate City.

Dougherty was indicted on 37 felony counts of voter fraud by a Scott County grand jury in the first charges to come from a lengthy investigation of a small-town election marred by allegations of corruption. The indictments allege voters, many of them elderly or prone to manipulation, were approached by the candidate and persuaded to cast illegal votes by absentee ballot.

Although Dougherty was re-elected mayor in May 2004 with a large number of absentee votes, he lost the job a few months later after his opponent, Mark Jenkins, challenged the results in court.

In a complaint filed in circuit court last year, Jenkins blamed not just Dougherty, but also the Scott County registrar's office for some of the voting irregularities.

The office is headed by Willie Mae Kilgore, mother of Republican gubernatorial candidate Jerry Kilgore.

Willie Mae Kilgore has been accused in a separate lawsuit of running the registrar's office in a partisan way, and her role in the 2004 Gate City elections was cited recently when she was asked to resign by the candidate running against her other twin son, Del. Terry Kilgore, R-Scott County.

Yet Joel Branscom, the Botetourt County commonwealth's attorney who was appointed special prosecutor in the case, said the investigation to date has found evidence to support charges only against Dougherty.

Branscom noted that the probe is ongoing.

"When you stir a pot like this, you never know what might come up," he said.

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Monday's indictments marked the second legal action in less than a week involving election fraud in far Southwest Virginia. Last Wednesday, the commonwealth's attorney in neighboring Wise County called for a special grand jury to investigate allegations of vote-buying and ballot theft in May's elections for the town council of Appalachia.

Dougherty, a former Scott County sheriff's deputy who works at the county's regional jail, was charged with 18 counts of aiding and abetting in violating the absentee voting process, 17 counts of making a false statement on an absentee ballot application, and two counts of conspiracy.

Many of the charges involve people who gave false reasons for voting by absentee ballot. Absentee voting is allowed in Virginia under certain circumstances, such as for people out of town on Election Day or unable to vote in person because of health reasons. It is a felony to make a false representation on an absentee ballot application.

Critics of the absentee voting process in Virginia say it is easy for an unscrupulous candidate to persuade a voter in private to obtain absentee ballots under false pretenses.

Some of the absentee ballot applications in the Gate City election contain similar reasons for a voter not being able to make it to the polls, such as the ailment of "crippling arthrimism." [sic]

In Dougherty's case, authorities allege, the candidate took it a step further by also assisting the voters in casting their ballots.

Many people told a state police investigator that they "were voted" by the candidate. "It's a new phrase that I am still trying to find a definition for - 'He voted me,'" Branscom said.

In an interview in February, Willie Mae Kilgore said it is the voter's responsibility to be truthful on absentee ballot applications. As registrar, Kilgore said, she must take their word for why they cannot vote in person.

Rather than charge the voters, Branscom chose to hold the candidate accountable.

"When you subject yourself to 370 years in prison for trying to become the mayor of a small town, you're putting your liberties at risk when you do it," he said.

Each one of the 37 charges Dougherty faces carries a maximum punishment of 10 years in prison. He will be allowed to turn himself over to authorities and remain free on

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a personal recognizance bond, Branscom said.

Dougherty could not be reached for comment Monday.

In an interview earlier this year, he said he did nothing wrong in the weeks leading up to the town elections of May 4, 2004.

"I've always worked the absentee ballot hard in every election," he said. "That's part of campaigning. When people say they're going to be out of town or in the hospital, I encourage them to go out and vote absentee."

And as it turned out, the absent electorate proved crucial to Dougherty's two-vote re-election victory.

Of 158 absentee ballots cast in the mayor's race - about one of every five votes cast - Dougherty received 138. Jenkins was quick to challenge the results, and a three-judge panel invalidated the election in September. Jenkins was then named mayor by a new town council appointed by the judges.

Jenkins said Monday he was relieved to hear that criminal charges finally have come from the concerns he raised 15 months ago.

"The voting system is something that we should not be messing with," he said. "It's the foundation of freedom."

The mayor said he hopes the investigation will yield additional charges against others whom he believes have been involved in manipulating the absentee vote in Scott County.

"This has been going on for years," he said.

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THE ROANOKE TIMES

roanoke.com

Wednesday, August 03, 2005

JA

Residents say former mayor filled out ballots

By Laurence Hammack

981-3239

"He done the voting, but I signed the paper," Vernoil Littrell said of Gate City's ex-mayor Charles Dougherty. [Background on the story](#)

GATE CITY - Vernoil Littrell had lots of reasons for not being able to vote in person in last year's town election: For one thing, he was confined to his home, suffering from crippling arthritis and a bad heart.

He was also working a 13-hour shift at Food Lion on Election Day, according to his absentee ballot application - a document that authorities say was falsified. "I don't even go to Food Lion," Littrell said Tuesday. "I don't know why he put all that down."

The "he" Littrell was referring to is Gate City's former mayor Charles Dougherty, who was charged Monday with election fraud and making false statements on absentee ballot applications submitted on behalf of Littrell and 19 other town residents.

In a brief interview Tuesday, Dougherty said he is innocent of the 37 felony indictments returned against him by a Scott County grand jury.

According to Littrell, Dougherty came to his apartment complex last April looking for votes. Seeking re-election at the time, the mayor had a stack of blank absentee ballot applications in his hand.

Littrell said he signed the paperwork that Dougherty filled out. In handwriting that appears similar to that on other absentee ballot applications on file at the county courthouse, the following reasons are listed for Littrell not being able to vote in person: "crippling arthritis; confined to home; heart condition."

He does have arthritis, Littrell said. And he is confined to his home.

But, he said, "I ain't got no heart problem. I went to the doctor last week. My heart's all right."

The absentee ballot application was submitted to the Scott County registrar's office, which issued Littrell a mail-in ballot

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- even though the application seems to raise the obvious question of why someone with so many ailments could be working 13 hours at Food Lion.

After the ballot arrived in the mail, Littrell said, Dougherty came back to his apartment to help him vote. The way he tells it, the mayor did more than help. He filled out the ballot, voting for himself.

"He done the voting, but I signed the paper," Littrell said.

Botetourt County Commonwealth's Attorney Joel Branscom, who last year was appointed special prosecutor to oversee a state police investigation of the election, said other people have also said they were "voted" by Dougherty under similar circumstances.

Absentee voting abuses - which are also the subject of a special grand jury investigation into another election in neighboring Wise County - can allow dishonest candidates to amass a stealth electorate by focusing on voters who can easily be manipulated, critics of the process say.

Dougherty made the rounds in Littrell's apartment complex, where most of the residents are elderly or disabled, the 67-year-old Littrell said.

"All the way around," Littrell said, waving his arm to indicate the path taken by the allegedly vote-hungry politician that day.

On the other side of town, Dougherty was also seen knocking on the doors of Clinch View Manor Apartments, a government-subsidized complex for the elderly, disabled and handicapped.

He found Maxie Overbey in the laundry room.

"He hunted me down," Overbey said. "Or he looked 'til he found me, anyway."

Like Littrell, Overbey said she signed a blank absentee ballot application that Dougherty filled out. And like Littrell, her reason for not being able to vote was crippling arthritis.

While she does have a touch of arthritis, Overbey said it never prevented her from driving to the polls to vote in other elections.

Voting by absentee ballot would save her a trip to the polls, Overbey said she was assured by Dougherty. It was only after a state police investigator came knocking on her door that she took a close look at the absentee ballot application.

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"Oh, Lord. I hate that I did that," she said. "I got took in by it."

A strong showing of absentee votes helped Dougherty squeak out a two-vote victory on May 4, 2004. But his re-election was later invalidated when his opponent, Mark Jenkins, challenged the results in court. Jenkins was later appointed mayor by a new town council named by a three-judge panel that heard the case.

Now, nearly a year later, the botched town election has gone from being the subject of a lawsuit to an ongoing criminal investigation.

After hearing from a state police investigator Monday, the grand jury charged Dougherty with 18 counts of violating absentee voting procedures, 17 counts of making false statements on ballot applications, and two counts of conspiracy.

In a brief telephone interview, Dougherty said he is innocent.

"It was elderly people, mostly, that I voted," he said. "They were the ones that signed the affidavits saying they couldn't go to the polls.

A short time after proclaiming his innocence, Dougherty turned himself over to authorities and was allowed to remain free on a personal recognizance bond. He is scheduled to be arraigned Aug. 15.

While the charges are pending, Dougherty also will keep his job as a correctional officer at the Southwest Virginia Regional Jail in Duffield. He is presumed innocent of the nonviolent charges, said Maj. Matthew Pilkenton of the regional jail.

In an earlier interview, Scott County registrar Willie Mae Kilgore said it is the voter's responsibility to give an honest answer when requesting permission to vote by absentee ballot. Absentee voting is allowed in Virginia only under certain circumstances, such as a voter being out of town on Election Day or unable to make it to the polls because of illness or disability. Making a false statement on an absentee ballot application is a felony that carries up to 10 years in prison.

But Branscom has said he is not comfortable bringing charges against people who were taken advantage of. To date, Dougherty is the only person charged in the investigation.

Ronald Kindle, who lost a bid for town council in the same election, said Tuesday that he believes the registrar's office

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should have known that something was amiss.

He and other town residents questioned whether powerful political connections will prevent the full story from ever being told in a courtroom.

Willie Mae Kilgore is the mother of twin sons, Del. Terry Kilgore, R-Scott County, and GOP gubernatorial candidate Jerry Kilgore. Her husband is the longtime chairman of the Scott County Republican Party, and a third son heads the county economic development authority.

While the registrar's politics have been questioned in lawsuits, Branscom said the criminal investigation has produced no evidence to implicate the office - at least not so far.

"I never say never," the prosecutor said. "But certainly at this point I have no intention of going forward in that direction."

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Star-Telegram.com

Posted on Sun, Dec. 28, 2003

Star-Telegram

D.A. ready to close illegal voting probe

TX

Associated Press

HOUSTON - A seven-month voting fraud investigation that produced nearly 30 indictments is nearing its end, a prosecutor said.

Robertson County District Attorney John Paschall said recently the city of Hearne is ready to put the issue of fraudulent absentee ballots in its May 3 election behind it.

"We have it pretty much under control," Paschall told the Bryan-College Station Eagle in Sunday's editions.

A grand jury investigating the election fraud will be dismissed Wednesday, and no more indictments are expected. A handful of criminal cases in the case are pending.

Allegations of voter fraud surfaced shortly after the election. Defeated mayoral candidates Sally Pryor and Kathy Stracener questioned the results, particularly regarding the high percentage of absentee ballots mailed in by people who claimed to be disabled.

Pryor had copies of hundreds of absentee ballot applications, some with similar signatures, that she had requested before the election.

The newspaper asked the city for copies of those applications, but the election judge had locked them in the ballot box with actual ballots. State law requires that the ballot box remain sealed for 60 days after an election unless a court order is obtained to open it.

The only two people eligible to obtain such a court order - City Attorney Bryan Russ and Mayor Ruben Gomez - initially declined to do so, choosing instead to let the 60-day period pass. Both were elected by wide margins in May.

Gomez changed his mind when the issue didn't die down. The ballot box was opened 19 days after the election, and Paschall obtained the documents for his investigation. The newspaper obtained absentee ballot applications.

The 2000 Census said Hearne had 539 people aged 21 to 64 identified as disabled. The newspaper counted 657 absentee ballot applications from voters claiming to be disabled.

In contrast, the May municipal election in Bryan, a city much larger than Hearne, included 35 absentee ballots from voters saying they were disabled.

In August, Paschall announced 17 people had been indicted on charges of voting fraud, a third-degree felony punishable by two to 10 years in prison and a fine of up to \$10,000. At the top of that list was Charles Workman, who pleaded guilty in October to illegal voting for casting 34 ballots in the Hearne

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election.

Workman didn't cast a ballot in his own name, but he voted for nearly three dozen other residents using absentee ballots. He also forged forms saying some people had moved from one home to another.

Workman was sentenced to five years probation and will not be allowed to campaign or collect absentee ballots during that time.

"We're not going to tolerate it," Paschall said. "I certainly hope everyone understands you have to vote your own ballot."

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TX

Dallas Morning News -Voters: Mail ballot signatures forged

Candidate denies signing applications; DA investigating
04/22/2003

By DAVE MICHAELS / The Dallas Morning News

A Dallas City Council candidate submitted at least 12 mail ballot applications that contained the forged signatures of voters, according to interviews with voters and the elections administrator.

Clair Conly Woertendyke, a candidate for council District 3, submitted about 265 applications for mail ballots this month. The Dallas County elections department spotted the questionable applications because they appeared to be signed by the same person and came from the same West Dallas precinct. The Dallas County district attorney's office is investigating the possibility of forgery.

In interviews, eight voters said they did not sign the applications that Mr. Woertendyke sent to the elections department. And two of the voters whose applications were submitted moved from West Dallas more than a year ago, neighbors said.

Mr. Woertendyke said he did not forge the signatures and argued that it could not be proved whether the signatures are bogus. He said a voter's relative might have signed the application for the voter, and the voter simply forgot. He said neither he nor his campaign volunteers could ask a voter for identification.

"Most of these seniors ... can't remember what they did yesterday," said Mr. Woertendyke, who lost an election for Dallas County clerk in November. "There is always the possibility that someone in the family signed for it and the person [the voter] did not know."

Bruce Sherbet, Dallas County elections administrator, said Monday that he had sent the applications to the Dallas County district attorney's office for investigation.

"There is no question in my mind that the voters didn't sign those applications," Mr. Sherbet said.

District Attorney Bill Hill said Monday that his prosecutors were investigating the information given them by the elections department.

"We are trying to determine whether or not there were forgeries on these mail-in ballot applications," Mr. Hill said. "And if in fact they were forgeries, who actually committed the offense."

In Texas, residents can vote by mail if they are at least 65 years old, disabled or plan to be gone during the period of early voting and on election day. Voters must sign an application for a mail ballot, which authorizes the elections department to send them a ballot.

Mail ballot controversies

But in Dallas and some other Texas counties, the mail ballot system has been controversial. Campaign workers have visited the homes of elderly voters to influence their votes and even taken ballots before voters could mark them.

A state district judge voided the results of the Dallas City Council District 4 race in 2001 partially because of mail ballot forgeries.

The Texas Legislature is considering a bill that would tighten regulation of mail ballots. One of Mr. Hill's prosecutors, Ben Stool, helped write the bill with state Rep. Steve Wolens, D-Dallas. It increases the criminal penalties related to mail ballot fraud.

All 12 voters are 65 or older. Several cannot leave their homes without the assistance of relatives, the voters and their relatives said. But some said they vote at the polling place and were visibly upset that someone had submitted an application for them.

"That is not my signature on there," said Norman Jones, a 65-year-old retiree who lives on Vilbig Road. "I try to get down to the polling place to vote. I like to make my vote count."

Said Henry Moore Jr., 70: "If I find out who [signed my name], I'll sue them."

Another couple whose applications were sent, Milas and Lorine Franklin, left West Dallas more than a year ago, said Terry Webster, a former neighbor. Another family, the Alvarados, answered the door on the day a reporter visited the house.

When Mr. Woertendyke sent the applications to the elections department, his campaign put Mark Baker's name and address on the envelope. Mr. Woertendyke said Mr. Baker collected most of the applications in the precinct "except for a few that I picked up."

Mr. Baker is a longtime West Dallas resident who serves on the city's Martin Luther King Jr. Community Center Board. Ed Oakley, one of Mr. Woertendyke's opponents in the May 3 election, appointed Mr. Baker to that board.

Connection denied

Mr. Baker said he often tries to help seniors vote by mail. But he denied dealing with the applications that Mr. Sherbet said were forged.

"I have a regular set of people who vote each election," Mr. Baker, 37, said. "These are not the folks I have written up."

But Mr. Baker allowed his name to be written on the envelope that was sent to elections headquarters, he said. Mr. Baker said he collected perhaps 50 of the 265 applications that Mr. Woertendyke sent.

"Clair asked me if he could use my address," Mr. Baker said. "With him being the candidate, he didn't think it was good having it couriered in under his name – for his protection."

Mr. Woertendyke said he used Mr. Baker's name and address because he doesn't believe that the media should know how he conducts his campaigns.

"The media make something out of nothing," he said. "Everything was done perfectly legal, and you didn't have a right to know."

Mr. Woertendyke is campaigning to represent council District 3, an area that covers parts of West Dallas, Oak Cliff and the Mountain Creek area. His opponents are incumbent Mark Housewright and Mr. Oakley, another sitting council member.

Three-way race

Mr. Oakley was drawn into District 3 during redistricting. Mr. Housewright and Mr. Oakley said they were upset to learn about the questionable applications.

Those voters who said their signatures were forged have received mail ballots. Several, such as Mr. Jones, said they intended to vote at a polling place.

To cancel the mail application, the voters must submit a request in writing, Mr. Sherbet said.

Otherwise, they have to take the mail ballot to a polling place, where they must surrender it to an election judge to be allowed to vote in person. That measure is intended to protect against people who would vote twice by casting a ballot on election day and then sending a mail ballot later, Mr. Sherbet said.

But the voters who lose their mail ballot or forget to send a cancellation letter might find themselves locked out on election day.

"It's horrible," Mr. Sherbet said. "These folks could lose their right to vote."

E-mail dmichaels@dallasnews.com

Online at: <http://www.dallasnews.com/localnews/stories/042203dnmetvotefraud.26f30.html>

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FOCUS - 28 of 92 DOCUMENTS

Copyright 2002 San Antonio Express-News
San Antonio Express-News (Texas)

December 10, 2002, Tuesday , METRO

SECTION: METRO / SOUTH TEXAS; Pg. 2B

LENGTH: 1095 words

HEADLINE: News Roundup

BODY: san antonio

Third ballot recount is being considered

The ballot recount from the Nov. 5 election could last until Wednesday because of lingering questions about what to do with vote tallies handled by three election workers who were fired last week.

Bexar County Judge Nelson Wolff is expected to make a statement today about whether elections officials will have to count about seven disputed precincts for a third time.

County Elections Administrator Cliff Borofsky said the precincts handled by the three-person counting team were set aside last week after problems were discovered during a spot check of the ballot boxes.

The team included two Democrats, Mark Garrett and Mike Miklas; and one Republican, Martha Martin.

District Clerk Reagan Greer filed a complaint with Wolff last week asking that the boxes, which include about seven precincts, be recounted because of an allegation that Garrett switched 12 votes from Republican to Democratic candidates.

Garrett vehemently denies tampering with the votes.

No allegations have been made regarding Miklas and Martin. But Martin filed an affidavit with the county judge's office accusing Garrett of calling votes out too rapidly for her to tabulate them properly.

2 bank robbery suspects arrested

Two bank robbery suspects, linked to separate incidents, were arrested within hours of each other Monday.

Stephen Joy, 23, of Chicago, and Michelle Mitchell, 18, of San Antonio, were each being held at the Bexar County Jail late Monday, and were waiting for their bonds to be set.

Joy was charged with robbery. Mitchell was charged with attempted robbery.

According to the FBI, Joy entered the Compass Bank at 7575 Wurzbach Parkway at 10:15 a.m. and handed a teller a demand note. He fled in a late model Chevrolet Caprice, which was found abandoned a short time later, the FBI said. Joy was arrested after San Antonio police traced the vehicle to him, the FBI said.

Two hours after the robbery at the Compass Bank, authorities said Mitchell entered the Sterling Bank at 2700 N.E. Loop 410 and handed a teller a demand note. She was arrested by a security guard at the counter, the FBI said.

In both incidences, no weapons were used.

Man arrested in postal robberies

U.S. Postal inspectors on Friday arrested a 20-year-old man, alleging he robbed the Serna Post Office twice in a week.

Shortly after 3 p.m. on Nov. 29, a man robbed two clerks at gunpoint and fled.

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Postal inspectors were working with San Antonio police, who had been investigating several armed robberies on Austin Highway, when the same post office was robbed again on Dec. 6.

At about 3:30 p.m., the robber fled the post office with stolen money and carjacked an elderly woman in the parking lot.

Authorities on Monday said David Aundra Straughn was charged with robbery and carjacking.

Sickly puppies found in pickup

Three sickly chow-mix puppies that were found in the back of a pickup by students at Northwest Vista College have been turned over to the Humane Society for treatment.

The owner of the vehicle turned the bleeding and weak puppies over to Alamo Community College District police, who in turn took them to the Humane Society/SPCA of Bexar County for quarantine.

The puppies are being treated for mange and secondary illnesses, including eye and bacterial skin infections.

ACCD is considering filing criminal charges against the dogs' owner.

The Humane Society will take care of the puppies until they recover. For more information, call (210) 226-7461.

texas

Collision kills teen in New Braunfels

NEW BRAUNFELS - A Canyon High School student was killed late Sunday in a car wreck that also hospitalized a teenager from Seguin.

Gabriel Villalobos, 17, was declared dead at the scene of the accident. Amber Lane, 17, of Seguin, was taken to Brooke Army Medical Center where she was in critical condition, but improving.

Villalobos was driving a 1994 Kia with Lane as a passenger. His car was struck by a 2000 Chevrolet pickup as Villalobos turned left off Kuehler Avenue on Business 35 North at about 8:10 p.m. Sunday, officials said.

The driver of the pickup was treated and released from McKenna Memorial Hospital.

LaSalle residents sue over prison

Claiming that LaSalle County leaders have acted secretly and without giving proper legal notice to the public, a group of Encinal residents sued Monday to block construction of a new federal detention center there.

The suit, filed against LaSalle County Judge Jimmy Patterson, the county commissioners and the LaSalle County Public Facilities Corp., comes more than a month after the corporation sold \$22 million in high-interest bonds and paid out the proceeds for the project.

"This suit is about the process. It's about violations of the Texas Open Meetings Act," said Donna Lednický of Encinal, one of three named plaintiffs.

Supporters say the detention center will bring 150 badly needed jobs to LaSalle County, and provide a boost to the local economy.

Student imposter is sentenced

HOUSTON - Writing a letter of apology to Rice University and paying back \$107.99 for food he ate in the school's cafeteria are among the punishments a man who posed as a student received Monday.

County Court at Law Judge Jim Anderson sentenced Rodrigo Fernando Montano, 24, to 18 months probation for passing himself off as a Rice student and practicing with the track team.

Montano was charged with theft for signing vouchers in the school's cafeteria to eat lunch.

Montano also must perform 40 hours of community service as part of his sentence.

Man arrested after strip club rampage

WICHITA FALLS - A man upset that his daughter was working at a strip club was arrested after allegedly going on a

rampage in the building, destroying furniture and carrying what appeared to be a pipe bomb, authorities said.

Lee Wayne Lawrence, 41, was in survival gear when taken into custody unharmed at Maximus after police persuaded him to surrender Saturday night, authorities said.

He was charged with aggravated assault and was being held Monday on \$500,000 bond, a jail spokesman said.

Lawrence damaged two 7-foot bubble lamps and a leopard-skin chair and stabbed three table tops with a knife, police said.

Authorities said they were analyzing whether another device he carried was a bomb.

From staff reports

GRAPHIC: Photo: RALPH BARRERA/ASSOCIATED PRESS : EMERGENCY: Firefighters help Star Flight rescue personnel load a crash victim for transport to the hospital after a multicar collision on Interstate 35 in Austin. The wreck happened Monday afternoon.

LOAD-DATE: December 11, 2002

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Copyright 2005 The Olympian (Olympia, WA)
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The Olympian (Olympia, Washington)

May 30, 2005 Monday

SECTION: NATIONAL; Pg. 2A

LENGTH: 1011 words

HEADLINE: Gubernatorial election trial highlights

BODY:

The first week of trial has concluded in Republican Dino Rossi's court battle to set aside Democrat Christine Gregoire's Nov. 2 victory in the governor's race. Gregoire won by a scant 129 votes amid many voting irregularities and errors, but the question is whether there is sufficient basis to reverse or nullify the election under state law.

"SINISTER FRAUD:" Republican attorney Dale Foreman alleged in opening statements Monday that "sinister fraud" by high-ranking King County elections officials tipped the election to Gregoire by allowing more illegal votes to be counted in Gregoire-friendly districts. He also alleged ballot-box stuffing and thefts of votes from Rossi.

A fraud finding would have been critical to getting around a 1912 Supreme Court ruling that, in effect, requires the petitioner to show how illegal votes were cast.

TURNING ON KING COUNTY: King County Elections Superintendent Bill Huennekens testified Tuesday that he did not realize a mail-ballot report given to the county's vote canvassing board Nov. 17 had false or incorrect data until later. He also acknowledged errors in ballot counting, including more than 300 provisional ballots fed by voters into Accuvote machines at poll sites before the voters' statuses were verified. Regardless, he said the county followed procedures on dealing with possible felon voters.

MAIL-IN BALLOTS: King County's mail-ballot supervisor, Nicole Way, testified Wednesday that she did not know the mail-in ballot-report numbers were false when she forwarded them to her boss, Garth Fell; Fell then gave them to Huennekens for the vote certification. This appeared to contradict Way's earlier statements in a deposition that she and Fell put false data on the form because they could not properly account for absentee ballots.

MORE VOTES THAN VOTERS: Clark Bensen, a data expert hired by Republicans, testified over Democratic objections Wednesday that Gregoire was favored in five precincts showing more votes than voters credited with voting and that Rossi was disfavored in six precincts showing fewer votes counted than there were voters credited. The implication, according to GOP lawyer Dale Foreman, was that fraud or some other interference led to this "nonrandom" variation in the data, but Democrats say the allegation lacks substance.

STATISTICAL ANALYSIS: Judge John Bridges agreed Thursday to let Republicans present evidence from statistical analyses by two experts that purport to show Rossi would have won. The Rossi victory margin would have been somewhere between 60 and 100 votes if illegal or invalid votes — including those cast illegally by felons or on behalf of dead people — were excluded from the totals, according to the analyses.

JUDGE'S RULING: Bridges said he was reserving judgment on whether he would ultimately accept into evidence the experts' testimony, which Democrats fought to exclude on grounds it is not a reliable way to learn how voters cast ballots.

Bridges explained his decision by saying that he knows the case is destined for appeal to the state Supreme Court and he wants the justices to have "as large a record as possible, for which they may not thank me actually."

"I have some concerns based on the testimony I've heard," Bridges noted. "But I'm going to reserve ruling on this and ask counsel to go ahead and put on their case."

EXPERT TESTIMONY: Republican-hired political science professor Jonathan Katz of the California Institute of

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Technology presented his data analysis later Thursday showing that illegal felon votes in Gregoire-friendly precincts likely followed the pattern of other votes in those districts, resulting in her victory. Another Republican consultant, associate professor Anthony Gill of the University of Washington, offered a similar analysis showing that Rossi would win by 94 votes if all invalid votes identified by the GOP were excluded.

Both cited a federal study showing felon voters tend to vote Democratic.

Democrats countered that neither analysis was based on generally accepted science and that both experts failed to account for the full universe of ballots cast improperly, including those in Eastern Washington counties that favored Rossi.

"ECOLOGICAL" FALLACY: Democratic expert Christopher Adolph, an assistant professor at the UW's Center for Statistics and Social Science, said the GOP analyses are invalid and based on a common "ecological" fallacy known to statisticians for 50 years — namely that one could deduce how an individual behaved by knowing something about how a group behaved. He said a better way to learn how individuals voted is to ask them — an impossibility in a case where the identity of many allegedly illegal votes is not known.

To illustrate the fallacy, Adolph used a baseball analogy. If all anyone knew was that the Seattle Mariners' baseball team batted for a .270 average last year, the Republican theory would lead one to infer that Ichiro Suzuki also batted .270 — clearly the wrong answer since Suzuki led the league with a .372 mark and set a record for hits.

THE TRIAL GOES ON: Democrats moved to dismiss the Republicans' case Friday, saying there was no direct evidence showing how illegal votes were cast, which the judge had listed in a May 2 pretrial ruling as one of six tests to meet. Democrats also said there is no evidence of fraud, but Republicans insisted there is circumstantial evidence of wrongdoing and that voting errors and possible fraud make it impossible to know whether Gregoire won.

MAIL-IN BALLOTS: Democrats began presenting evidence, summoning a half-dozen Republican and Democratic county auditors from areas that favored Rossi to testify. They said their election staffs also counted illegal felon ballots; they counted unverified provisional ballots that had been fed improperly into ballot boxes or counting machines; and they had other voting irregularities, including uncounted ballots that turned up after the election, but in smaller numbers than the 96 found in King County and 64 found in Pierce County.

LOAD-DATE: June 3, 2005

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FOCUS - 6 of 169 DOCUMENTS

Copyright 2005 The News Tribune
The News Tribune (Tacoma, Washington)

May 24, 2005, Tuesday

SECTION: SOUTH SOUND; Pg. B06

LENGTH: 437 words

HEADLINE: GOP must back up claim of election fraud; Dino Rossi's attorney claims the governor's election was stolen - a charge that requires evidence of criminality, not just incompetence.

BODY:

Republicans have flung the political "F word" - fraud - at the King County ballot count that made Christine Gregoire governor. Washingtonians will soon find out if the Republicans have the evidence to make it stick.

Until Dino Rossi's challenge of Gregoire's election challenge went to trial Monday, his supporters had largely focused on mistakes made in heavily Democratic King County, either legal ballots that didn't get counted or illegal ballots cast by felons that did.

The Republicans can cite many hundreds of wrongly excluded or included votes - more than enough, in theory, to erase the paper-thin 129-vote lead that put Gregoire into the governor's mansion.

But the trial judge, John Bridges of Chelan County Superior Court, has made it clear that a case built on election mistakes will face a tough test in his courtroom. Merely establishing a large number of mistakes won't do; he wants Rossi's team to demonstrate that the mistakes actually cost him the election.

That will be hard to do without somehow figuring out how many of those secret ballots were cast for him or Gregoire.

It's easier, though, to overturn an election if fraud can be established. On Monday, Rossi's legal team set out to do just that. In King County, GOP attorney Dale Foreman charged, ballot boxes had been stuffed in Gregoire's strongest precincts, while ballots had disappeared in two of Rossi's best precincts.

"This election was stolen from the legal voters of this state by a bizarre combination of illegal voters and bungling bureaucrats," he argued.

And: "The King County data shows partisan bias and not random error."

The Republicans will indeed have a case for fraud if they can show that the election irregularities in King County clearly and consistently favored Gregoire. In fact, that would be the biggest political scandal this state has seen in decades.

But if the evidence Foreman offers consists of "illegal voters" and "bungling bureaucrats," what he's got is the same old collection of felons and King County blunders Washingtonians have been groaning about for months. While incompetent ballot-handling could easily change the outcome of an election as close as this, it can't "steal" the election. For election fraud, you need more: criminal intent, connivance and actual vote-tampering.

Maybe Foreman has substantial circumstantial evidence to back up this charge. He's certainly piqued our interest. But having alleged fraud, he'd better show the court something more than election glitches no one would have noticed had the winning margin been merely close, not microscopic.

LOAD-DATE: May 25, 2005

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08.06.03 Bjorklund says clerk raises more questions with official response

By GARY HARMON *The Daily Sentinel*

Mesa County Clerk Janice Ward's official response to his complaint about the 2002 election "raises more questions than it answers," Tom Bjorklund said Tuesday.

Bjorklund has wrangled for months with the clerk's office and filed a complaint last month asking Colorado Secretary of State Donetta Davidson to investigate discrepancies he discovered in the course of studying records of the election.

In her response to Bjorklund's complaint, Ward described the complaint as meritless and an effort to "cast a cloud of suspicion" on her office.

"They're trying to confuse the issue," Bjorklund said Tuesday, pointing to a section of Ward's response dealing with a group of voters whose names appeared on records supplied by the Colorado secretary of state's office, but not on records supplied by the clerk's office to him less than a week after the election.

The nut of Bjorklund's complaint concerns 67 voters who responded to surveys — and in some cases signed affidavits — that they cast ballots in the primary election.

Ward's response addressed some of those cases, explaining some and in other cases simply noting that there was no record of participation in the 2002 primary.

Bjorklund said that all names of people whose claims to having voted in the election weren't reflected in the records would be passed on for further investigation.

If a voter presents a claim to having cast a ballot in the primary that isn't reflected in the records, "Our office would investigate," said Amy Storm-Farley, chief deputy clerk. "Our office not been approached by any elector directly claiming what Mr. Bjorklund is claiming."

One resident who signed an affidavit that he voted in the primary said Tuesday he was "almost positive" of his participation, though he had no specific recollection of casting a ballot.

"I'm a voter," Don McGuire said.

Voter John Grimsley, who was cited on the Bjorklund list, said he had no specific recollection of voting or not in the primary. Another, Carl Burley, said he remembered specifically voting in the November election, but couldn't recall a specific memory about voting in the primary.

Phone calls to several others on the list weren't returned immediately.

It makes little sense that those voters wouldn't have cast ballots, Bjorklund said, because they tended to be politically active, donating to and organizing campaigns. One was a significant Ward contributor, he said.

Aspects of the dispute now have reached district court and the Mesa County District Attorney's Office.

A hearing is scheduled to continue later this month in a case in which Ward sought a ruling on whether some of the information sought by Bjorklund was public record.

Investigators with the district attorney's office also are studying an affidavit to determine whether a crime was committed when the clerk's office disposed of unsigned signature cards after the election.

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The unsigned cards, which were left over after voters presented signed cards to receive ballots at polling places, also are an important part, in their absence, of Bjorklund's case.

The unsigned cards are legitimately a part of the audit trail for the election, Bjorklund said, and their absence is suspect.

Although Ward has promised cooperation, Bjorklund said, the clerk's office "has been less than helpful," in his case.

Officials with the secretary of state are to pick up the primary election records Monday and take them to Denver for an audit.

{M4Gary Harmon can be reached via e-mail at gharmon@gjds.com.

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NC

Precinct workers gone after probe

By BEN EVANS, The Herald-Sun
March 29, 2004 10:05 pm

DURHAM -- The Durham County Board of Elections has cleaned house at an eastern Durham polling precinct and will hire new precinct judges after a state investigation into ballot fraud in the November election found irregularities but no clear-cut wrongdoing.

The state Board of Elections closed its investigation Monday without recommending criminal charges. Instead, the state agency recommended that the six judges and assistants from the Durham precinct step down, even those who were not involved in the alleged incident. Durham elections Director Mike Ashe said precinct officials already have agreed to that request.

"Something happened in the precinct. The numbers don't jibe, and precinct officials were making allegations," Ashe said. "On any given Election Day, the huge, huge majority of our precincts score an A-plus. On this day in this particular precinct, they scored a D-minus, and it's disappointing."

"I don't know if anyone will ever know what happened," he said, emphasizing that the allegations involved only a handful of ballots and would not have affected the election's outcome even if proven true.

The probe centered around chief judge Inez Gooch of Precinct 52, located at Evangel Assembly of God on Lynn Road, off Miami Boulevard in eastern Durham.

One of Gooch's fellow precinct workers, Ruthy Jones, told county elections officials that she saw Gooch sitting at a precinct table filling out a stack of about four to six ballots on Election Day. Jones said she asked Gooch what she was doing with the ballots, and Gooch responded that she was holding them for her children, who are voting-age adults, Jones said.

Later, Jones, a Republican, saw Gooch, a Democrat, walking toward the ballot tabulator with a handful of ballots. Knowing that Gooch already had voted her own ballot, Jones said she confronted Gooch as she tried to insert a ballot into the tabulator, telling Gooch that she was breaking the law. Gooch relented and walked back to her workstation, sliding the ballots into a storage tub containing election supplies, Jones said.

After the polls closed, the official vote count found that the number of ballots inserted into the tabulator didn't match the number of "authorization to vote" forms that had been handed out that day. The authorization forms are the documents handed out after voters verify their names and addresses. Voters then exchange those forms for ballots at a separate table.

In addition -- after a narrow margin in the City Council race between Diane Wright and Thomas Stith prompted a recount -- officials found eight more ballots in Precinct 52 than were originally counted on

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Election Day.

Gooch, who refused to discuss the situation Monday, has denied submitting fraudulent ballots for family members, and the state investigator said his probe uncovered no pattern or clear evidence of willful wrongdoing.

"When it was presented to us, we pretty much thought it was a shut and closed case, but when we started looking at it, we realized it was a little more muddled than that," state elections Director Gary Bartlett said. "[Our investigator] tried to get as close to the truth as he could."

Ashe said Monday that he was pleased with the investigation. But in a memo sent to the state in November, he wrote that he suspected misconduct and that Precinct 52 had been having administrative problems for years.

In the memo, he "surmis[ed]" that Gooch was illegally filling out ballots. He suggested that the ballots Jones saw Gooch put in a storage bin on Election Day were subsequently found and included in the recount, explaining the higher number of ballots in the second count.

"I believe that other precinct workers were either 'in on it' or at a minimum looked the other way," he wrote.

Another finding from the probe was that one of Gooch's daughters, Sandra F. McCallum, was working as a precinct assistant in Gooch's precinct, even though the state bars family members from working together in precincts.

Precinct judges are recommended by local political parties and appointed by county elections boards. They are paid between \$85 and \$125 for their work on Election Day, plus additional payments of between \$15 and \$25 for training sessions.

URL for this article: <http://www.herald-sun.com/durham/4-464372.html>

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March 28, 2003 Friday Utica Edition

SECTION: LOCAL; Pg. 4

LENGTH: 1775 words

HEADLINE: The Record

BYLINE: Staff Reports

BODY:

Police NewsCourt date postponed in PBA election case

UTICA — A court date for a civil action by Utica police officers alleging ballot box tampering in the most recent police union election was adjourned to April 17 and 18, court officials said Thursday.

The legal action, requesting a new election, was filed in state Supreme Court last month by Utica police Sgt. Gary Glatt, who was defeated by incumbent Sgt. James Franco in a bid for the John E. Creedon Police Benevolent Association presidency during the Dec. 9-10 election.

The action alleges a discrepancy in vote tallies as well as improper placement of the ballot box and the immediate disposal of the ballots after the election, court documents state.

— Kelly Hassett

Police probe death of baby

UTICA — Utica police are investigating the death of a baby who died in its crib Thursday on West Street, Lt. Mark Williams said.

Further details could not be learned Thursday night.

— Cecilia Le

Police arrest 3 on drug charges

UTICA — Police Thursday arrested three people and seized an ounce of crack cocaine with a street value of \$2,500, marijuana and money in the 1200 block of Whitesboro Street, the state police Community Narcotics Enforcement Team said.

Terrel L. Loadholt, 24, was charged with criminal possession of crack cocaine with intent to sell, a felony. Two other Uticans, ages 22 and 27, were charged with unlawful possession of marijuana.

Loadholt was sent to Utica City Jail pending his arraignment today. The other two were released on appearance tickets to return to Utica City Court.

— Cecilia Le

Stolen property: State police in Herkimer charged a man Thursday with numerous vehicle and traffic law violations on state Route 5 in Schuyler. He was also charged with criminal possession of stolen property after police discovered the registration plate on his vehicle was stolen, police said.

BIRTHS

Faxton-St. Luke's Healthcare

016814

Crane — To David and Elizabeth Crane, Holland Patent, March 26, 2003, a son.

Hart — To Jerry and Sarah Comstock Hart, Ohio, March 25, 2003, a son.

Lebron — To George Lebron and Heather Sebastian, Utica, March 26, 2003, a son.

Patterson — To John Patterson and Tiffany Cook, Utica, March 26, 2003, a son.

Schachtler — To Christopher and Kimberly Valenzano Schachtler, Waterville, March 26, 2003, a daughter.

Out-of-town births

Paulson — To Karl Paulson and Nicole Leo, Utica, at Crouse-Irving Hospital, Syracuse, March 18, 2003, a daughter.

Send out-of-town birth announcements to Out-Of-Town Births, Observer-Dispatch, 221 Oriskany Plaza, Utica, NY 13501.

DEATHS

Azzarito, Peter, 92, of Utica, died March 27, 2003. Arrangements by Matt Funeral Home, Utica.

Ciamaga, Emily, 76, of New Hartford, died March 26, 2003. Arrangements by Kowalczyk Funeral Home, Utica.

Costello, Marguerite J., 56, of North Utica, died March 27, 2003. Arrangements by Heintz Funeral Home, North Utica.

DeMichele, Dominick J., 76, of Utica, died March 26, 2003. Arrangements by Eannace Funeral Home, Utica.

Gressler, Lorraine P., 55, of Little Falls, died March 27, 2003. Arrangements by Chapman-Moser Funeral Home, Little Falls.

Guaspari, Lena L., 87, of Rome, died March 27, 2003. Arrangements by Nicholas J. Bush Funeral Home, Rome.

Hazard, Elisabeth A., 77, of Earlville, died March 26, 2003. Arrangements by Burgess & Tedesco Funeral Home, Earlville.

McNamara, James, 73, of Blossvale, died March 25, 2003. Arrangements by Barry Funeral Home, Rome.

Phelps, Charlotte S., 66, of Greensboro, N.C., and formerly of Utica, died March 26, 2003. Arrangements by Forbis & Dick Guilford Funeral home, Greensboro.

St. Germain, Bertha, 92, of Ilion, died March 26, 2003. Arrangements by Nunn & McGrath Funeral Home, Utica.

Stasio, Thomas L., 78, of Rome, died March 25, 2003. Arrangements by Bottini Funeral Home, Rome.

Stenglein, Herbert, 73, of Morrisville, died March 25, 2003. Arrangements by Burgess & Tedesco Funeral Home, Morrisville.

Wyman, Tech. Sgt. David E., 33, of Maxbass, N.D., and formerly of Deansboro, died March 19, 2003. Arrangements by Kloster-Northrop & Bentz Funeral Home, Waterville.

E Obituaries — 2B

LOTTERIES

Thursday

Midday

Numbers: 314

WinFour: 2570

Night

Numbers: 174

WinFour: 5151

Pick 10: 2, 3, 6, 7, 13, 15, 22, 23, 26, 31, 32, 36, 38, 40, 44, 47, 57, 59, 65, 68

Take 5: 8, 20, 23, 32, 37

Wednesday

Midday

Numbers: 240

WinFour: 7486

Night

Numbers: 775

WinFour: 7137

Pick 10: 12, 16, 18, 20, 21, 25, 27, 28, 30, 37, 41, 49, 55, 56, 58, 59, 68, 73, 74, 76

Take 5: 12, 18, 24, 25, 37

Lotto: 21, 32, 38, 47, 48, 58. Bonus 46

Bankruptcy filings

The following people and organizations filed for bankruptcy protection from the U.S. Northern District Bankruptcy Court.

Vincent and Elizabeth DArrigo, 6089 State Route 167, Little Falls, Chapter 13.

Richard Joseph Fedor, 5813 Youngs Road, Vernon Center, Chapter 7.

Michael and Cheryl Tartaglia, 4 Wood Road, Apt. D-6, Whitesboro, Chapter 7.

David M. Ricketts, 132 Cherry Lane, Sherrill, Chapter 7.

James G. and Jo Ann M. Salamone, 261 Church St., Little Falls, Chapter 7.

David H. and Gloria J. Cox, 308 Russell St., Chittenango, Chapter 7.

Marie A. Cook, 1966 Walker Road, Camden, Chapter 7.

Wendy M. Smith, PO Box 1018, Route 20, Morrisville, Chapter 7.

William L. and Vincetta R. Borst, 4517 State Route 49, Rome, Chapter 7.

David M. and Leta A. Catalani, 8856 Lachausse Road, Boonville, Chapter 13.

Dale M. Budlong, 53 Stone Ridge Lane, Lee Center, Chapter 7.

Robin E. Windhausen, 5762 E. Main St., Verona, Chapter 7.

Jessica A. Colvin, 329 Washington Ave., Oneida, Chapter 7.

Wayne A. and Betty Kicak, 206 W. Bloomfield St., Rome, Chapter 7.

Ward Bonds, 401 N. Levitt St., Apt. 14, Rome, Chapter 7.

Paul F. LaVeck, 316 Third Ave., Frankfort and Kim M. LaVeck, 226 Main St., Ilion, Chapter 7.

Sue D. Breen, 105 S. Berkey Drive, Chittenango, Chapter 13.

Richard Henry Clark Jr., 10375 River Road, Camden, Chapter 7.

Steven C. Linn, 1707 Lincoln Lane, Rome, Chapter 7.

Randolph G. and Jill M. Miller, 37 Whitesboro St., Yorkville, Chapter 7.

Deborah A. OBryan, 512 Main St., New York Mills, Chapter 7.

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John J. Prosinski, 223 Wildwood Ridge, Frankfort, Chapter 7.
Tari L. De Mauro, 161 East Clark St., Ilion, Chapter 7.
Patrick J. and Cheri L. Citro, 1503 Redwood Ave., Utica, Chapter 7.
Michael Khamdavanh, 1509 Lenox Ave., Utica, Chapter 7.
Mike J. and Karen L. Doolen, 8120 Seneca Mobile Manor #102, Clinton, Chapter 7.
Philip and Maryjane Muscarella, 5635 Rome-Taberg Road, Rome, Chapter 7.
Diane Kane, 4425 Stuhlman Rd. C3, Vernon, Chapter 13.
Dianne M. Miller, 18 Oswego St., Apt. 4, Camden, Chapter 7.
James D. Lancette, 6594 Brewer Road, Oneida, Chapter 7.
Dolores M. Varano, 5988 Cavanaugh Road, Marcy, Chapter 7.
Dolores M. DesGrosielliers, 297 Spohn Road, Ilion and Daniel L. DesGrosielliers, 82nd Ave., Apt. 2, Ilion, Chapter 7.
Joseph A. Acquasanta, 110 1/2 Sixth St., Rome, Chapter 7.
Amanda J. Girven, 78 Myers Road, Lee Center, Chapter 7.
Eva M. Westcott, 15 Meyers Road, Lee Center, Chapter 7.
Jodi L. Saracino, 22 North Helmer Ave., Dolgeville, Chapter 7.
Mehmed and Adisa Mededovic, 1204 Kathleen St., A-2, Utica, Chapter 7.
Kenneth B. and Beverly J. Firman, 418 3/4 N. Prospect St., Herkimer, Chapter 7.
Melissa J. McCann, 138 Bono Blvd., Frankfort, Chapter 7.
Stephanie A. Seely, 111 Richardson Ave., Utica, Chapter 7.
Dawn Elizabeth Winston, 231 C Hillcrest Manor Courts, Utica, Chapter 7.
Felicia Marie Greene, 1211 Neilson St., First Floor, Utica, Chapter 7.
Timothy James Brown, 150 Sale Road, West Winfield, Chapter 7.
Jeffrey John Henry Bruce, 610 Schumaker Road, Mohawk, Chapter 7.
John and Eleanor Wellington, 208 Frank Drive, Mohawk, Chapter 7.
Gary W. Sutch, 933 Mary St., Utica, Chapter 7.
Rachel Hopkins, 10601 Hulser Road, Lot 49, Utica, Chapter 7.
Ann Briggs-Lavine, 9559 Harris Road, Lee Center, Chapter 7.
Alfred M. and Bonnie M. Pierson, 27 Summit St., Middleville, Chapter 7.
Joseph H. and Viola G. Bordelon, 6778 Route 20, PO Box 103, Bouckville, Chapter 7.
Michael E. Garramone, 12187 Woodhull St., Forestport, Chapter 13.
Christopher M. and Rhonda A. Ingham, 1104 Jervis Ave., Rome, Chapter 7.
Rebecca L. Hoffman, 226A Hillcrest Manor Court, Utica, Chapter 7.
Donald Murle McLain, 330 Washington Ave., Oneida, Chapter 7.
Steven James Westcott, 444 Park Drive Manor, Rome, Chapter 7.
Neil Alexander, 1317 Thorn St., Utica, Chapter 7.
Rafael Picart, 1243 Hammond Ave., Utica, Chapter 7.

016817

Robert and JoAnn Giotto Beaty, 610 Mapledale Ave., Utica, Chapter 7. Crystal E. Murphy, 331 Second Ave., Frankfort, Chapter 7.

Thomas J. Lisowski, 344 Fenton Lane, Boonville and Liesa J. Lisowski, PO Box 146, Lee Center, Chapter 7.

Patricia E. Denney, 9031 State Route 20, Waterville, Chapter 7.

Dorinda D. Snyder, 10 N. Helmer Ave., Dolgeville, Chapter 7.

Pauline M. Kraeger, 33 Bramblewood Road, Clark Mills, Chapter 7.

Charles R. Sholtzhauer Jr., 41 Seneca Ave., Oneida, Chapter 7.

Dominick A. Cittadino, 1671 Brinckerhoff Ave., Utica, Chapter 7.

Diane Patricia and Donald James Russ Jr., 6176 McLain Road, Oriskany Falls, Chapter 7.

Sarah A. Stemmer, 1106 Rutger St., Utica, Chapter 13.

John K. Fonner, 5001 Clinton Road, Apt. 22B, Whitesboro, Chapter 7.

Paul W. and Sandra J. Maikranz, 9471 Center St., Holland Patent, Chapter 7.

Glenn J. Roback, 39 Kenyon Court, Utica, Chapter 7.

Richard J. and Tracie A. Pasquale, 503 Second Ave. Ext., Frankfort, Chapter 7.

John Purdy, 1787 Holman City Road, Clayville and Cynthia Purdy 6 Ellis Ave., Apt. 5, Whitesboro, Chapter 7.

Peter Stockton, 14 Center St., Ilion and Bonnie Stockton, Prospect Street, Ilion, Chapter 7.

Robert L. Davey Jr., 6453 State Route 233, Rome, Chapter 7.

Marie E. Sassenbury, 615 West Dominick St., Rome, Chapter 7.

Melissa Lawrence, 202 Folts Road, Herkimer, Chapter 7.

John P. and Michele A. Boucher, 209 Winchester Drive, New Hartford, Chapter 7.

Kevin M. Seymour, 8214 State Route 294, Apt. 2, Boonville, Chapter 7.

John J. Kurgan, 25 Henderson St., New York Mills, Chapter 7.

John J. and Stacy L. McNicholas, 123 Cherry Lane, Sherrill, Chapter 7.

Francis Charles Goff Jr., 9738 Campbell Road, Sauquoit, Chapter 7.

Sha-ron Dock, 509 W. Dominick St., Rome, Chapter 7.

Dawn Marie Martin, 424 W. Liberty St., Rome, Chapter 7.

John S. Palmano, 9445 Jaclyn Ave., Sauquoit, Chapter 7.

Francis S. Ziobro Jr., 11 Oakdale Circle, Whitesboro, Chapter 7.

Frank Macri, 9432 Maynard Drive, Marcy, Chapter 7.

Gloria L. Ingham, 6421 Elmer Hill Road, Rome, Chapter 7.

Clifford G. and Valerie D. Hadden, 927 Rt. 29A, Salisbury Center, Chapter 7.

LOAD-DATE: August 26, 2003

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ballot box and theft

Focus:

vote and felon and date geq (01/01/2000)

FOCUS - 28 of 28 DOCUMENTS

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USA TODAY

March 12, 2001, Monday, FINAL EDITION

SECTION: NEWS; Pg. 13A

LENGTH: 1243 words

HEADLINE: Rights panel suspects bias in Florida vote debacle

BYLINE: DeWayne Wickham

BODY:

The U.S. Commission on Civil Rights' preliminary report on Florida's badly flawed presidential voting was short and to the point. The sworn testimony of more than 100 witnesses at the panel's two fact-finding hearings and weeks of probing by commission investigators were summed up in a single sentence of the four-page statement the body issued last week.

At this phase of its investigation it appears "that the evidence may ultimately support findings of prohibited discrimination," the commission concluded. Not surprisingly, the reaction from Florida Gov. Jeb Bush, on whose desk the buck for the election mess stops, quickly dismissed the panel's finding.

In a statement released by his office, Bush said he has "yet to be presented with any evidence of intentional discrimination" in the voting that took place in his state's 67 counties.

The good news buried beneath this pile of blame and buck dodging is that we're in the home stretch of the search for answers to the gnawing question of what went wrong in Florida. The commission's final report, which is expected to be released this summer, likely will bring to an end the last of the federal and state investigations spawned by widespread accusations of voting irregularities and disenfranchisement in Florida during the presidential election.

Answer still far off

The bad news is that it doesn't look as if we're any closer to an answer that will dispel the widely held belief that it took an act of grand larceny to foist George W. Bush into the White House, or rebuff the counter that those who level this charge are a bunch of world-class sore losers.

The arguments over whether Bush or Al Gore won Florida — a victory that would have given either candidate enough Electoral College votes to be president — have only become more heated recently as media reports on the results of unofficial recounts of contested ballots produce conflicting conclusions of what might have resulted from a more complete tally of ballots cast in the Sunshine State.

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Last month, *The Miami Herald* and USA TODAY announced that an analysis of undervotes in Miami-Dade County revealed that had Gore gotten the hand recount of votes in that county, Bush still would have been declared the winner in Florida. This report left Republicans giddy and Democrats questioning the process.

On Saturday, the roles reversed when *The Palm Beach Post* reported that its review of uncounted ballots in Palm Beach County showed that Gore would have picked up enough votes to overtake Bush's slim victory margin in Florida, if every ballot with a hanging chad, pinhole or dimple in that county had been counted.

Panel looks to future

Wisely, the Civil Rights Commission is focusing on the future, not the past. "In the final analysis, new recounts of old ballots are an academic exercise," the panel said in its preliminary report, which was adopted by a 6-to-2 vote. "Voting is the language of our democracy and regrettably, when it mattered most, real people lost real opportunities to speak truth to power in the ballot box."

The commission believes that Florida officials may have consciously or unconsciously brought about acts of illegal voter discrimination through its use of a database of disqualified voters. The list was supposed to be used to keep convicted felons from voting and to block votes cast by people registered in more than one county or in the name of a deceased person.

A spokesman for ChoicePoint — the company that compiled the list — said Florida officials directed it to include all possible combinations of names that might help election officials ferret out ineligible voters. That list, the commission said, kept hundreds of eligible people from voting in the presidential election.

Preventing a repeat of this grievous error and ratcheting up the pressure on Florida's reluctant legislature to appropriate money that counties with aging, faulty voting machines can use to modernize their election system are the best things that can come out of the commission's ongoing inquiry.

Getting these things done won't settle the nettlesome question of whether last year's presidential election was won or stolen, but it will go a long way toward ensuring that Florida won't be the epicenter of another election debacle.

DeWayne Wickham writes weekly for USA TODAY.

LOAD-DATE: March 12, 2001

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Fraud Provisional
TN

Election panel debates 'fraud'

By Craig Boerner, cboerner@nashvillecitypaper.com
January 12, 2005

The Davidson County Election Commission is debating whether to forward potential cases of perjury or election fraud during the November presidential election to District Attorney General Torry Johnson's office.

Commissioner Lynn Greer wants board members to join him in sending a strong message that there is a legal way to vote.

Greer said 31 provisional voters, for example, are still listed as felons who have not had their voting rights restored.

"If we have some people who have broken the law then we ought to enforce the law," he said.

Other board members aren't as concerned because the votes in question were caught and didn't count.

"The provisional counting board caught the mistake. It's not like the vote became part of the record," Commissioner A.J. Starling said.

"They didn't get away with it. The system works. I don't know if we need to go any further if the system works."

Commission staff members are working to confirm felon status and also to determine which persons were sent a notice of being purged from the voting rolls.

The staff is also investigating if previously registered felons declared their conviction on the application completed to cast a provisional ballot.

Greer's six-part motion to be discussed at the March board meeting doesn't stop at felons; it also includes college students and poll workers.

One request is to "cease to hire" officers of election at precincts that allowed more than five provisional ballots from residents whose address was outside that officer's precinct.

"If we have ineffective poll officials then we don't need to use them again," Greer said. "The truth is these people were trained. They went into breakout sessions learning how to do this provisional voting and they had plenty of chances to ask questions.

By allowing 158 voters to vote at the wrong precinct, poll officials essentially ensured that the person's vote would not count, board members said.

"To turn around and say that, because those officers allowed them to vote, we don't need them anymore is ridiculous," Starling said. "... We are already having enough problems getting people to work at these polls."

Staff is also contacting provisional voters using a university/college campus P.O. box as their address to request they prove residence in Davidson County because a person does not gain residence solely by being a student.

This motion would affect 142 provisional voters from Tennessee State University and 25 Vanderbilt University students.

"What that would do, in my opinion, is frighten people from coming to vote in the first place," Starling said. "If you are prosecuting folks, I'm not going to take a chance if I'm not sure. That defeats the purpose of the provisional ballots."

Other cases include 34 provisional voters who were registered in another jurisdiction. If they voted

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in two jurisdictions then they could be convicted of election fraud.

Three voters were denied at early voting because they didn't live in Davidson County but came back and voted on election day.

Greer also wants to know how many of the 693 provisional voters denied for being "not timely registered" actually submitted a voter registration form prior to the election.

• Read this article online:

http://www.NashvilleCityPaper.com/index.cfm?section=9&screen=news&news_id=38466

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Norfolk pastor sentenced for casting illegal ballot

By MICHELLE WASHINGTON, The Virginian-Pilot

© January 14, 2004

Last updated: 11:17 PM

VA

NORFOLK — On a November day more than two years ago, Chester Moody made his vote count.

The only problem was that it shouldn't have.

A 1986 felony conviction for larceny by check in Chesapeake cost Moody his voting rights. He obtained a voter identification card in 1999, despite never having his rights restored. On Nov. 6, 2001, Moody tried to cast a vote in the general election at the Campostella precinct.

Election officials told him he could not legally vote because of the conviction, but they gave him a conditional ballot and said they would hold it until his voter qualifications could be investigated.

Instead, according to prosecutors, Moody "waited until the voting officer was momentarily distracted, rushed to the ballot box, and slid his ballot in."

Moody entered an Alford plea Tuesday in Norfolk Circuit Court to a misdemeanor charge of illegal voting, a crime that is rarely prosecuted. The plea means he does not admit guilt but acknowledges that prosecutors have enough evidence to convict him.

Judge Jerome James sentenced him to a year in jail but suspended the time on the condition that he remain on good behavior for two years. As part of his plea agreement, he also must "refrain from attempting to vote unless and until he is legally able to do so."

Outside the courtroom, Moody said the court process "coerced" his plea.

"The case is over 2 years old," he said. "The voter identification card I had received was arbitrarily and capriciously ruled issued erroneously."

Moody, 68, wore a black parson's suit with a white collar, a crucifix dangling from his neck. He is an associate pastor at the Garden of Prayer Temple, Church of God in Christ, on Church Street.

Moody said he sought restoration of his voting rights. He said prosecutors manufactured the charge in retaliation because he served as a spiritual adviser to someone who filed a lawsuit against the city of Chesapeake.

And he complained that prosecutors repeatedly delayed his case to force him to plead guilty.

"They sat on it and used it in a timely fashion," he said.

Court and state voter records tell a different story.

Moody's court file brims with requests from prosecutor Marcia Ziegler to have his bond revoked because he refused to cooperate with the court's pretrial services unit.

He never reported to the officers after being assigned to the service in June.

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Court documents show that Moody also failed to stay in touch with his court-appointed attorneys. Lawyer Charles Jenkins asked to withdraw as counsel from the case because Moody never contacted him between July and October.

Another lawyer, Mike Kmetz, asked to withdraw because Moody refused to cooperate and made demands that Kmetz file a motion to transfer the case to federal court.

Two other lawyers withdrew because of conflicts or other causes. Cheryl Footman Banks, who represented Moody on Tuesday, was at least the fifth lawyer to handle his case.

On another occasion, Moody's case was delayed because he asked for a jury trial. And in February, his case was delayed because "he was confused as to the trial date and failed to appear," according to the documents.

A judge issued an order for his arrest when he failed to appear in court in July.

John Merkel, Norfolk's deputy registrar, said Moody registered to vote in the spring of 1999, before the city had computerized databases to check whether a person was eligible to enroll. The city got that system in the fall of 1999, Merkel said.

"Now if you fill out a card, someone goes to a computer, types in your name and Social Security number and does a match," he said. For people on felony conviction lists, he said "flashing lights go off and you won't be allowed to register."

Even so, he said, the registration form asks applicants about felony convictions.

When the board caught the mistake that fall, it sent Moody a letter saying his name had been removed from the voter rolls. That made his card invalid.

When Moody cast his vote anyway, said Commonwealth's Attorney John R. Doyle III, his ballot counted when it should not have. Election officials had no way to tell which ballot was Moody's or how he voted, and his vote could not be deducted from the total.

"I'm sure they freaked," Doyle said. Bernie Henderson, deputy secretary of the commonwealth, said Moody's voting rights were never restored.

Doyle said his office has never prosecuted a similar case, and he never saw one during the five years he served on the electoral board.

If prosecutors didn't enforce it, he said, all kinds of people could sneak into polling places and vote illegally.

"You have to have zero tolerance," he said.

Reach Michelle Washington at 446-2287 or michelle.washington@pilotonline.com

Original URL: <http://www.jsonline.com/news/metro/may05/324933.asp>

WT

Inquiry finds evidence of fraud in election

Cast ballots outnumber voters by 4,609

By GREG J. BOROWSKI
gborowski@journalsentinel.com

Posted: May 10, 2005

Investigators said Tuesday they found clear evidence of fraud in the Nov. 2 election in Milwaukee, including more than 200 cases of felons voting illegally and more than 100 people who voted twice, used fake names or false addresses or voted in the name of a dead person.

Officials said charges will be filed in coming weeks, as individual cases are reviewed and more evidence is gathered.

Nonetheless, it is likely that many - perhaps most - of those who committed fraud won't face prosecution because city records are so sloppy that it will be difficult to establish cases that will stand up in court.

And even now, three months after the investigation, officials have not been able to close a gap of 7,000 votes, with more ballots cast than voters listed. Officials said the gap remains at 4,609.

U.S. Attorney Steve Biskupic likened it to trying to prove "a bank embezzlement if the bank cannot tell how much money was there in the first place."

Biskupic announced the preliminary findings at a news conference, along with Milwaukee County District Attorney E. Michael McCann, who is also overseeing the joint inquiry.

Tuesday's announcement comes after a Journal Sentinel investigation that found widespread problems with the election in the city, including that the election totals themselves were not double-checked by city and county panels charged with doing so.

Some of the problems identified by the newspaper, such as spotty compliance with procedures to verify same-day registrants, are broader and are the subject of a statewide audit approved by lawmakers.

Tuesday's announcement could breathe new life into the Republican-backed photo ID debate, which did not survive a veto from Democratic Gov. Jim Doyle and might instead eventually go to voters as a proposed constitutional amendment.

A photo ID requirement might have caught some of the problems highlighted in Tuesday's preliminary report. It notes cases of people voting in the name of a dead person or as someone else. Investigators located some people listed as voting who said they did not vote.

In other cases, according to Tuesday's report, people "registered and voted with identities and addresses that cannot in any way be linked to a real person."

Officials did not identify how many fit each category.

Investigators have focused only on the City of Milwaukee in reviewing duplicate-voting offenses. Officials said Tuesday, though, that they would expand the review of felons voting illegally to Milwaukee suburbs.

The newspaper found at least 278 felons who voted statewide, though only a partial review could be completed because of a state law that bars public access to birthdates of voters.

Election Investigation



Photo/Karen Sherlock

U.S. Attorney Steven M. Biskupic (left), with Milwaukee County District Attorney E. Michael McCann, delivers the preliminary findings of a task force examining possible election fraud at the Federal Courthouse on Tuesday

Preliminary Findings

More than 200 felons voted illegally, while still on probation or parole. Although the cases will be hard to prosecute, investigators are now looking at Milwaukee suburbs for similar problems.

More than 100 people voted twice or used false addresses, fake names or voted as a dead person. Charges will be filed against some of these people.

4,609 more ballots were cast than voters listed.

Investigators have

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Tracking illegal votes

The fraud investigation has focused on the more than 70,000 people who registered to vote on election day, not the other 200,000-plus voters. That is because registration cards provide a paper trail, which officials said would be stronger in court than computerized records.

It is unclear what identification these 100-plus people provided at the polls to register. State law allows utility bills and leases to be used or for one voter to vouch for another.

Biskupic, appointed by a Republican, and McCann, a Democrat, said they had pledged to avoid partisanship in the matter and avoided questions relating to reforms and proposals.

The announcement, though, prompted renewed calls for photo ID from Republicans, while Doyle pushed again for his set of reforms, which he said would do more to tackle specific problems.

For instance, investigators found "deputy registrars" working for registration drives had submitted at least 65 fake names, though no one apparently voted from the addresses. Doyle's plan would prohibit offering financial incentives, such as paying by the signature, in such drives.

In Madison, Doyle said a photo ID requirement is unnecessary. He urged prosecution of any offenders.

"I don't think many people, if they know there are real consequences for voting twice, and that there have been prosecutions for voting twice, are going to do it because the risk of being caught and the penalty far outweighs the advantage of casting one extra vote," Doyle said.

In response to the findings, Sen. Joe Leibham (R-Sheboygan) said as early as next month he would advance a bill similar to the one vetoed by Doyle. It also could be part of the recommendations from a Legislative Council task force that has been meeting on reforms.

While Doyle has argued the measure would make Wisconsin one of the strictest states in the nation, very few other states allow same-day registration.

Assembly Speaker John Gard (R-Peshtigo) said if Doyle again vetoes the requirement, he would move to make it part of the state constitution, a two-year process that requires a statewide referendum but does not require the approval of the governor.

"The next presidential election in Wisconsin, I guarantee you'll need a photo ID to vote," said Gard, who is running for the U.S. House. "I'll get this done if it is the last thing I do around here."

U.S. Rep. Mark Green, a Green Bay Republican who has introduced a national photo ID requirement, said: "People are having their faith in the election system shaken. This news will make it much, much worse."

Green is running for governor, as is Milwaukee County Executive Scott Walker, who also backs a photo ID requirement.

"Clearly, there is proof that fraud took place in the November 2 election," Walker said.

Milwaukee Mayor Tom Barrett attended the news conference, an unusual occurrence for an announcement by prosecutors.

From the start, Barrett said he welcomed the inquiry but also noted at several points in recent months that he had seen no hard evidence of fraud in the system.

He acknowledged Tuesday the findings pointed to fraud and said again "any individual who committed fraud (should) be prosecuted."

Asked if a photo ID requirement would have made a difference, he said it would not have prevented felons from voting and would have had little impact on other problems.

Biskupic said there was no indication of a widespread conspiracy to commit voter fraud, or of any knowledge or involvement by poll workers or any other city officials.

not been able to locate about 100 same-day registration cards.

By The Numbers

1,000
Minimum of hours logged by investigators from the FBI and Milwaukee Police Department reviewing the 70,000 same-day registration cards. This was required because of sloppy record-keeping by the city.

1,300
Cards that could not be processed because of missing names, addresses and other information.

Photo ID Debate


Should the state adopt a photo ID requirement for voting?

Yes

No


VOTE

Related Coverage

 [Editorial: What's the fraud threshold?](#)

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Archived Coverage

 [Archive: Previous coverage of the investigation into Milwaukee's Nov. 2, 2004 election](#)

The city's record-keeping problems meant investigators from the FBI and Milwaukee Police Department have logged more than 1,000 hours reviewing the 70,000 same-day registration cards, including 1,300 that could not be processed because of missing names, addresses and other information.

Indeed, about 100 cards described as "of interest to investigators" cannot be located, officials said. And within the past few weeks, police found a previously lost box of the cards at the Election Commission offices.

Biskupic and McCann said they remain troubled that three months after the investigation began that city officials have been unable to account for a gap of about 4,600 votes, with more ballots counted than people listed as voting.

That reflects a new assessment of the 7,000-vote gap first identified by the Journal Sentinel. Although city election officials initially blamed postelection data entry for the flaws, the newspaper found gaps existed at dozens of wards, with more votes counted than people tallied in log books.

The gap has been narrowed to 4,600 by a closer review of election day logs and other records, which authorities placed off-limits to the newspaper during the investigation.

McCann said: "I will not be satisfied if we cannot uncover that - what the explanation is, or a reasonable explanation."

In all, about 277,000 people in Milwaukee voted in the election. Thus, the cases identified in the investigation constitute a small portion of the total vote.

The findings, however, carry extra significance in a state that had an 11,000-vote margin in the presidential contest, one of the closest in the nation.

Democrat John Kerry topped President Bush in Wisconsin, mainly because of Kerry's margin in Milwaukee and Madison.

Had a larger state, such as Ohio, gone the other way, it could have led to a Florida-style recount here that would have turned on many of the issues that instead were left for the newspaper to uncover in its extensive investigation.

The federal-local investigation was launched Jan. 26, a day after the Journal Sentinel reported that some 1,200 votes in the November election came from invalid addresses.

Among other findings, some 1,300 same-day registration cards were processed by poll workers who allowed people to vote even though the cards were incomplete. Some 548 had no address listed and 48 gave no name - yet the person was allowed to vote. Another 141 listed addresses outside the city.

The newspaper was denied access to those cards, on the recommendation of the city attorney's office, citing the inquiry.

Felons voted

Reviewing information it had access to, including a computerized list of people recorded as voting, the newspaper identified at least 278 felons who illegally voted statewide, though the vast majority came from within the city.

The real number is likely far higher because the newspaper was able to review only about 38% of the 2.98 million people who voted in the state because of the law that bars access to birth dates. The newspaper was able to link various databases and compare them to a state list of felons on probation or parole at the time of the election.

In response to the newspaper's reports, Doyle and many Republican lawmakers said that rule should be rescinded.

In Wisconsin, only felons who have completed probation or parole are allowed to vote.

Biskupic and McCann said these cases can be hard to prosecute, since it must be established that the felon knew he or she was not allowed to vote and voted anyway.

Thus it is unclear how many of the 200 felons investigators had identified will ultimately be charged.

The newspaper also identified numerous cases in Milwaukee where the same person appears to have voted twice, though that analysis was hampered by major computer problems at the city.

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Those problems, which city officials labeled a "glitch," meant hundreds upon hundreds of cases where people are incorrectly listed as voting twice. These are in addition to cases of double voting identified by investigators.

The investigators have been focusing on 100-plus cases in this area. The cases take on many forms.

For instance, non-residents used non-existent city addresses to vote in Milwaukee. Officials are checking to see if they also voted elsewhere, such as from their actual address.

Officials indicated some of the fraud cases could be handled at the federal level because the election involved federal candidates, while other cases could involve state charges.

McCann and Biskupic asked anyone with information on possible fraud call the election task force at (414) 935-7802.

In March, Lisa Artison, a Barrett appointee, resigned as executive director of the Election Commission. She had been under fire for her handling of the election.

Sharon Robinson, head of the Department of Administration, has been overseeing the office and is chairing a city task force reviewing the election. Its report could be issued this month.

Patrick Marley of the Journal Sentinel staff contributed to this report.

From the May 11, 2005, editions of the Milwaukee Journal Sentinel
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WI

82 felons voted in Nov. 2 election

Public records law hinders analysis; more illegal ballots likely cast in presidential race

By GREG J. BOROWSKI
gborowski@journalsentinel.com

Posted: March 17, 2005

At least 82 felons voted illegally in the presidential election Nov. 2 in Milwaukee, though the total is likely far higher, a new computer analysis by the Journal Sentinel has found.

Indeed, there are more than 600 potential matches between felons on probation and parole and names and middle initials of people who voted in the city. But a full analysis could not be completed by the newspaper because of a 2003 state law that bars access to birth dates of voters.

The newspaper, though, was able to do a partial analysis by combining several computer databases to capture birth dates for about 39% of those who voted in the November election.

That showed at least 82 votes by felons, who are not allowed to vote until their probation or parole has been completed.

Illegal votes by felons are part of an investigation into possible voter fraud in the city.

U.S. Attorney Steven Biskupic and Milwaukee County District Attorney E. Michael McCann launched the investigation after the Journal Sentinel revealed major problems. Those included 1,200 votes from invalid addresses; 7,000 more ballots cast than people later recorded as voting by the city; and 1,300 same-day registration cards that could not be processed because of missing information.

The review of felons underscores how the lack of access to birth dates limits the public's ability to identify who has voted.

It also provides clear evidence of fraudulent voters in the November election, in which Democrat John Kerry topped President Bush by about 11,000 votes in Wisconsin.

"Anybody found to have voted illegally should be penalized," said Sharon Robinson, acting head of the city Election Commission, when told Thursday of the newspaper's findings.

She said the office's procedure is to delete names of felons from the registration rolls when made aware of convictions. It is unclear, though, how effective this has been or how many remain on the list.

In addition, same-day registration allows anyone to present ID and vote. That makes it difficult, if not impossible, for poll workers to identify felons who should not vote.

"Election signs and materials spell out the penalties," said Robinson, noting voters are expected to comply with laws.

Robinson was named to head a team of city managers helping run the office after the resignation of Lisa Artison on March 1.

Four years ago, the newspaper found that 361 felons voted illegally. Three were charged by McCann, but those charges were dropped when prosecutors couldn't establish that the felons knew they were ineligible to vote.

Felons who vote commit another felony, punishable by up to four years in prison and a \$10,000 fine.

Biskupic declined to comment Thursday on the newspaper's findings, speaking on behalf of the agencies involved, which include the FBI and Milwaukee Police Department. The investigation was launched Jan. 26.

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Milwaukee
Elections
Archived Coverage
Archive:
Previous coverage
of the investigation
into Milwaukee's
Nov. 2, 2004
election

Investigators have access to the full birth date information that is off-limits to reporters and the general public. They would be able to make the same comparison the newspaper did, matching the names of voters to felons who remain ineligible to vote.

Additional legwork would then be needed to establish legal cases against any felons. For instance, investigators may have to show the felon knew he or she was ineligible to vote and did so anyway.

Several felons listed as voting who were reached by the Journal Sentinel hung up when asked whether they voted.

"I'm not interested in this right now," said one, after denying he had voted in the election.

Didn't know they shouldn't

Ronald Gay, 42, who voted from an address in the 4300 block of N. 36th St., could not be reached, but a woman who identified herself as his wife said Gay had definitely voted.

"He voted the same night I did," said the woman, who would give her name only as "Mrs. Gay." Later she asked: "Will he get in trouble for that?"

The woman said she and Ronald Gay are separated and that Gay now lives out of state. He could not be reached for comment.

"I don't think he was aware" he shouldn't vote, the woman said. "If he was aware of it, I would have told him not to."

Although the newspaper has identified 82 felons who voted, it could not determine the actual number.

Because the 2003 change in state law restricted public access to birth date information, as well as driver's license and Social Security numbers, only election workers are allowed to see such information, as a guard against identity theft.

Arguing that the change went too far, state Rep. Mark Gundrum (R-New Berlin) said this week he would draft a bill to reinstate public access to birth dates, a critical means of identifying specific voters.

Gundrum called on investigators to take a hard line with any violation they find.

"It will immediately help clamp down on the abuse of the system," Gundrum said. "There has got to be some oversight on the system to make sure there is integrity to the system."

In Milwaukee, the situation has been compounded by the city's unwillingness to confirm any of the 600 potential matches the newspaper identified between felons and voters.

Officials have cited the ongoing investigation as a reason for withholding election material.

In an attempt to get around the roadblock, the newspaper combined information from several computer databases. This provided an accurate view of felons who voted but also a partial one - the newspaper could link birth dates with only about 39% of the 277,000 people who voted Nov. 2.

To complete its partial analysis, the newspaper began with the city's own computerized list of everyone recorded as having voted. It then used voter ID numbers - a six-digit code used by the city to track voters - to match the 2004 list against a separate computer database obtained in 2000.

That list included anyone registered in the city at the time and their birth dates. The match allowed the newspaper to capture birth date information for 107,616 of those who voted in November.

That list was then matched against a computer database from the state Department of Corrections that listed all felons on probation or parole at the time of the election, along with their birth dates.

There were 82 matches.

The actual number, though, is likely much higher.

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First, the list could not be checked against 61% of those who voted. Second, the 7,000-vote gap - between votes cast and those recorded as

voting - means thousands of voters are not even on the city's computer list.

In addition, the newspaper in earlier reviews found hundreds of cases in which voter names were incorrectly listed twice in the computer system.

Voter gap could be larger

That means the 7,000-vote gap may actually be larger.

Likewise, the 1,300 same-day registration cards the city could not process are not in the database. Many of those were missing names or addresses.

Indeed, flawed recordkeeping by the city may mean that some felons who voted are not in the computer records and the reverse - that some who didn't vote are listed as voting.

Annette Deans, who worked at the polls Nov. 2, said she is perplexed as to why her husband, Arthur Deans, 48, is listed as having voted.

"I know he can't vote," said Annette Deans. She added that her husband, convicted of a drug-related offense, did not vote, but that she did.

While the city's computerized list of voters show Arthur Deans as voting, they do not list Annette Deans as voting.

"There were a lot of flaws (at the polls) that day," said Annette Deans. "We didn't have any room to breathe."

From the March 18, 2005, editions of the Milwaukee Journal Sentinel
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016834

Prosecutors accuse 12 felons of voting illegally

Michael Kiefer

The Arizona Republic

Dec. 8, 2005 12:00 AM

Maricopa County Attorney Andrew Thomas announced Wednesday that his office had filed voter fraud charges against 12 county residents who voted in elections even though they were convicted felons.

Thomas called the charges, which are punishable by three years in prison, a "commitment to clean up the voter rolls."

"If we are to have confidence in our election results and preserve our right of self-government, we must ensure that only those with the right to vote do in fact vote," he said.

The voters were caught when they filled out jury questionnaires asking if they had felony convictions.

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Los Angeles Times
latimes.com

<http://www.latimes.com/news/local/la-000091641nov16.story>

LOS ANGELES

CX

Review of Election Starts in Confusion

Court: About 1,500 ballots are reported missing in the legal dispute over Compton's June 5 mayoral contest.

By JOHN L. MITCHELL
TIMES STAFF WRITER

November 16 2001

The first day of a court-ordered review of Compton's contested June 5 municipal election got off to shaky start Thursday when 1,500 unused ballots were reported missing.

The Superior Court judge hearing former Mayor Omar Bradley's lawsuit alleging voting fraud dispatched Los Angeles County sheriff's deputies to retrieve the ballots. City officials claimed they were left at Compton City Hall by error and would be presented in court today.

However, Bradley said the confusion over the missing ballots strengthens his claims that he was cheated out of the election. "This is unheard of, unheard of," Bradley said in the courtroom Thursday afternoon.

After the court session finished, Bradley's attorney, Bradley Hertz, said: "In the least, the city clerk has a disorganized office and at most, perhaps, a cesspool of illegalities."

Bruce Gridley, the attorney for the city, denied any wrongdoing by the city clerk and said the mistake was made earlier this month when sheriff's deputies picked up boxes of ballots stored from a different election.

The ballot review began Thursday with an election expert inspecting the votes in court and tallying the overall totals, not conducting a candidate-by-candidate recount. He used an automatic counting machine, which can handle more than 1,000 cards a minute and was set up on a table near the jury box.

Scott D. Martin, the election specialist whose company supplied the Compton ballots, inspected the initial batch for texture, printing and color. He pronounced them legitimate.

"They all look like ours," said Martin, of the Anaheim-based firm Martin & Chapman Co.

Once all the ballots are accounted for, court officials estimated, it will take about three days to process the 10,600 cast in June and the additional 20,000 ballots printed for that election but reportedly not used.

The review was ordered by Judge Judith Chirlin, who is hearing the lawsuit brought by Bradley and two City Council candidates on his slate against current Mayor Eric Perrodin, City Clerk Charles Davis and the city of Compton. Bradley lost the mayor's office by 281 votes to Perrodin, a Los Angeles County deputy district attorney. Bradley's side accuses the Perrodin camp of such fraud as stuffing boxes with counterfeit ballots and

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having noncitizens vote, allegations Perrodin and Davis deny.

Martin on Thursday said the first bunch of absentee ballots were uniform except that they varied in color in four shades ranging from lavender to white.

Bradley's attorney Hertz, who had offered to give Martin a magnifying glass and flashlight, wondered why the ballots could vary so much in color. "We are intrigued by that," Hertz said.

But Martin said the differences were not significant and resulted from being printed in different batches.

Both sides planned to have experts on hand Thursday. When Bradley's specialist was unable to attend the court session, his side accepted the defense experts.

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CA

LOS ANGELES

Judge Orders Inspection of Ballots in Compton

Court: The ruling involving 10,600 votes is a victory for ex-Mayor Omar Bradley, who lost his reelection attempt and is claiming fraud.

By JOHN L. MITCHELL
TIMES STAFF WRITER

November 15 2001

A day after a startling setback in his legal battle to regain his title as Compton's mayor, Omar Bradley scored a victory Wednesday when a Superior Court judge ordered the inspection of 10,600 ballots.

Judge Judith Chirlin said she was motivated to unseal the boxes because it was important to "instill confidence in the people of Compton who will have to accept the results of this [election] process."

The boxes may be opened at 9 a.m. today if the plaintiffs' ballot expert can make it. But attorneys said that it was more likely that the inspection would begin Monday. In his lawsuit, Bradley, who lost the June 5 election by 261 votes to Deputy Dist. Atty. Eric Perrodin, alleges that the voting was marred by counterfeiting and other irregularities.

On Tuesday, a key witness who was expected to testify on Bradley's behalf dealt a blow to the plaintiffs. Compton school board member Basil Kimbrew denied seeing counterfeit ballots, and accused Bradley's attorney of trying to bribe him. Bradley W. Hertz, the former mayor's lawyer, has said Kimbrew committed perjury on the stand.

Brian Pierik, the lawyer representing Compton and Perrodin, argued Wednesday that there was not enough evidence to open the ballot boxes and that Hertz waited too long to make the request.

But, he added, he was confident that no counterfeit ballots would be found.

Pierik questioned Bradley, who took the witness stand for the first time, about his relationship with Kimbrew, considered a longtime adversary of Bradley.

Pierik asked if they were such opponents in Compton, why did Bradley believe Kimbrew when the school board member told him about the fraud at a meeting in September.

"Every dark cloud has a silver lining, even Mr. Kimbrew," Bradley said with a smile. "That can only be proven by what is in the box."

Under rules agreed to by attorneys, the ballots will be inspected by experts from both sides. Though the vote

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will not officially be recounted, the total votes cast will be tallied and the ballots will be inspected for authenticity. The count is expected to take two to three days.

Deborah Seiler, who publishes the California Elections Report, will be coming from Sacramento, Hertz said. The defendant's expert will be available Thursday morning.

Bradley and two City Council nominees who ran on his slate, Melanie Andrews and Frank K. Wheaton, are accusing Perrodin, City Clerk Charles Davis and the city of Compton of wholesale election fraud. They say there were irregularities in more than 500 votes, including some in which the signatures didn't match those on the voting rolls.

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Can anyone count votes?

CA

Friday, November 9, 2001
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URL: <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2001/11/09/ED192020.DTL>

COUNTING BALLOTS in San Francisco will never be easy. Super-heated interest groups, pushy political leaders and on-the-move apartment dwellers can challenge any registrar of voters.

What's needed are experienced hands, clear rules and reliable operations. This city has none of these.

It goes too far to cry foul, as some partisans in Tuesday's election charge.

But vote counting in San Francisco has become a sad circus with ballot boxes diverted and poorly secured. City Administrative Officer Bill Lee and Elections Director Tammy Haygood refused to spell out what was taking place amid rumors of anthrax-tainted envelopes and a counting room out of sight from election observers.

The city needs an accounting of the tangled events that took place Tuesday night, as Supervisor Aaron Peskin has requested from Haygood. City Attorney Louise Renne is right to ask Secretary of State Bill Jones to investigate the confusion.

San Francisco needs a broader answer to the desultory performance it regularly gets from its elections team. Dating back to 1995, the city has botched the job through improper forms, irregular hours or or computer breakdowns. A succession of registrars never took charge.

San Francisco is still counting ballots long after other Bay Area counties have posted results and hauled vote machines back to storage. What makes this city immune to efficiency?

There are partial answers. Few registrars put up with demands for multilingual forms, absentee ballot requests generated by interest groups and high-pressure watchdogs assigned to the office by candidates and causes.

Also, both Mayor Willie Brown and his foes on the Board of Supervisors have feuded unhelpfully. Haygood, the present registrar, has no background in running elections. The office routinely asks for extra money when it busts its budget because of poor planning and overspending. A new plan, passed by voters,

takes the job away from the mayor's indirect rule and gives it to a commission, meaning more roiling changes.

Voting habits add complications. Nearly a fifth of Tuesday's ballots were absentee or provisional, which require hand checking. Provisional ballots are cast by voters, often residents who recently moved, who don't show up on polling-place books and may be registered elsewhere.

No question: There are headaches in running elections. But, whether in San Francisco or Florida, voters who exercise their sacred right should have their ballots counted with care and precision.

Count uproar eclipses S.F. election reform 63% of fed-up voters approved overhaul

Ilene Leichuk, Chronicle Staff Writer

Friday, November 16, 2001

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OK

URL: <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2001/11/16/MN232343.DTL>

San Francisco -- Lost in the shadow of San Francisco's bizarre ballot controversy last week, voters approved a measure that demands the city clean up the beleaguered Elections Department -- and end its history of elections problems.

Proposition E passed with nearly 63 percent of the vote, a strong signal that voters are fed up with slow counts, conspiracy theories about missing ballots and the director's office revolving door.

Proposition E creates a new seven-member commission to run the Department of Elections and hire a director -- replacing a system that has produced five directors in as many years and is under investigation by the secretary of state.

That could mean the newest elections chief, Tammy Haygood, who is already in the hot seat after last week's election, could be replaced by the new commission.

The proposition was one of several written by the Board of Supervisors to shrink the power of the mayor, who is in control of the elections office. Mayor Willie Brown's chief administrative officer, Bill Lee, has chosen the past few elections' directors, including hiring Haygood a few months ago.

"Prop. E is the first step to ensuring honest and independent elections in San Francisco for the first time in 25 years," said Supervisor Tony Hall, one of the measure's authors.

Hall has a personal interest. He believes votes were tampered with during his tight race last fall against Brown-backed Supervisor Mabel Teng. Hall won by 38 votes.

"I think there's been a lot of maneuvering," Hall said. "I think some elections have been manipulated."

But the mayor has recently defended the elections staff for doing good work under unusual amounts of scrutiny. As for his influence over Haygood or other directors, Brown has said he steers clear of the department precisely so he won't be accused of pulling strings.

Lee also insists that San Francisco runs clean elections.

In fact, few allegations of fraud have ever been proved, although grand jury studies have found bureaucratic fumbles.

"Running the elections office is the most difficult job in the city because if someone loses, they always want to blame the elections office," Lee said.

Haygood saw exactly how difficult her job could be last week, when two controversial measures to create a public power agency hung in the balance.

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Miscommunication by Haygood and her staff about whether absentee ballots were moved from City Hall sparked several tense news conferences with the elections director. Despite early denials by elections officials, absentee ballots arriving in the mail were moved to a separate building as a precaution against an anthrax threat. That angered public power advocates who argued that those ballots weren't watched and might have been easy targets for tampering.

History fueled the controversy. Past election follies in the city include incorrectly printed sample ballot books, misplaced and duplicate ballots and wet ballots that had to be dried in a microwave.

Making matters worse, allegations hanging over the November 2000 election remain unresolved. The secretary of state is expected in the coming days to release a report after a six-month investigation into the department's actions in that election.

Proposition E attempts to restore voter confidence. Seven city agencies each will appoint one member to the new Elections Commission, including the mayor and Board of Supervisors. The measure calls for the commissioners to take office in January.

Others making appointments to the commission are the district attorney's office, the city treasurer's office, the board of education, the city attorney's office and the public defender's office -- all headed by elected officials.

City employees from other departments are banned from helping with elections, except on election day, without Board of Supervisors approval.

The measure also mandates that sheriff's deputies escort ballots every step -- from polls to City Hall -- on election day.

The measure further requires poll workers to post how many ballots were cast at their sites and how the precinct voted. The new computerized Eagle machines, where voters deposit their ballots after voting, can make that information available in seconds.

"Then there can't be an allegation made (on election night) that more ballots suddenly appeared from somewhere," said Supervisor Matt Gonzalez, who helped write the proposition.

Jim Chappell of the San Francisco Planning and Urban Research Association, which opposed Proposition E, said cutting the mayor's alleged influence on the cash-strapped and short-staffed department wouldn't solve anything.

"Adequately funding the department will make it different," Chappell said.

Local election reform might not stop here with supervisors considering a variety of other measures.

City attorney candidate Jim Lazarus, who is vying against Dennis Herrera in the Dec. 11 runoff, said that if elected, he would create a legal elections task force that would include representatives of the secretary of state and district attorney.

E-mail Ilene Lelchuk at ilelchuk@sfchronicle.com.

Los Angeles Times
latimes.com

<http://www.latimes.com/news/yahoo/la-000089902nov10.story?coll=la%2Dnewsao1%2Dheadlines>

San Bernardino County Computers Scramble Elections

CA

Glitch: Programmer's error leaves 33 races in doubt. Some counted as last night have won, red-faced officials say.

By BUCK WARGO
SPECIAL TO THE TIMES

November 10 2001

ONTARIO -- Computer ballot-counting errors in San Bernardino County this week have thrown 33 races into doubt and may be so serious that those listed as getting the least votes actually might be winners, the registrar of voters said Friday.

A county employee erroneously programmed the computer so that, for instance, it sometimes read the punch-card lists from the bottom up. A hole punched for the last candidate listed in a race, therefore, would have been read as a vote for the first, county spokesman David Wert said.

A recount of all 82 races and 85,000 ballots cast on Tuesday will be completed by next Tuesday, he said. "There are going to be at least a few races in which people who appeared to have won and were the high ... [vote-getters] were actually the low ...," Wert said. "Some races are going to be reversed."

Most of the races affected were school boards or community college districts throughout San Bernardino County. Nine were in water districts or special districts. No city races were affected.

"It is going to be a long three days," said Bill Klein, who had appeared to be an upset winner in the Chino Valley Unified School District, ousting one of two longtime incumbents. "It is a case where you are frustrated, shocked and concerned."

In the Ontario-Montclair School District, 20-year incumbent David Van Fleet of Ontario said he was shocked to see the final tally showing that he finished sixth out of seven candidates. He had expected to finish in the top three and win his sixth term.

"Everyone that came up to me afterward said they went out and voted for me," he said. "They asked me how could I lose. I couldn't explain it."

The name of the programmer responsible was not released, but officials said the person is a veteran county employee. The employee reported that tests before the election showed the system was working correctly, said Registrar Ingrid Gonzales, who oversees elections.

The county brought in a consultant, software provider DIMS Inc., on Thursday to review the programming and found the errors, Gonzales said. The testing and analysis the employee said had been done apparently was not, Gonzales said.

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In some cases, the computer began counting in the middle of the ballot, so some holes weren't counted at all, Gonzales said.

Based on the review by DIMS, the candidates' totals will certainly change in 26 races. Officials are not sure what effect, if any, the error had on the other seven races in doubt.

"For some races, it may not have any effect on people who were going to lose anyway, but a significant number of races could be changed," Gonzales said.

The city election results will be counted Tuesday as well, just to make sure there were no problems and to give people confidence in the results, Gonzales said. A test showed the computer was programmed correctly for municipal races, she said.

Officials became concerned Tuesday night when the computer showed no votes cast for the Big River Community Services District board of directors.

An extensive review of the election system was conducted Wednesday through Friday, and widespread errors were found, Gonzales said. A letter was mailed to more than 300 candidates on Wednesday notifying them of potential problems.

"This is certainly rare, but it happens," said Gonzales, who has served eight years as registrar and 21 years in the field. "You hear stories across the nation about elections being tainted. I never thought it would happen here."

From now on, an outside firm will be brought in before all elections to confirm that computers are properly programmed.

"It's hard to describe how personally disappointed I am that this has happened," Gonzales said. "I would like to assure the public that we know exactly how this error occurred and that measures are underway to prevent it from ever happening again."

County officials said the good news is that using a card-counting system means that ballots are still around to be recounted. If the same error had occurred with an electronic voting system, there would be no paper record, Wert said.

The employee responsible for the error has been disciplined, but Wert declined to say how. Gonzales said the person still is on the job but has been taken off computer programming duty.

*

Correspondent Tipton Blish contributed to this report.

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Officials: Should Sequoia's proposal be tossed?

November 12, 2001

By Deborah O'Neil and Thomas C. Tobin
St. Petersburg Times

The Louisiana court documents paint a damning portrait: Voting equipment executive Phil Foster received manila envelopes stuffed with as much as \$40,000, to be delivered as kickbacks.

That money was part of a vast voting machine scandal that resulted in charges against 25 people, three of whom told prosecutors Foster was involved.

But Foster's bosses at Sequoia Voting Systems were so confident of his innocence that they let him take a lead in trying to sell, among other packages, \$2 million worth of touch-screen voting equipment to Indian River County and \$15.5 million worth to Pinellas County.

Indian River County commissioners Tuesday voted to void the deal they had already signed with Sequoia when they learned of Foster's Louisiana indictment.

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Now, amid intense statewide scrutiny, the commissioners are joining their Pinellas colleagues in weighing whether unproven accusations against a company representative should be enough to throw out Sequoia's proposal.

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The entire nation is watching as Florida reforms its election process, said Susan MacManus, a University of South Florida political scientist and chairwoman of the Florida Elections Commission.

"Anything related to voter equipment that even smells bad will be and should be carefully investigated for the good of all," MacManus said. "The scrutiny doesn't stop at the county boundary. It goes national."

In Tampa, Hillsborough County has recently launched a review of the case against Foster, said Supervisor of Elections Pam Iorio.

"I think it is important to know what litigation the companies are facing across the country," Iorio said. "These (the charges against Foster) are very serious allegations."

But others wonder how much the charges matter. In Tallahassee, Leon County Supervisor of Elections Ion Sancho, whose county boasted the lowest error rate in the state in the presidential election, said that while news about Foster "raises the specter of impropriety, I don't know to what degree you could point to the company as bad."

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Sequoia's product, he said, "is as good as what I use."

And the quality of the machines is why Indian River County chose Sequoia, said Kay Clem, the county's elections supervisor.

She said she made the decision knowing all about Foster's legal problems, adding, "I thought everybody knew about it."

"I'm not buying Phil Foster," Clem said. "I'm buying Sequoia's voting system."

Foster's charges are part of a decade-long corruption scandal that reached as high as the state's elections commissioner. Foster is charged with two counts of conspiracy to commit money laundering and one count of conspiracy to commit malfeasance in office.

Already, 15 people have pleaded guilty in the case, said Assistant District Attorney Sandra Ribes in Baton Rouge.

Three of them, including Foster's brother-in-law and the state commissioner of elections, pointed the finger at Foster in their guilty pleas. According to court records, Foster had Sequoia designate his brother-in-law, J. David Philpot, as its exclusive agent in Louisiana.

Then-Louisiana Elections Commissioner Jerry Fowler declared Philpot the sole source of a certain type of voting machine, allowing them to circumvent the state's bidding laws and inflate the prices of the machines.

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Foster and Philpot also arranged to sell counters for voting machines at inflated costs, according to court records.

Money was funneled to Fowler in kickbacks, and court records indicate Foster played a role in passing along the cash.

On at least five occasions, Philpot handed Foster manila envelopes with \$20,000 or \$40,000 of kickback cash to give to another person involved in the scandal, Philpot says in court documents.

Also, Fowler told prosecutors that Foster would put cash kickbacks in a desk drawer for him. Foster's Baton Rouge lawyer, Karl Koch, said the case against his client is built on statements by admitted criminals.

"My investigation of the charges reveals he hasn't done a thing in the world wrong," he said.

Foster didn't know what was in the sealed envelopes he brought to Louisiana for his brother-in-law, who was in Birmingham, Ala., Koch said.

"Phil wasn't handed bundles of cash or wads of cash," Koch said.

Nor was Foster in a position to get his brother-in-law named as a company agent, Koch said.

Both Foster and Sequoia have fully cooperated with the investigation, Koch said.

Clem has stressed that the

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company has not been implicated.

Sequoia President Peter Cosgrove said the company has nothing to hide. The company assumed, he has said, that Pinellas and Indian River officials were aware of Foster's legal problems, which he said were "well, well known."

The company has not removed Foster from his responsibilities as Sequoia's southeastern vice president, Cosgrove said, because it doesn't believe he has done anything wrong.

"We will not put down an innocent man," he said.

However, if Pinellas prefers, Sequoia will withdraw him from the project, Cosgrove said.

Clem, in fact, has said she dealt not with Foster but with John Krizka, Sequoia's agent in Jupiter.

Indian River County Administrator Jim Chandler, however, has said Foster was the one who negotiated the final price with him.

Cosgrove added that the charges should not affect the county's decision about the purchase of the new voting equipment. All the reasons that Pinellas and Indian River officials intended to buy the system remain, he said.

"None of those reasons have changed," Cosgrove said.

Press Journal
News staff writer

016849

*Henry A. Stephens contributed to
this report.*



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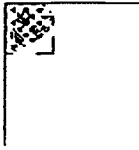
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"Follow The Chad"

an investigation
into the ownership
of america's
"election services industry"

an american election

BAY OF PIGS 2000: THE FLORIDA SURPRISE



It has all the ingredients of a Silent Coup in some
jerkwater Banana Republic...

There are shadowy figures from Organized Crime
rubbing elbows in Miami restaurants with "retired"
CIA agents and Bay-of-Pigs-era Cubans...

"Business" is conducted ever-so-discreetly, covert op
style, behind the heavy velvet drapes of dummy
"front" companies...

And since these are rarely bloodless affairs, there's a
dead body (or two or three) lying around somewhere
in the background. In court, one lawyer has even
called it a "sinister conspiracy," language
uncharacteristically-blunt for civil proceedings.

But this coup isn't just another Central American
"transfer-of-power;" it involves, instead, the possible
subversion of the very democratic process itself.

Only this time it didn't take place in a country with a
foreign-sounding name...but in the United States of
America.

In November. In Florida.

016851

"Tangled Webb City"

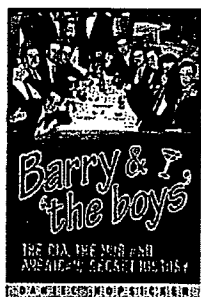
Here's a brief run-down on a few of our "players:"

watch a clip
(1minute 30 sec.)
from
"Follow the chad!"

Harold and Herb Webb are twin brothers operating election service industry companies in New Jersey. These companies, Garden State Elections and Elec-tec, were used to conceal transactions involving election services industry giant Sequoia Pacific, according to court documents, which fingered that company last week for orchestrating a 10-year long bribery scheme involving the Commissioner of Elections for Louisiana.

order a signed advance copy of "barry and the boys" now!

But Harold and Herb Webb aren't even the only Webb's in this tangled scheme...Industry giant Sequoia Pacific's General Manager's name is Hugh Webb.



Harold Webb, Herb Webb, and now Sequoia's Hugh Webb. Is it just a 'tangled Webb?'

Or something *more*?

"We don't know why we broke into the Watergate, honest."

read the INTRODUCTION

Herb Webb, president of a firm proven to have acted illegally on Sequoia Pacific's behalf, denied to this reporter even *knowing* Hugh Webb.

Part I

Sequoia Pacific head honcho Hugh Webb returned the favor, denying knowing either Herb *or* Harold Webb... a neat trick, since Harold Webb has admitted to prosecutors that he was acting on behalf of Hugh Webb's company.

PART II

Part III

Prosecutors have the ability to untangle this tangled Webb. The question is: *will they?*

Part IV

There is even *another* extended "family," that of Sequoia Pacific's Southern Regional Sales Manager Phil Foster, with deep connections to the bribery scheme... Phil Foster is about to be indicted in Louisiana, while his brother-in-law, David Philpot, is soon to stand trial.

And then there is also James Foster, of James Foster Associates, the Texas firm which printed Florida's Republican absentee ballot applications...Remember *them*? The ballot applications where a voter i.d number had been "*inadvertently*" left off?

"Follow the Chad"

Sequoia Pacific operates through a number of dummy front companies.

Pasquale "Rocco" Ricci's company, International Voting Machines, was really Sequoia Pacific. Harold Webb's Garden State Elections was really Sequoia Pacific. So was Herb Webb's Elec-tec. This is a list which could quickly grow much longer.

Many Florida Counties involved in the Vote Snafu used tabulating machines from Sequoia Pacific disguised as being from other vendors; Sequoia actually supplied both computer and punch card systems to Florida, in counties where their name has not yet surfaced.

The reason for all this elaborate deception? Clearly, some people have gone to some little trouble in an elaborate attempt to conceal Sequoia Pacific's role. Why?

A reporter for the Fresno Bee interviewed Hugh Webb recently. He told us, about Webb, "I was taken aback by his secretive nature."

There is a joke making the rounds just now in Southern State Capitals; like much humor it contains an uncomfortable truth that cannot yet be spoken in polite company...

"The *real* vote snafu in Florida," goes the joke, "concerns what happened after the Sunshine State purchased used election machines from the state of Louisiana, and on *those* machines Edwin Edwards was elected President in a landslide."

There's a hidden truth behind the sarcasm: Edwards is the convicted former Louisiana Governor, and the 'one-liner' describing this budding scandal threatening

Posted to the Internet
December 26, 2000
([email the editor](#))

016853

to burst out in screaming Technicolor is this:

"Florida used the same (doctored) machines as Louisiana. And they came from the same 'shadowy' sources."

(to be continued.)

State is ordered to seize ballots in Detroit election

BY BEN SCHMITT
FREE PRESS STAFF WRITER

November 24, 2005

Acting on a request from defeated Detroit mayoral candidate Freman Hendrix, a Wayne County judge ordered the Michigan Secretary of State's Office on Wednesday to take control of all the ballots in the Nov. 8 election and keep them locked in a vault until a recount can be done.

A federal investigation of possible irregularities with absentee ballots, trouble with vote-tabulating equipment on election night, the fact that about 3,000 votes weren't counted until two days after the election and suspicious of ballot tampering led to the request.

Detroit city attorneys vehemently opposed Hendrix's move, calling it unnecessary. Detroit City Clerk Jackie Currie, who oversaw the election, did not object.

After Wednesday's ruling by Chief Circuit Judge Mary Beth Kelly, state elections officials had trucks en route to Detroit to take control of the ballots. State Elections Director Chris Thomas said the office would keep the ballots in a state building in Detroit.

The ruling came a day after Hendrix filed the request for a recount in an election that he lost to incumbent Mayor Kwame Kilpatrick by more than 14,000 votes.

Nonetheless, Hendrix's attorney, Elizabeth Hardy, said Hendrix had no choice but to request the ballot seizure after learning that Department of Elections rooms, where ballots were being held, were left open without a security guard during Tuesday's meeting of the city Board of Canvassers to certify the election.

Hardy also said Hendrix suspects there was fraud in the election. The suspicion "is based upon very pronounced anomalies in the election results," Hardy said. "If there was fraud, there obviously would be a motivation to destroy the evidence of fraud."

City Attorney Ruth Carter said there is no evidence of tampering and urged Kelly not to be persuaded by perceptions that something is amiss.

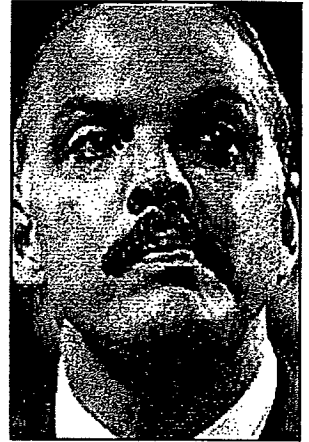
"There's no evidence of fraud," Carter said.

But Kelly said that ordering the state to take the ballots wouldn't harm either candidate.

"If there is to be a recount, the mayor has a stake in it," Kelly said. "I think the integrity of that recount is served by having the ballots removed from the possession of the city. I also think the public interest is served."

Kilpatrick has not yet decided whether he will file an objection to the recount, which county officials said will cost \$250,000 to \$500,000.

Kelly noted that Currie, through her private attorney, Steven Reifman, did not object to the state taking control of the ballots.



Freman Hendrix

MS

Kelly said Currie's acceptance of Hendrix's request -- coupled with concerns over ballot security and election irregularities -- caused her to make the decision. She noted that Detroit officials had lost track of ballots in nine precincts and did not count them until two days after polls closed.

In one case on election night, a poll worker took home two computer data packs containing ballot information and didn't turn them in until the following day.

"I don't think anyone can dispute that there have been irregularities," Kelly said.

Kelly had already granted federal prosecutors' Election Day request that the state preserve absentee ballots to make sure Currie's office handled them fairly and legally.

On Tuesday, city Department of Elections Director Gloria Williams asked Thomas to take possession of all the ballots, and he refused. Carter argued that Thomas' refusal showed the state has no concerns about tampering.

Contact **BEN SCHMITT** at 313-223-4296 or schmitt@freepress.com.

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016856

Sheriff's office joins watch over Detroit ballots

MT

2 judges divide on security needs

BY KATHLEEN GRAY and BEN SCHMITT
FREE PRESS STAFF WRITERS

November 26, 2005

So who's minding the ballots from Detroit's election?

Seems like just about everybody at this point.

Responding to an emergency request from Mayor Kwame Kilpatrick, a Wayne County judge, early Thursday, ordered the county sheriff's department to guard a Secretary of State office to make sure no one tampers with ballots cast in the Nov. 8 election.

Those guards are in addition to the Michigan State Police troopers already protecting the ballots at the office in Detroit's New Center, where they were taken Wednesday after another Wayne County judge ordered them held for safekeeping.

Even before the election, there were concerns about the counting of absentee ballots. Since then, it has only gotten more complicated.

On Wednesday, Freman Hendrix, who lost the election to Kilpatrick by more than 14,000 votes, won an order from Chief Circuit Judge Mary Beth Kelly to place the ballots in the state's control until Hendrix's recount request is considered by the county.

Then, in the wee hours Thursday, Circuit Judge Cynthia Stephens signed an order granting Kilpatrick's request that the sheriff's department provide additional security.

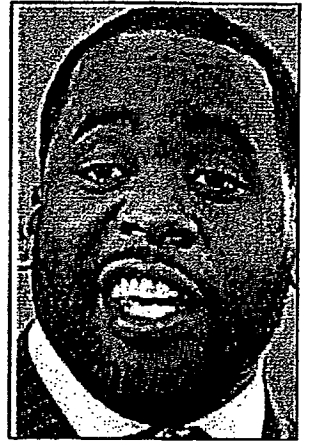
Kilpatrick's lawyers said it was essential to maintain the integrity of the ballots. Questions of tampering had already been raised: Detroit officials lost track of ballots in nine precincts and did not count them until two days after polls closed. In one case on election night, a poll worker took home two computer data packs containing ballot information and didn't turn them in until the next day.

"When I spoke to the people from the state Bureau of Elections, they were not sure what security would be available," said Kilpatrick lawyer Reginald Turner. "Needless to say, all the parties in this matter have an interest in the security of the ballots."

State Elections Director Chris Thomas said as soon as the state took custody of the ballots, a trooper was dispatched to guard them.

"This is more theater than anything else. These ballots are getting more security than any ballots in the history of the state," said Thomas, who has noted that there has been no evidence yet of vote tampering. "It's very disappointing."

In Kilpatrick's request, Turner said they couldn't reach the other parties involved in the case. They also said they couldn't reach Kelly.



Detroit Mayor Kwame Kilpatrick was granted a request Thursday to increase security for ballots from the Nov. 8 election.

016857

But Kelly and lawyers for Hendrix and for City Clerk Jackie Currie, who is named as a defendant in Hendrix's lawsuit, said Friday that they weren't called.

"I was physically available Wednesday and Thursday," said Kelly.

"Clearly, Judge Stephens has no jurisdiction to act in this matter. Her order is void and will be vacated first thing Monday morning,"

Hendrix's lawyer, Elizabeth Hardy, said the mayor's representatives are showing their "desperation to take control of the ballots."

Currie's lawyer, Steven Reifman, added, "I am shocked by the procedure and the fact that nobody made any attempt to communicate."

Contact **KATHLEEN GRAY** at 313-223-4407 or gray@freepress.com.

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Local News - Tuesday, February 24, 2004

SUBSCRIBE TO THE HATTIESBURG AMERICAN

Lott says voting fraud is problem

By Kevin Walters

American Staff Writer kwalters@hattiesb.gannett.com

Even though both Rep. Mike Lott, R-Hattiesburg, and Secretary of State Eric Clark favor voter identification, a rift between the two over the matter was exacerbated by comments Lott made during a speech Monday.

"Our secretary of state told me face-to-face that apparently we don't have much voting fraud because we don't hear much about it," Lott told about 40 people at the Lake Terrace Convention Center during his Legislative Update speech. "I told him face-to-face we have a lot more rapes going on on our college campuses than we know about because they don't get reported. Just because they're not reported does not mean that it's not happening."

Voter identification would require voters to show proof of who they are before they vote.

As an example of voter fraud, Lott, 47, who is seeking the Republican nomination to challenge Democratic U.S. Rep. Gene Taylor for the 4th District House of Representatives seat, cited a voter list he said was used at a voting precinct in Clinton in the November election that he said had numerous discrepancies such as:

- Eight voters' names in a row, all in alphabetical order. "It was amazing that people came in in alphabetical order to vote," Lott said.
- A man's name was repeated twice in the voter roll - in two different styles of handwriting, Lott reported.
- That same man's wife was also on the roll, Lott said, although the woman had been dead for three years.

Lott said later that he was uncertain if the person who showed him the information - whom he did not identify - had alerted authorities about the fraud.

The Hinds County District Attorney's office did not return a call about this matter.

Clark said later Monday he had no knowledge of the Clinton voter roll problems, but said Lott had misrepresented his side of their conversation about voter identification legislation in Mississippi.

"I'm sorry that Rep. Lott decided he needed to misquote me and be critical,"



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FBEO

Clark said in a phone interview. "I have the strongest track record of anybody in the state of combating voter fraud."

Lott also said Monday that Mississippi could lose \$40 million in federal funding if legislators do not pass voter I.D. during this session.

But Clark's office said Monday that Mississippi's share of money from the federally funded Help America Vote Act is actually \$34 million and that the federal funding is not endangered. The money would be used to upgrade the state's outdated voting equipment.

Called for clarification about the federal funding, Lott said he and other legislators in the House were misled last year about a deadline existing this year to receive the funding.

"We were led to believe that this had to be passed, that we were pushing against a deadline and we would not receive the money," Lott said later after he personally called Clark's office for more information. "There seems to be a lot of changing of minds going on in the secretary of state's office."

Clark said he is trying to improve voting rolls by tightening absentee ballot procedures and removing the names of dead people and those in jail.

"However much there is (of voter fraud) is too much," Clark said.

 [Email this story](#)

Originally published Tuesday, February 24, 2004

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016860

The Denver Post

ca

Baker blamed for downed machines needed in recall vote

By George Merrill
Denver Post Staff Writer

Thursday, February 12, 2004 -

ARAPAHOE COUNTY - County officials have said they will have to spend nearly \$100,000 to replace batteries in 800 voting machines to ready them for Tracy Baker's recall election Feb. 24.

County Attorney Kathryn Schroeder placed the blame on Baker, saying that maintaining the machines is one of the most basic parts of his job as clerk and recorder.

"It is crucial to holding our elections," Schroeder said.

A county employee has accused Baker of ordering him to discontinue maintenance of the machines, effectively disabling them. The employee is now on leave after filing a complaint against Baker with the Equal Employment Opportunity Commission.

"It is an act of sabotage," said Marl Newman, the attorney for Woodrow Barnes, the employee making the claims.

Newman said that when her client protested Baker's order, Lisa Sale - Baker's girlfriend and assistant chief deputy - told him, "Well, that is (the county's) problem, and they can deal with that."

The problem was discovered in October, but officials said the batteries can't be recharged once they are drained.

Denver attorney Rick Daily said that if the county could prove Baker told an employee to neglect equipment, Baker could face criminal charges.

Baker denies any responsibility for the gaffe. He said Barnes' and Newman's claims were "libelous."

Baker said he installed the election machines himself in 1986 and would never sabotage them. County officials are at fault for placing Barnes, who was responsible for the machines, on leave, Baker said.

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CT

Caruso is campaigning to bring election reform to Bridgeport

 [PRINT ARTICLE](#)



(09/23/03) BRIDGEPORT - After his failed run in the Bridgeport Democratic mayoral primary, State Representative Chris Caruso (D-Bridgeport) has decided not to challenge the results in court. Instead, he plans to file fraud complaints with the state Elections Commission.

Caruso says he discovered that 144 people went into the polling places, but their names were not check off on a voting list. He also alleges some voters were able to vote twice while other were denied voting privileges.

By not going to court, Caruso has given up the possibility of a judge overturning the election, which means he won't have a chance to run for mayor in November.

As for any fraud in the Primary election, it will be up to the state Elections Commission to investigate.

Video : <http://andemand1.cv.net/news12/CCCC923T.asx>

016862



NY

print story back

Ballots held in county races

Albany – Court order sets out extensive process to verify absentee votes in three Democratic primaries

By CATHY WOODRUFF, Staff writer
First published: Saturday, March 6, 2004

All absentee and paper ballots and 47 voting machines used in three Democratic primaries for the Albany County Legislature were impounded Friday under a court order that also sets out an extensive process for verifying the votes.

State Supreme Court Justice Louis Benza signed the order requested by Democratic primary candidates Wanda Willingham and Lucille McKnight, both incumbents, and Ward DeWitt, who challenged District 4 incumbent Virginia Maffia-Tobler.

The three candidates, all African-Americans represented by attorney Paul DerOhannesian, asked that no winners be certified in the special primaries until voting machines are inspected and recanvassed and the validation of absentee and other paper ballots is completed.

The court order and heightened ballot scrutiny are the latest developments in a hotly contested special election ordered by federal courts earlier this year to correct district lines that shortchanged minority voters.

In all three races, significant numbers of absentee ballots remain to be counted, including many that were distributed by a Democratic ward leader and other supporters of the three candidates' opponents.

"There is at least the perception of the possibility of influence on voters with someone delivering ballots and looming over you as you fill it out," DeWitt said Friday. "The process is fraught with the opportunity for influencing the voter."

The closest race, according to unofficial machine tallies, is in Legislative District 3, where Willingham holds a slim 217-213 lead over Jestin Williams.

However, Board of Elections records show that 225 absentee ballots were issued for District 3. More than half – 131 – were released to 3rd Ward Leader Jamie Gilkey -- who backs Williams -- for delivery to voters.

Of the 139 absentees returned to the board as of Thursday afternoon, 105 were handled by Gilkey.

Willingham called the distribution of so many ballots through a partisan campaign worker "an embarrassment to the Albany County Democratic Party." She said she believes she has been targeted by a small party faction "because I have my constituents at heart, not the interests of a particular administration at City Hall or the head of the county Democratic Committee."

Efforts to reach Mayor Jerry Jennings and Democratic Chairwoman Betty Barnette for comment Friday were unsuccessful.

Many District 2 absentee ballots also were handled by Gilkey and an associate who worked for

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McKnight's challenger, Marilyn Hammond.

In unofficial machine results, McKnight trails Hammond, 210-177. Of 113 absentee ballots issued, 11 were released to Gilkey and 27 to Dennis Bagley, a Democrat who ran against Common Council member Carolyn McLaughlin, Willingham's sister, in 2001.

Bagley and Gilkey, an employee of the Albany Housing Authority, distributed 18 of the 41 absentee ballots returned for District 2.

Hammond and Williams both released statements Friday asking that all the absentee votes be counted and the results allowed to stand.

"They shouldn't try to use the courts to block the will of the voters," Hammond said. "We should just let everyone's voice be heard in the political process and count all the votes."

Williams said: "Those ... people have a right to have their votes counted."

McKnight, however, said Bagley and Gilkey's control over distribution of so many ballots in her heavily minority district makes it unclear whose voice is speaking through those votes.

"Why are these two white men serving as an agent for someone trying to defeat two black women?" she asked, referring to Bagley and Gilkey.

Hammond and Williams, like McKnight and Willingham, are black.

In District 4, where new district boundaries were supposed to improve chances for minority voters to elect candidates of their choice, unofficial machine tallies show DeWitt, who is black, trailing incumbent Maffia-Tobler, who is white, 168-157.

Some 195 absentee ballots were issued in District 4, including 26 to Tyler Trice, who DeWitt says seemed to be participating in the Maffia-Tobler campaign. Trice has been an employee of the Albany Housing Authority, though it could not be determined on Friday whether he still is. He ran unsuccessfully for the city school board in 2002, with the backing of the mayor.

Trice handled 17 of the 101 absentee ballots for District 4 returned by Thursday afternoon, according to Board of Elections records.

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per machine may also be needed in polling places that have large numbers of elderly voters or persons with limited ability in English because such voters may require more time.

FEDERAL OBSERVERS MONITOR STATE AND LOCAL ELECTIONS IN 15 COUNTIES IN 8 STATES

The Justice Department sent 160 federal observers and 39 Civil Rights Division personnel to 15 counties in 8 states to monitor the November 4 state and local elections. Reasons for the observers varied with the counties.

For three counties, the federal observer authority came from court orders. Observers were sent to another eight counties based on special coverage provisions of the Voting Rights Act. Federal observers monitored eight counties in Mississippi: Humphrey; Jones; Kemper; Leake; Neshoba; Newton; Noxubee; and Winston. They also observed elections in Wayne County (Hamtramck), Michigan; Passaic County, New Jersey; and Berks County, Pennsylvania.

Civil Rights Division personnel, most of whom were attorneys, monitored elections in San Francisco County, California; Jefferson County, Kentucky; Essex County (Lawrence), Massachusetts; Queens County, New York; and Harris County, Texas.

The observers and Department personnel monitored to determine whether these counties and localities were complying with federal voting laws, including minority language provisions of the Voting Rights Act; whether voters are challenged improperly on the basis of race, color, or language minority. The observers also monitored to determine whether jurisdictions were permitting voters who are blind, disabled, or unable to read or write to have assistance by a person of their choice, as well as permitting all eligible voters to cast a ballot.

ONONDAGA COUNTY N.Y. IMPROVES ITS PROCEDURES TO ENSURE VOTING MACHINE BALLOTS ARE CORRECT

The Onondaga County, New York Board of Election Commissions following the election November 4 introduced improved procedures for voting machine preparation to ensure that all candidate's names are on the ballot, and that they are in the right row or rows.

Onondaga County uses AVM lever voting machines in which the names of the candidates are on strips that are inserted into the ballot face of each machines. On election morning in November, election officials were advised that one voting machine had been set up incorrectly.

When election officials checked the machine after 26 persons had voted, they discovered that *no* Democratic candidates were listed because that machine contained no B row strips. Instead the machine had two C row strips with the names of the Independence Party candidates. Technicians inserted a row B strip that contained the names of Democratic candidates, but the strip contained the wrong ballot style for that election district. The name of county legislative candidate Donald MacLaughlin never appeared in the Democratic row on that machine.

The omission took on added importance when the votes were tallied and MacLaughlin lost to incumbent Republican Bernard Kraft by only 165 votes. MacLaughlin's name, which should have

appeared twice -- as the nominee of the Democratic and Working Families Party -- only appeared once on this voting machine as the nominee of the Working Families Party. Kraft's name appeared on the ballot face three times, as the nominee of the Republican, Conservative, and Independence Parties.

After examining the situation, MacLaughlin conceded the election because the error could not have reversed the outcome. Only 164 votes had been cast on the machine in question of which MacLaughlin received 40 votes on the Working Families row. Because no other candidate on the Working Families line received more than 10 votes on this machine, it appeared that some voters Democrats who wished to voted for MacLaughlin as a Democrat found his name on the Working Families party line.

Onondaga's corrective actions. Onondaga election procedures will now require two persons (rather than one) to check both the front and back of each voting machine when it is set up. Polling place officials will have a checklist of items they must check off including verification of each party strip, and each name on each strip.

In addition, the ballot style numbers, which had been printed in small type, will now be printed in large numerals so that ballot style numbers will not be easily confused. In this election for example, with the small print it was easy to confuse ballot style 36 with ballot style 38. The row initials, Row A, B, C, D, or E, will also be printed in large letters on the right side of the ballot strip.

TAVARES, FLORIDA SAVES \$5,000 FLIPPING COINS INSTEAD OF CONDUCTING COUNCIL ELECTION

The City of Tavares, Florida decided that \$4,500 to \$5,000 it would have to spend on an election to determine which councilmembers would serve two-year terms, and which one would serve a one-year term could be better spent elsewhere. With the agreement of the only three candidates for at-large council seats, the city council passed a resolution to settle the matter by flipping coins rather than going to the voters.

Three at-large council seats were up for election in November, 2003, with two of them for two-year terms. The third seat, held by Councilmember Nancy Clutts, was for the one-year remainder of a term to which Councilmember Norb Thomas had originally been elected.

Only three candidates, including Clutts, qualified to run for council, therefore all were deemed elected. Because the city charter failed to specify how the three seats were to be assigned, the city council resolved the matter in September by resolution rather than holding a November election.

The resolution provided that on November 5 the three newly-elected council members simultaneously flip a coin provided to them by the City Clerk. *"The two candidates whose coins land on the same face (either both heads or tails) shall be deemed elected to the two year council terms. The candidate whose coin lands on the opposite face shall be deemed elected to a one-year term."* The resolution provided for a re-toss if all coins land on the same face.

City Clerk Nancy Barnett, who supplied half-dollar coins for the flip, told *Election Administration Reports* the candidates had to flip three times before they produced a 2-1 split that determined the terms.

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Research Information:

Combined Source Set 5
ballot box and theft

Focus:
vote and police and date geq (01/01/2000)

March 28, 2003 Friday Utica Edition

SECTION: LOCAL; Pg. 4

LENGTH: 1775 words

HEADLINE: The Record

BYLINE: Staff Reports

BODY:

Police NewsCourt date postponed in PBA election case

UTICA — A court date for a civil action by Utica police officers alleging ballot box tampering in the most recent police union election was adjourned to April 17 and 18, court officials said Thursday.

The legal action, requesting a new election, was filed in state Supreme Court last month by Utica police Sgt. Gary Glatt, who was defeated by incumbent Sgt. James Franco in a bid for the John E. Creedon Police Benevolent Association presidency during the Dec. 9-10 election.

The action alleges a discrepancy in vote tallies as well as improper placement of the ballot box and the immediate disposal of the ballots after the election, court documents state.

— Kelly Hassett

Police probe death of baby

UTICA — Utica police are investigating the death of a baby who died in its crib Thursday on West Street, Lt. Mark Williams said.

Further details could not be learned Thursday night.

— Cecilia Le

Police arrest 3 on drug charges

UTICA — Police Thursday arrested three people and seized an ounce of crack cocaine with a street value of \$2,500, marijuana and money in the 1200 block of Whitesboro Street, the state police Community Narcotics Enforcement Team said.

Terrel L. Loadholt, 24, was charged with criminal possession of crack cocaine with intent to sell, a felony. Two other Uticans, ages 22 and 27, were charged with unlawful possession of marijuana.

Loadholt was sent to Utica City Jail pending his arraignment today. The other two were released on appearance tickets to return to Utica City Court.

— Cecilia Le

Stolen property: State police in Herkimer charged a man Thursday with numerous vehicle and traffic law violations on state Route 5 in Schuyler. He was also charged with criminal possession of stolen property after police discovered the registration plate on his vehicle was stolen, police said.

BIRTHS

Faxton-St. Luke's Healthcare

016868

Crane — To David and Elizabeth Crane, Holland Patent, March 26, 2003, a son.

Hart — To Jerry and Sarah Comstock Hart, Ohio, March 25, 2003, a son.

Lebron — To George Lebron and Heather Sebastian, Utica, March 26, 2003, a son.

Patterson — To John Patterson and Tiffany Cook, Utica, March 26, 2003, a son.

Schachtler — To Christopher and Kimberly Valenzano Schachtler, Waterville, March 26, 2003, a daughter.

Out-of-town births

Paulson — To Karl Paulson and Nicole Leo, Utica, at Crouse-Irving Hospital, Syracuse, March 18, 2003, a daughter.

Send out-of-town birth announcements to Out-Of-Town Births, Observer-Dispatch, 221 Oriskany Plaza, Utica, NY 13501.

DEATHS

Azzarito, Peter, 92, of Utica, died March 27, 2003. Arrangements by Matt Funeral Home, Utica.

Ciamaga, Emily, 76, of New Hartford, died March 26, 2003. Arrangements by Kowalczyk Funeral Home, Utica.

Costello, Marguerite J., 56, of North Utica, died March 27, 2003. Arrangements by Heintz Funeral Home, North Utica.

DeMichele, Dominick J., 76, of Utica, died March 26, 2003. Arrangements by Eannace Funeral Home, Utica.

Gressler, Lorraine P., 55, of Little Falls, died March 27, 2003. Arrangements by Chapman-Moser Funeral Home, Little Falls.

Guaspari, Lena L., 87, of Rome, died March 27, 2003. Arrangements by Nicholas J. Bush Funeral Home, Rome.

Hazard, Elisabeth A., 77, of Earlville, died March 26, 2003. Arrangements by Burgess & Tedesco Funeral Home, Earlville.

McNamara, James, 73, of Blossvale, died March 25, 2003. Arrangements by Barry Funeral Home, Rome.

Phelps, Charlotte S., 66, of Greensboro, N.C., and formerly of Utica, died March 26, 2003. Arrangements by Forbis & Dick Guilford Funeral home, Greensboro.

St. Germain, Bertha, 92, of Ilion, died March 26, 2003. Arrangements by Nunn & McGrath Funeral Home, Utica.

Stasio, Thomas L., 78, of Rome, died March 25, 2003. Arrangements by Bottini Funeral Home, Rome.

Stenglein, Herbert, 73, of Morrisville, died March 25, 2003. Arrangements by Burgess & Tedesco Funeral Home, Morrisville.

Wyman, Tech. Sgt. David E., 33, of Maxbass, N.D, and formerly of Deansboro, died March 19, 2003. Arrangements by Kloster-Northrop & Bentz Funeral Home, Waterville.

E Obituaries — 2B

LOTTERIES

Thursday

Midday

Numbers: 314

WinFour: 2570

Night

Numbers: 174

WinFour: 5151

016869

Pick 10: 2, 3, 6, 7, 13, 15, 22, 23, 26, 31, 32, 36, 38, 40, 44, 47, 57, 59, 65, 68

Take 5: 8, 20, 23, 32, 37

Wednesday

Midday

Numbers: 240

WinFour: 7486

Night

Numbers: 775

WinFour: 7137

Pick 10: 12, 16, 18, 20, 21, 25, 27, 28, 30, 37, 41, 49, 55, 56, 58, 59, 68, 73, 74, 76

Take 5: 12, 18, 24, 25, 37

Lotto: 21, 32, 38, 47, 48, 58. Bonus 46

Bankruptcy filings

The following people and organizations filed for bankruptcy protection from the U.S. Northern District Bankruptcy Court.

Vincent and Elizabeth DArrigo, 6089 State Route 167, Little Falls, Chapter 13.

Richard Joseph Fedor, 5813 Youngs Road, Vernon Center, Chapter 7.

Michael and Cheryl Tartaglia, 4 Wood Road, Apt. D-6, Whitesboro, Chapter 7.

David M. Ricketts, 132 Cherry Lane, Sherrill, Chapter 7.

James G. and Jo Ann M. Salamone, 261 Church St., Little Falls, Chapter 7.

David H. and Gloria J. Cox, 308 Russell St., Chittenango, Chapter 7.

Marie A. Cook, 1966 Walker Road, Camden, Chapter 7.

Wendy M. Smith, PO Box 1018, Route 20, Morrisville, Chapter 7.

William L. and Vincetta R. Borst, 4517 State Route 49, Rome, Chapter 7.

David M. and Leta A. Catalani, 8856 Lachausse Road, Boonville, Chapter 13.

Dale M. Budlong, 53 Stone Ridge Lane, Lee Center, Chapter 7.

Robin E. Windhausen, 5762 E. Main St., Verona, Chapter 7.

Jessica A. Colvin, 329 Washington Ave., Oneida, Chapter 7.

Wayne A. and Betty Kicak, 206 W. Bloomfield St., Rome, Chapter 7.

Ward Bonds, 401 N. Levitt St., Apt. 14, Rome, Chapter 7.

Paul F. LaVeck, 316 Third Ave., Frankfort and Kim M. LaVeck, 226 Main St., Ilion, Chapter 7.

Sue D. Breen, 105 S. Berkey Drive, Chittenango, Chapter 13.

Richard Henry Clark Jr., 10375 River Road, Camden, Chapter 7.

Steven C. Linn, 1707 Lincoln Lane, Rome, Chapter 7.

Randolph G. and Jill M. Miller, 37 Whitesboro St., Yorkville, Chapter 7.

Deborah A. OBryan, 512 Main St., New York Mills, Chapter 7.

016870

John J. Prosinski, 223 Wildwood Ridge, Frankfort, Chapter 7.
Tari L. De Mauro, 161 East Clark St., Ilion, Chapter 7.
Patrick J. and Cheri L. Citro, 1503 Redwood Ave., Utica, Chapter 7.
Michael Khiamdavanh, 1509 Lenox Ave., Utica, Chapter 7.
Mike J. and Karen L. Doolen, 8120 Seneca Mobile Manor #102, Clinton, Chapter 7.
Philip and Maryjane Muscarella, 5635 Rome-Taberg Road, Rome, Chapter 7.
Diane Kane, 4425 Stuhlman Rd. C3, Vernon, Chapter 13.
Dianne M. Miller, 18 Oswego St., Apt. 4, Camden, Chapter 7.
James D. Lancette, 6594 Brewer Road, Oneida, Chapter 7.
Dolores M. Varano, 5988 Cavanaugh Road, Marcy, Chapter 7.
Dolores M. DesGrosielliers, 297 Spohn Road, Ilion and Daniel L. DesGrosielliers, 82nd Ave., Apt. 2, Ilion, Chapter 7.
Joseph A. Acquasanta, 110 1/2 Sixth St., Rome, Chapter 7.
Amanda J. Girven, 78 Myers Road, Lee Center, Chapter 7.
Eva M. Westcott, 15 Meyers Road, Lee Center, Chapter 7.
Jodi L. Saracino, 22 North Helmer Ave., Dolgeville, Chapter 7.
Mehmed and Adisa Mededovic, 1204 Kathleen St., A-2, Utica, Chapter 7.
Kenneth B. and Beverly J. Firman, 418 3/4 N. Prospect St., Herkimer, Chapter 7.
Melissa J. McCann, 138 Bono Blvd., Frankfort, Chapter 7.
Stephanie A. Seely, 111 Richardson Ave., Utica, Chapter 7.
Dawn Elizabeth Winston, 231 C Hillcrest Manor Courts, Utica, Chapter 7.
Felicia Marie Greene, 1211 Neilson St., First Floor, Utica, Chapter 7.
Timothy James Brown, 150 Sale Road, West Winfield, Chapter 7.
Jeffrey John Henry Bruce, 610 Schumaker Road, Mohawk, Chapter 7.
John and Eleanor Wellington, 208 Frank Drive, Mohawk, Chapter 7.
Gary W. Sutch, 933 Mary St., Utica, Chapter 7.
Rachel Hopkins, 10601 Hulser Road, Lot 49, Utica, Chapter 7.
Ann Briggs-Lavine, 9559 Harris Road, Lee Center, Chapter 7.
Alfred M. and Bonnie M. Pierson, 27 Summit St., Middleville, Chapter 7.
Joseph H. and Viola G. Bordelon, 6778 Route 20, PO Box 103, Bouckville, Chapter 7.
Michael E. Garramone, 12187 Woodhull St., Forestport, Chapter 13.
Christopher M. and Rhonda A. Ingham, 1104 Jervis Ave., Rome, Chapter 7.
Rebecca L. Hoffman, 226A Hillcrest Manor Court, Utica, Chapter 7.
Donald Murle McLain, 330 Washington Ave., Oneida, Chapter 7.
Steven James Westcott, 444 Park Drive Manor, Rome, Chapter 7.
Neil Alexander, 1317 Thorn St., Utica, Chapter 7.
Rafael Picart, 1243 Hammond Ave., Utica, Chapter 7.

Robert and JoAnn Giotto Beaty, 610 Mapledale Ave., Utica, Chapter 7. Crystal E. Murphy, 331 Second Ave., Frankfort, Chapter 7.

Thomas J. Lisowski, 344 Fenton Lane, Boonville and Liesa J. Lisowski, PO Box 146, Lee Center, Chapter 7.

Patricia E. Denney, 9031 State Route 20, Waterville, Chapter 7.

Dorinda D. Snyder, 10 N. Helmer Ave., Dolgeville, Chapter 7.

Pauline M. Kraeger, 33 Bramblewood Road, Clark Mills, Chapter 7.

Charles R. Sholtzhauer Jr., 41 Seneca Ave., Oneida, Chapter 7.

Dominick A. Cittadino, 1671 Brinckerhoff Ave., Utica, Chapter 7.

Diane Patricia and Donald James Russ Jr., 6176 McLain Road, Oriskany Falls, Chapter 7.

Sarah A. Stemmer, 1106 Rutger St., Utica, Chapter 13.

John K. Fonner, 5001 Clinton Road, Apt. 22B, Whitesboro, Chapter 7.

Paul W. and Sandra J. Maikranz, 9471 Center St., Holland Patent, Chapter 7.

Glenn J. Roback, 39 Kenyon Court, Utica, Chapter 7.

Richard J. and Tracie A. Pasquale, 503 Second Ave. Ext., Frankfort, Chapter 7.

John Purdy, 1787 Holman City Road, Clayville and Cynthia Purdy 6 Ellis Ave., Apt. 5, Whitesboro, Chapter 7.

Peter Stockton, 14 Center St., Ilion and Bonnie Stockton, Prospect Street, Ilion, Chapter 7.

Robert L. Davey Jr., 6453 State Route 233, Rome, Chapter 7.

Marie E. Sassenbury, 615 West Dominick St., Rome, Chapter 7.

Melissa Lawrence, 202 Folts Road, Herkimer, Chapter 7.

John P. and Michele A. Boucher, 209 Winchester Drive, New Hartford, Chapter 7.

Kevin M. Seymour, 8214 State Route 294, Apt. 2, Boonville, Chapter 7.

John J. Kurgan, 25 Henderson St., New York Mills, Chapter 7.

John J. and Stacy L. McNicholas, 123 Cherry Lane, Sherrill, Chapter 7.

Francis Charles Goff Jr., 9738 Campbell Road, Sauquoit, Chapter 7.

Sha-ron Dock, 509 W. Dominick St., Rome, Chapter 7.

Dawn Marie Martin, 424 W. Liberty St., Rome, Chapter 7.

John S. Palmano, 9445 Jaclyn Ave., Sauquoit, Chapter 7.

Francis S. Ziobro Jr., 11 Oakdale Circle, Whitesboro, Chapter 7.

Frank Macri, 9432 Maynard Drive, Marcy, Chapter 7.

Gloria L. Ingham, 6421 Elmer Hill Road, Rome, Chapter 7.

Clifford G. and Valerie D. Hadden, 927 Rt. 29A, Salisbury Center, Chapter 7.

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ballot box and theft

Focus:

voter and challenge and date geq (01/01/2000)

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November 23, 2000, Thursday QUEENS EDITION

SECTION: NEWS; Page A18

LENGTH: 418 words

HEADLINE: JUDGE REVOKES BAIL IN TRIAL OF EX-UNION CHIEF

BYLINE: By William Murphy. STAFF WRITER

BODY:

A former top city labor official had his \$125,000 bail revoked yesterday after a court-appointed psychiatrist found he was not mentally fit to be tried on charges of stealing more than \$1 million from his union.

Al Diop, 67, who had been in an in-patient program at Lenox Hill Hospital, was ordered transferred to a jail ward at Bellevue Hospital by State Supreme Court Justice William Leibovitz.

The judge set Dec. 8 for a court hearing at which the Manhattan district attorney's office can challenge the finding of the court-ordered evaluation.

The embezzlement trial would be Diop's second in connection with prosecutors' probe into widespread fraud at District Council 37, an umbrella organization representing 125,000 municipal workers. Diop was previously convicted of fraud for rigging a vote to ratify a controversial five-year contract that gave city workers no raise for the first two years.

Prosecutors and defense attorney Ramon Pagan said it was unlikely Diop would be sentenced as scheduled next week on his conviction over the contract vote.

An investigation by the Manhattan district attorney's office had found that top union leaders stuffed ballot boxes, opened ballot envelopes and misreported votes.

Diop had been president of Local 1549, representing 22,000 city clerical workers, and was a member of the DC 37 executive board.

The vote fraud led to a deeper investigation that resulted in convictions for a variety of charges, including a scheme that inflated the price of holiday turkeys given to union members, with the supplier kicking back a percentage of the inflated bills to union leaders.

Diop's attorney said the finding by the court-appointed psychiatrist was consistent with what private psychiatrists at Lenox Hill had found.

"The court has not yet made a determination on his fitness to proceed or his mental competency," Pagan said, adding that all reports so far were recommendations to the court, not legal findings.

"The prosecution will now have an opportunity to challenge the finding of the court-appointed forensic psychiatrist," Pagan said.

Diop faces up to four years in prison for his conviction in the vote fraud.

His three codefendants in the case involving the theft of money pleaded guilty last month. One agreed to a sentence of probation; two accepted pleas calling for prison terms of 1 1/2 to 4 1/2 years in prison and 2 to 6 years in prison.

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Councilman charged with vote tampering

Friday, November 11, 2005

ASSOCIATED PRESS

NS

TRENTON - The state Attorney General's Office on Thursday announced the indictment of an Atlantic City councilman on charges of tampering with absentee ballots before the city's June 7 primary election for mayor and city council.

Marty L. Small, 31, has been charged with 10 counts of tampering with public records and one count of hindering or preventing voting. An arraignment is expected in the coming weeks in state Superior Court in Atlantic County.

"The integrity of the ballot is paramount to our democracy, and we will prosecute those individuals who attempt to tamper with any citizen's vote," Attorney General Peter C. Harvey said in a news release.

Small is accused of filing absentee ballot applications for 10 people. He represented himself as their "authorized messenger," when he had no such designation from the voters.

A registered voter in New Jersey has the option of having a person pick up their absentee ballot if they are unable to file for the ballot themselves.

Small faces up to 5½ years in prison and \$160,000 in fines if convicted, though incarceration is considered unlikely.

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Borderland Thursday, February 12, 2004

Sunland Park voting machine seized by state

*Steve Ramirez
Las Cruces Sun-News*

SUNLAND PARK -- A voting machine at the Sunland Park Municipal Building allegedly used for absentee voting was confiscated Wednesday by New Mexico State Police.

Dofia Ana County District Attorney Susana Martinez said 111 votes had been registered on the voting machine from Feb. 4 until 2 p.m. Wednesday.

State elections supervisor Larry Dominguez said the voting machine and a registry of absentee voters in Sunland Park were seized after officials with the New Mexico Bureau of Elections, a division of the New Mexico Secretary of State Office, found out that the voting machine was apparently used before the use was allowable.

The voting was for Sunland Park's March 2 municipal elections. Registered voters in the city will elect a mayor, three city council members and a municipal judge. Dominguez said that until Wednesday absentee voting should have been conducted on paper ballots, sealed in envelopes and placed in a locked box that will not be opened by city officials until after polls close.

Steve Ramirez may be reached at sramirez@lcsun-news.com

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Posted by: George Metaxas, 12/9/03, 4:34 p.m.
Judge throws out election fraud case

TN

By George Brown

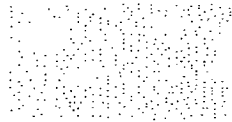
A judge threw out a court case over an election controversy Tuesday. But the man who filed the lawsuit still insists someone may have tampered with election results. John Willingham alleges fraud and uncounted votes. He was in court Tuesday asking a judge to force the election commission to turn over raw data from each voting machine. But after two hours in court, the problem lay in the proof. And the judge said Willingham had none.

The allegations center around the recent city mayoral election. Willingham says there were indications of fraud and voting machines that malfunctioned, perhaps playing a part in his 45,000 vote loss to mayor Willie Herenton. Willingham said, "It caused me a great deal of concern. It actually caused me to go into hibernation for a day or two." Willingham says exit polls at one precinct showed he got 43 votes, but only 12 were officially tallied. Asked if he thought there could be a conspiracy to fix elections, he said he wouldn't rule it out. "There is a lot of money and power invested by constituents of insiders in this city who want not want to see a change."

Willingham's attorney said he might be able to prove their allegations if the election commission would turn over data it has withheld. The election commission however said the requests were too broad and some information confidential. Attorney Robert Spence said, "It's one thing to sit around the coffee table and make wild allegations. It's another to file a lawsuit in a court of law."

Willingham said his suit was not meant to benefit him, but to clear the air over elections. "It's for the people of Memphis-Shelby County if there is a wrong we need to know it and if there is a hole in the dike we need to plug it." Chancery Judge Walter Evans however felt there was no proof of fraud and threw the case out.

In the hall outside the courtroom, Willingham told me he feels part of the problem is voters don't get a receipt of how they voted. That will change however in two years when federal laws will require such receipts.



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Monday December 15, 2003

Local News

Monday, December 8, 2003 11:07 pm

Keeping it Legal - - Authorities confiscate ballots from Alamo election

By Ryan Gabrielson
Monitor Staff Writer
rgabrielson@themonitor.com

ALAMO - The Hidalgo County Elections Division and District Attorney's Office impounded ballots and other records from Alamo City Hall Monday amid allegations that voting in the run-off election was tampered with. Much of the concerns centered on mail-in, or early, votes.

Commissioner Diana Martinez defeated Alamo attorney Veronica Moncivais by nearly a two-to-one margin for Place 2 on the Alamo City Commission Saturday. The runoff was required because neither Martinez nor Moncivais received 50 percent of the vote in the Nov. 4 general election.

Moncivais and one of her supporters, Joey Lopez, filed complaints with Hidalgo County District Attorney Rene Guerra on Monday about city officials' actions during the voting and ballot counting.

Teresa Navarro, Hidalgo County elections administrator, with an order from Judge Aida Flores of the 398th district court, removed a box of mail-in and regular ballots. The materials will be examined as part of a criminal investigation, Navarro said.

An elections clerk and Hidalgo County Sheriff's deputy also participated in the seizure.

Throughout the runoff there have repeatedly been complaints called in to the elections division, Navarro said. The seizure Monday was triggered by several concerns.

"If there is just the slightest indication that an election is compromised," an investigation is warranted, Navarro said. "The city of Alamo has found itself in an unfortunate situation."

Last Thursday the election's presiding judge, who oversees voting, resigned after it was discovered he had authored and distributed a flier supporting Martinez.

Among the complaints issued by Moncivais were that early, mailed in, ballots may have been opened before official counting began and that Alamo Mayor Rudy Villarreal had access to parts of city hall where voting was taking place. Both Villarreal, who has openly supported Martinez, and Alamo City Secretary Margot Saenz have denied any wrong doing.

"On (Dec.) 5, 2003, while in the city secretary's office, I noticed an open early mail-in ballot, and when I questioned Margot Saenz about the open envelope, she informed me that the main man had delivered the said ballot open," Moncivais said in a sworn affidavit.

"As we were talking to her, one of the city's mail men, (Commissioner) Robert de la Garza, arrived at her office and I asked him if they had delivered any open main-in ballots. Mr. De la Garza then informed me that no mail-in ballots had been delivered open," the candidate's affidavit said.

General voting for the commission runoff was Dec. 6. Saenz did not immediately return a call for comment from The Monitor on Monday.

De la Garza was reelected to the city commission in November; four years ago



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he shared a campaign ticket with Villarreal and Martinez. Some of the allegations focus on Villarreal's visit to city hall late Saturday afternoon as residents continued to vote and ballot counting had begun. The mayor and city secretary said he came in to fill out a Texas Municipal League conference registration form, which was already a day past the early registration deadline, and to check his mail. Lopez said in his affidavit that he saw Villarreal in Saenz's office going over a list of Alamo residents that showed who had voted and that there were open mail-in ballots beneath the mayor's right arm. "When I questioned what he was doing, I was told by the city secretary, 'He's the mayor, he can be here if he wants to.'"

"Oh, he's lying," Villarreal said. "There was no list of voters."

Lopez had also said Saturday night that Villarreal left without any mail, a point the mayor denies.

"If that's the biggest complaint they have got, they've got nothing. If there was anything going on I think I would have locked the door," Villarreal said. Additionally, Villarreal's car was parked Saturday in the city hall's lot. Too close, Moncivais said, for the elected official. When the concern was brought to Saenz, the city secretary went outside and moved the mayor's car.

"My complaint to her and the police was that she should have been inside the building overseeing the election and the mail-in ballots and not being the mayor's personal servant," Moncivais' affidavit states. The mayor said Moncivais' complaints have more to do with the election's outcome than with anything he or Saenz are accused of doing. "She's a sore loser, when you lose by that many votes," Villarreal said. The investigation will be conducted by the District Attorney office and should be done quickly in about six weeks, Navarro said. "The residents of Alamo deserve that," she said. Ryan Gabrielson covers Pharr, San Juan, Alamo and general assignments for The Monitor. You can reach him at (956) 683-4462.



LOCAL NEWS

- General's family 'elated' by capture
- Family struggling with medical bills for child's leukemia treatments
- State rep proposes expanded tire recycling program
- Education is free, but the senior year of high school is not
- Program offers respite for mentally retarded
- Wearing Thin - - Physical pain, financial restraints among burdens for La Joya family
- Officials name af2 Dorados
- Playing Santa - - McAllen police assemble bikes for needy children
- Federal spam law outrules Texas law

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Original URL: <http://www.jsonline.com/news/metro/dec05/375572.asp>

WI

No vote fraud plot found

Inquiry leads to isolated cases, Biskupic says

By **STEVE SCHULTZE**
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F.B.E.A.

Posted: Dec. 5, 2005

The nearly yearlong investigation into voter fraud in 2004 has yielded no evidence of a broad conspiracy to try to steal an election, U.S. Attorney Steve Biskupic said Monday.

He predicted that perhaps "a couple of dozen" isolated cases of suspected fraud might be charged, and he said that sloppy recordkeeping by election officials was a key impediment to proving such cases.

Nothing in the cases that his office has examined has shown a plot to try to tip an election, Biskupic said during a meeting with Journal Sentinel editors and reporters.

Critics had raised such fears of partisan voter fraud schemes in the election aftermath. But Biskupic said, "I wouldn't say that at all."

He said, "We don't see a massive conspiracy to alter the election in Milwaukee, one way or another."

Biskupic, a Republican whom President Bush appointed in 2002, and Milwaukee County District Attorney E. Michael McCann, a Democrat, announced a joint effort to investigate allegations of illegal voting in January.

That followed Journal Sentinel stories on widespread problems in Milwaukee, including flawed voter counts, votes cast from invalid addresses, outdated poll lists and discrepancies between the number of ballots cast and voters listed at dozens of polling places.

The newspaper found similar problems elsewhere in the state.

Four of the 18 people accused of felonies in the investigation have been convicted, officials said Monday.

Here is the breakdown of cases:

- Federal prosecutors have charged 14 people: 10 felons with voting illegally and four people with double voting.

Four of the felons accused of illegal voting were convicted, one was acquitted and five cases are pending, Assistant U.S. Attorney Rick Frohling said.

None of the four people charged with double voting has been convicted. Charges against one person were dismissed because of mental incompetence, one person was acquitted, one trial resulted in a hung jury, and one person who agreed initially to plead guilty now wants a trial, Frohling said.


Two of those charged with double voting were driven to several polling places in the same van, but the driver hasn't been identified, and no evidence of an organized conspiracy has been uncovered, Frohling said.


• McCann's office has charged four people with felonies in Milwaukee County Circuit Court. Two people affiliated with the Association of Community Organizations for Reform Now were charged with filing false voter registrations, and two felons were accused of illegal voting. None of those cases has been resolved.

Biskupic said he had hoped to complete his portion of the investigation this year to avoid dealing with such matters in 2006 - another election year.

Voting Probe

Archived Coverage

 **Archive:** Previous coverage of the investigation into Milwaukee's Nov. 2, 2004 election

 **Section:** State politics

He said, however, that the investigation will likely spill over into next year, which will feature elections for governor, Congress and most of the state Legislature.

Biskupic declined to estimate when his part of the inquiry might be done.

Assistant District Attorney David Feiss said the district attorney's office also likely won't complete its inquiry this year.

Feiss, too, wouldn't say how much longer the investigation would last.

Biskupic said recordkeeping problems have been rampant.

He said that jurors interviewed after acquittals told prosecutors the record problems created doubt as to whether fraud had occurred.

"I don't know how you are going to prove a case when there is no paper trail," Biskupic said.

In addition, he said, it was "extremely difficult" to prove that felons ineligible to vote did so intentionally.

State law bars felons who haven't completed probation or parole from voting.

Defendants have argued that they didn't know they were barred from voting as felons, Biskupic said.

"Once people hear that argument can get them off in front of a jury, you tend to hear it more," he said.

Partisan split

The 2004 vote problems took on added significance because of the close outcome of the presidential election in Wisconsin. Democrat John Kerry beat Bush by 11,000 votes, one of the closest margins in the country.

Republicans have argued that fraud appears to be rampant in Milwaukee and that stricter controls must be enacted.

Democrats have said that the main problem is clerical shortcomings, not fraud.

That only 18 voter fraud cases have been charged doesn't mean it's not a major problem in Wisconsin, state Republican Party Chairman Rick Graber said.

"For anyone to sit back and say our election system doesn't have problems, that is just blatantly false," Graber said. "The questions raised in 2004 still haven't been answered."

He criticized Democratic Gov. Jim Doyle for vetoing legislation that would have required photo identification at the polls.

Milwaukee Mayor Tom Barrett, a Democrat, said the results of the investigation confirm his view of a year ago, that there were only isolated instances of fraud.

"Initially, there were people painting this picture of some sort of conspiracy where there were bands (of scammers) getting together to try to defraud the system, and that obviously has not happened," Barrett said.

Barrett said he supports prosecution of lawbreakers and is critical of state officials, who said they're unlikely to complete a statewide voter list in time for April elections.

Biskupic said he worried that cases of voter fraud could spawn a partisan battle, in which the losing side perceives that the winner had some unfair advantage and becomes "more inclined to do something" illegal to even the score in the next election.

From the Dec. 6, 2005, editions of the Milwaukee Journal Sentinel
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Local Headlines

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Man Charged With Changing Ballots To Bush

A Cleveland elections board employee has been charged with wrongly marking the ballots of five nursing home residents in favor of Geroge W. Bush in last year's presidential election.

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John V. Jackson, 79, of North Royalton, was indicted Tuesday on five felony counts of tampering with ballots and one count of misconduct.. Each count carries a possible 18-month prison term.

Jackson's lawyer denies that his client did anything wrong.

Bush beat Al Gore in Ohio by about 175,000 votes.

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PA

2 McKees Rocks council candidates charge Election Day cheating at polls

Tuesday, November 29, 2005

By Jim McKinnon, Pittsburgh Post-Gazette

Two African-American candidates for borough council in McKees Rocks filed a complaint yesterday, alleging that supporters of their opponent illegally entered voting booths to help voters write in their candidate's name.

Incumbent Democratic Councilwoman Wanda Jones Dixon and newcomer Renee Surgest have asked Common Pleas Court to declare them both winners of the two available council seats.

Though not all write-in ballots have been counted, it appeared yesterday that the write-in candidate, David Rugh, got the most votes with 148.

Mrs. Dixon retained her seat by coming in second. Ms. Surgest missed being elected because of the write-in campaign.

The two women had been among the Democrats' endorsed slate of candidates and both won the party's nomination in the primary election last spring.

Mrs. Dixon said in a letter to the Allegheny County Elections Division that she only learned of the write-in campaign on Election Day, Nov. 8, in a conversation with borough Councilman Keith Schwab.

Mrs. Dixon, in her letter of complaint, said that Mr. Schwab told her, "The Democratic Party is running a Mickey Mouse campaign against you and Ms. Surgest."

Ms. Surgest, in a separate letter, said that supporters of Mr. Rugh temporarily blocked her entrance to the polling place when she went there to vote.

She said that she witnessed a polling judge enter the voting booth with at least one voter.

County Elections Director Mark Wolosik said the petition, filed yesterday at the deadline to do so, is allowed when a candidate feels an irregularity affected the results of the election.

The two women's opponents have until Friday to respond to the petition.

The plaintiffs also charge racism, arguing that the borough's Democratic Party intentionally campaigned against them to prevent black candidates from being elected.

A hearing on the complaint had not been set yesterday.

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(Jim McKinnon can be reached at jmckinnon@post-gazette.com or 412-263-1939.)

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Straight-line ballots don't jibe, Dries says

BY SHAWN A. HESSINGER

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For the second election in a row, the numbers don't add up.

Whether the result of human error or a technical malfunction, a glitch in the results of the Nov. 6 general election in Schuylkill County will likely lead to a recount of all 43,069 ballots cast.

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At issue is a discrepancy in the number of party-line votes: Ballots are run through the optical-scanning machines at the STS building in Saint Clair twice, and the two reports didn't match, according to Elizabeth J. Dries, director of the county Election/Registration Bureau.

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Dries said she became aware of the problem Election Night when she noticed 271 party-line Republican ballots and 10 Democratic ones had been cast in Eldred Township; however, only 248 people voted.

There could have been at least two reasons for this, she said:

One, halfway through the night she noticed the technician from the county machines' supplier, Elections Systems & Software, Omaha, Neb., was hand-entering data contrary to procedures.

Two, the counting machines have to be reprogrammed for each precinct; perhaps that didn't happen, particularly since one of the county machines broke down and three of the other four malfunctioned at various points in the evening.

The county commissioners, sitting as the county Board of Elections, were planning to convene a special meeting at 8:30 a.m. Friday where they plan to approve the recount. A recount of all the ballots was also conducted in the May primary.

"We want to make sure everything is right," said commissioners Chairman Forrest L. Shadle.

Commissioners Jerome P. Knowles and Edward D. Barket concurred when contacted separately.

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All three said they doubted the glitch had effected the outcome of the election significantly, but Barket said in isolated incidences like the passage of an Act 50 referendum in the Blue Mountain School District by just seven votes, the recount could make a difference.

"What went wrong? We don't know," said Barket.

All three commissioners have discussed the need to improve the current vote-tallying situation, but disagree on solutions.

Knowles insists the problem has to do with the technical support being provided by Elections Systems & Software, pointing to the fact that for some time the county had no problems with its machines until the primaries in May when the company sent a subcontractor to provide technical support.

Though the current technician was an employee of the company, both Knowles and Barket expressed a lack of confidence in his performance.

Dries said she didn't stop the technician from hand-entering data because the machines were malfunctioning and she didn't think she had much choice but to proceed.

Barket said he would have to wait to see how the newly reprogrammed machines would handle the recount before deciding whether he believed the machines or the personnel were at fault.

The recount will probably be done Friday or Saturday and Elections Systems & Software has promised to supply two technicians and special reprogrammed boards for the vote tally machines, Barket said.

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Local Headlines

Wednesday April 04 01:22 AM EDT

River Rouge Mayor Under Fire

MI

The mayor of a Downriver community is facing allegations that he coerced voters during a recent election.

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River Rouge Mayor Greg Joseph was to be sworn in Tuesday evening despite an investigation under way. Michigan State Police are in the midst of a voter fraud investigation.

State police are looking into allegations that Joseph's supporters passed out absentee ballots to residents of senior apartment building in the city and reportedly coerced them into voting for Joseph. Investigators are also looking into allegations that Joseph's supporters offered payments of up to \$25 for votes, Local 4 reported.

Joseph reportedly received about 700 absentee votes, about 10 times the amount that his opponent received, Local 4 reported.

The mayor denied the allegations and called claims made against him the comments of a sore loser. Joseph was to be sworn in on Tuesday evening for his fourth term.

Joseph is also being investigated by state police and the FBI in two other cases, Local 4 reports. No charges have been filed.

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Ugly politics

Tuesday, November 6, 2001

Voter intimidation still persists in Passaic County. In recent days, some Hispanic and black residents of the city of Passaic have received postcards in the mail warning ominously of "armed law enforcement officers" at the polls and fines or prison for anyone violating voting laws.

The brightly colored postcards are printed in both Spanish and English and imply that voters must live at the address where they are registered in order to vote. That is incorrect. A voter can live at a different address within the county and still vote by provisional ballot on Election Day. The new address will be verified later.

"Our motto is that no voter will be turned away at the polls," said Walter Timpone, the federal election monitor for Passaic County who called the postcards an "outrage."

Mr. Timpone is right. A history of allegations of voter discrimination against Latinos caused the U.S. Department of Justice to sue the county and the city of Passaic two years ago. The county's election system is now monitored under a subsequent settlement with the federal government, in which it agreed to make voting more accessible to Spanish-speaking residents.

The postcards are an obvious and ugly attempt to frighten and confuse minority voters and keep them away from the polls. It is not clear how many postcards were sent or who sent them. On Sunday, a press conference at Passaic City Hall drew Sen. Robert Torricelli, D-N.J., two members of Congress, and state and city officials, who denounced the postcards and urged all citizens to vote today. Reps. Robert Menendez, D-Union City, and William Pascrell Jr., D-Paterson, called the postcards an attempt at voter suppression, which is a federal crime. Mr. Pascrell said those who sent the postcards are "scoundrels and cowards and should go to jail."

The Democratic State Committee has asked federal officials to investigate the mailings for possible violation



of federal law.

Mr. Timpone, the federal election monitor, has said recently that progress has been made in making the voting process in the county more accessible and welcoming to minority voters. But he is staying on until the end of this year to work out remaining problems.

What happens today at the polls should indicate whether Mr. Timpone's job is done, or whether he has even more work to do in Passaic County.

Voting is a sacred right, guaranteed and protected by the Constitution. No one should be afraid to vote, and those who would frighten American citizens who want to vote should be severely punished.

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Pérez-Peña (NYT)

NEW JERSEY

JERSEY CITY: MAN PLEADS IN ARMS CASE A Jersey City man arrested in a sting operation this month pleaded not guilty yesterday in West Palm Beach, Fla., to attempted exportation of illegal arms and money laundering. Diaa Mohsen and another man, Mohammed Malik, also of Jersey City, were charged last week with attempting to violate the federal Arms Export Control Act after they allegedly discussed the purchase of missiles and machine guns with an undercover agent and an informant. Tara Bahrapour (NYT)

PATERSON: ELECTION TO BE SCRUTINIZED The Justice Department said yesterday that it would send 28 election observers to watch for irregularities in today's Republican primary in Passaic County. The department's action comes after an announcement last week by a court-appointed election monitor that violations persisted in Passaic City's May 8 municipal election, including poll workers' refusal to provide provisional ballots, and intimidation of voters by representatives of candidates. A 1999 federal court decree followed complaints by Hispanic voters that they were disenfranchised, in violation of the Voting Rights Act. Steve Strunsky (NYT)

CONNECTICUT

HARTFORD: HOUSE PASSES BUDGET At the start of a three-day special session, the House of Representatives yesterday unanimously approved a two-year compromise state budget totaling \$26.4 billion. The 144-to-0 vote (with 7 House members absent) sends Connecticut's first late budget since 1991 to the State Senate, which is expected to approve it by today or tomorrow and pass it on to Gov. John G. Rowland, who could sign it into law by week's end. Paul Zielbauer (NYT)

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HEADLINE: Public Hospital Workers Divided Over Union Vote

BYLINE: By STEVEN GREENHOUSE

BODY:

Just when District Council 37, New York City's largest municipal union, was starting to hold its head high again after a huge corruption scandal, along comes an election mess that seems stranger than the Florida recount after the 2000 election.

On Feb. 27, members of Local 420, one of the district council's largest locals, voted in the local's presidential election, but almost two months later, there is still no official victor.

A supposedly final vote count on March 11 showed that the challenger, Carmen Charles, a hospital technician on Roosevelt Island, won the race to head the local, which represents 7,500 workers at the city's public hospitals. That count gave Ms. Charles 580 votes and 526 to James Butler, who has run the local with a strong hand for three decades.

Mr. Butler appealed the results, ridiculing the voting process as unfair even though an election committee whose members he had appointed oversaw the balloting. After several hearings, that handpicked committee called for overturning Ms. Charles's apparent victory and holding a new election. The dispute is now before the district council's parent union.

"It's an absolute outrage," said Herman Benson, founder of the Association for Union Democracy, a Brooklyn-based group that fights union corruption. "Butler does everything possible to set it up so he can win, then he loses and then he has the election committee do his bidding. It's an atrocity."

The presidents of half of the 56 locals in District Council 37 were so upset that they wrote to the president of the parent union, the American Federation of State, County and Municipal Employees, saying: "The current situation regarding the election of Local 420's president is a disgrace. All members and every elected official in District Council 37 are having our reputations dragged through the mud."

This election mess comes after District Council 37 has struggled over the last four years to shed its image as a den of union iniquity. Since 1998, more than 20 council officials have been convicted of either rigging a contract-ratification vote or embezzling union money, with the leaders of the two largest locals found guilty of stealing more than \$1 million each. The rampant corruption led the council's parent union to put it under trusteeship for three years, a restriction lifted just two months ago.

Ms. Charles filed a formal appeal with the parent union, asking it to overturn the election committee's call for a new vote and declare her the winner. Gerald McEntee, president of the parent union, has ordered an expedited hearing next week to determine whether a new election is warranted.

"These are troubling allegations and they must be resolved immediately," said Mr. McEntee.

Mr. Butler's lawyer, Andrew Irving, argued that the election should be overturned on numerous grounds, including what many said was the intimidating atmosphere at the polling place, where the two sides angrily taunted each other. As a result, some union members left without voting.

Mr. Irving said, "The election on Feb. 27 was conducted in an atmosphere of chaos and intimidation and harassment,

with no real procedure to guarantee secrecy of the ballot."

In calling for a new vote, the election committee accepted that argument and an additional one — that the vote, in a union with many immigrants, was unfairly skewed by an article in a weekly newspaper, *The Chief*, that quoted Mr. Butler as calling his opponent "a stupid immigrant." Mr. Butler denies uttering such a slur about Ms. Charles, who is from Guyana.

The election committee also declared that some sample ballots had been placed in the ballot box even though Barbara Deinhardt, a lawyer who is District Council 37's ethical-practices compliance officer, had assured the committee that she had inspected all the ballots and had found no sample ballots mixed in.

Ms. Charles said that the intimidation at the voting place came from the Butler forces — a charge that Mr. Butler's supporters denied — and that the election committee did not do enough to stop it. "It's a disgrace," Ms. Charles said. "It's a total miscarriage of justice."

Under the parent union's constitution, when a local's election committee recommends overturning an election, the local's members must decide whether to uphold or reject that recommendation.

At a membership meeting on April 8, the chairman of the election committee asked for a vote but refused to finish counting the votes, several of Ms. Charles's supporters said, evidently because he saw that Ms. Charles had the votes to reject the committee's call for a new election. Nonetheless, the chairman, Alvin Mead, who declined to comment, ordered Local 420 to hold a new election.

Mr. Irving, who did not attend the meeting, said several of Mr. Butler's supporters told him that a full vote count was taken and that the majority backed overturning the election. Ms. Charles said that whoever maintained that the election committee had finished its vote count that night was dishonest or delusional.

Even before the election was held, Ms. Charles was accusing Mr. Butler of slanting procedures in his favor. He refused to hold the vote by mail, and, even though the union's members work in all five boroughs, he provided just one polling place, a community center near Harlem Hospital, his longtime power base.

In a brief telephone interview, Mr. Butler said: "The election's gone with the wind. I have no comment."

Although unwilling to discuss the election, he was eager to talk about Mayor Michael R. Bloomberg's proposed budget cuts. "It's a blood bath for the public hospitals, and we're not going to take it sitting down," he said. "We're going to take to the streets."

For decades, Mr. Butler has been one of the city's most colorful and militant union leaders. More than any other labor leader, he tangled with Mayor Rudolph W. Giuliani, often organizing rallies to protest proposed layoffs and hospital closings. Many New York radicals praised Mr. Butler for standing up to Mr. Giuliani when most union leaders seemed cowed by him.

Many union members talk of another side of Mr. Butler. Under him, members of Local 420 contributed several million dollars for a new union headquarters over the past five years, but the planned site is still an abandoned building. His salary is \$250,000 — almost 10 times the average pay of Local 420 members. After an accounting firm audited District Council 37's 56 locals after the corruption scandal, Mr. Butler allowed members to look at the report for just one hour each, and barred them from making copies.

URL: <http://www.nytimes.com>

GRAPHIC: Photos: Carmen Charles, above, won an election. James Butler, the incumbent, is challenging the results. (Frances Roberts for The New York Times); (Librado Romero/The New York Times)

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TX

New complaints plague election -- Some Hidalgo County voters claim harassment by campaign workers

March 02, 2004
Sarah Ovaska
The Monitor

EDINBURG — With election day just eight days away, the list of questionable election practices in Hidalgo County grew to include complaints of harassment by three politiqueras, or paid campaign workers, against elderly voters who requested ballots by mail.

The complaints were filed against workers for several different campaigns, including Lloyd Doggett, who is running for the U.S. Congressional seat in District 25; both candidates for the 92nd state District Court judge's race, incumbent Edward Aparicio and challenger Eric Jarvis; Lupe Treviño, who is running for Hidalgo County sheriff; and Aaron Peña, the incumbent state representative in District 40.

Official complaints were filed at the Hidalgo County Elections Department against Elizabeth Bouleris of Weslaco, Elvira Rios of McAllen and Elvira Martinez of McAllen, said Teresa Navarro, the county's election administrator.

Rios denied any wrongdoing and said she has always been respectful of elderly voters. Martinez and Bouleris could not be reached for comment.

Because the six complaints against the three women all came from elderly voters who vote by mail, Navarro said she felt someone was using 2002 lists of voters who vote by mail. The lists were deemed not public by the Texas Legislature last year, but before that were considered public information.

Among the irregularities reported so far this year, last week someone requested a mail-in ballot for a dead voter; four people said their ballots were already sealed when they received them; and a Mercedes voter requested a mail-in ballot that was sent somewhere else.

Meanwhile, a group of 13 family members and friends who vote in Hidalgo County, but are temporarily living in Houston drove down to Hidalgo County to vote this weekend because they were afraid of their mail-in ballots being stolen, Navarro said.

"Because of all the publicity, they're afraid their ballot was intercepted," Navarro said.

An elderly Weslaco couple went to the elections department on Saturday claiming that Bouleris was telephoning them repeatedly and asking them to vote for Treviño and Aparicio with their mail-in ballots, according to Navarro.

The couple came in and turned in their ballots without voting because they were upset about being contacted repeatedly by Bouleris, Navarro said.

"They came in and turned in their ballots and said they're not voting," Navarro said.

The couple told her, "We don't want to vote because we've being harassed by an electioneer," she said

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Treviño said he hired Bouleris as a campaign worker to hand out literature about him. His campaign expenditure reports show he has paid Bouleris \$760 since Dec. 1.

"Of course I'm concerned about it, but I have a clear enough conscience to tell you that that is not the way I work," Treviño said.

He added that he has no control over what his campaign workers do.

"I'm not in direct supervision of anyone but myself," Treviño said.

Aparicio said he was shocked to hear about the complaint because Bouleris volunteered for his opponent, Jarvis.

"She's never helped me out in any campaign," Aparicio said. "She's working for the Eric Jarvis campaign."

Jarvis confirmed that Bouleris was a volunteer in the eastern part of the county for his campaign.

Three people from south McAllen filed complaints against Rios, claiming that she stopped by their houses repeatedly and tried to pressure them to vote for Treviño, Doggett and Jarvis.

Rios said she is respectful of elderly voters and that as a community leader in her south McAllen neighborhood, she tries to get people involved.

"That's not the way we work, we respect our senior citizens, we treat them with dignity," Rios said. "Whoever is trying to put my name in the dirt, I'm not going to let them."

Rios said some women have been going around her neighborhood claiming to be her, which may have led to the complaints.

All three candidates said they knew of no wrongdoing by Rios related to their campaigns.

"I haven't had to twist any arms to win votes here," Doggett said. "I don't want anyone associated with our campaign twisting arms."

Treviño also said the allegations were baseless, while Jarvis said he knows Rios as an involved volunteer.

"We hope that the people assisting us use their best judgment," Jarvis said. "I know for a fact that we're running a clean campaign."

In the third instance, an elderly woman from La Blanca came to the elections department and said a woman named Elvira Martinez came by her house and tried to convince her to vote for Peña, Navarro said.

"She (Martinez) went to her house and said, 'I have an application for you,'" Navarro said. "She (the elderly voter) was told, 'Don't complete the one you have, complete the one I have.'"

The La Blanca woman cast her vote in person this weekend after filing her complaint.

Martinez could not be reached for comment and Peña did not return several phone calls left for him. Peña's campaign indicated that they had no one named Elvira Martinez working for them.

Navarro said any voters afraid that their mail-in ballots have been tampered with could cancel their ballots by coming into a polling place and signing an affidavit. They can then vote in person.

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The AARP said seniors should be not be deterred from voting.

"It (mail-in voting) truly does assist people that can't vote on Election Day," said George Kelemen, director of advocacy for AARP's Texas chapter. "It is unfortunate that these opportunities are being manipulated or abused."

Keleman suggest that if a voter needs assistance, they ask someone they trust to help out.

Sarah Ovaska covers courts and general assignments for The Monitor. You can reach her at (956) 683-4445.

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Ex-Legislator Accused Of Vote Fraud

Faces 7 Felony Counts Of Absentee Ballot Fraud

ADVERTISEMENT



By LYNNE TUOHY
Courant Staff Writer

August 12 2003

Former Hartford state Rep. Barnaby Horton was arrested Monday and charged with seven counts of absentee ballot fraud - all felonies - in connection with his unsuccessful Democratic primary battle last fall against Kenneth R. Green.

The violations allegedly occurred at the Betty Knox apartment complex on Woodland Street in Hartford, where one resident, Silas Woodward, told investigators Horton sat at his kitchen table as Woodward completed the ballot, and pointed to his own name and that of state Sen. Eric Coleman, another Hartford Democrat, as the boxes to check.

"Against his wishes, Woodward checked the box, thereby casting a vote for Horton," the arrest warrant affidavit states. "Woodward stated he felt compelled to vote for Horton because of Horton's presence while Woodward completed the ballot."

Horton, 34, also was charged with making a false statement to the State Elections Enforcement Commission. In a sworn affidavit he supplied to the commission dated Sept. 6 - four days before the primary - Horton stated, "At no time did I handle or assist residents with any absentee ballots, nor did I leave with anyone's absentee ballot."

The arrest warrant affidavit alleges that not only did Horton leave the complex with ballots, but also brought along postage stamps and affixed them to the envelopes.

Horton, accompanied by his lawyer, Austin J. McGuigan, and several family members, turned himself in to the chief state's attorney's office in Rocky Hill Monday morning. He was released on his written promise to appear in Hartford Superior Court Aug. 25. Neither Horton nor McGuigan returned phone calls seeking comment.

Horton is perhaps best known as the lead plaintiff in the landmark Horton vs. Meskill lawsuit that led to the 1977 Supreme Court ruling that forced the state to better equalize school funding.

The chief state's attorney's office's recently formed public integrity bureau is handling the prosecution.

Hartford Democratic Chairman Noel F. McGregor said Horton's arrest "sends a message that you have to play by the rules."

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"I'm not the type of person to pour salt in a wound, but people have to understand that you can't break the law," McGregor said. "There're no shortcuts."

Horton, a lawyer, was serving his second term as state representative when redistricting forced him into a primary battle with four-term Democrat Green, of Bloomfield. Their respective districts were now one. It was Green who launched the elections enforcement commission investigation last October, with allegations that Horton was present when absentee ballots were being completed and that he also took possession of some absentee ballots. The residents interviewed by investigators bore out Green's allegations.

Frances Huckaby said she was in Woodward's apartment when Horton was there, and also filled out her ballot in his presence, though she shielded it so no one would see which boxes she checked. Horton took the sealed ballot form from her. Huckaby said she asked fellow resident Rosalind Sailor why she was taking Horton door to door. "Sailor reportedly responded that people let you in if you're with someone from the building," the affidavit states.

Another resident, Alma Daigle, told investigators that shortly before the primary, Horton knocked on her door and asked if she had received her absentee ballot. Daigle said she had, but needed help completing it because of her poor vision.

Daigle said Horton left, but returned about half an hour later with another resident. Horton then explained the ballot to Daigle, she said, and read the names of the candidates. Daigle told him she always voted for the white candidate, according to the affidavit. Horton, who is white, pointed to the candidate she wanted, and she checked the box. Horton also offered to mail the ballot and left Daigle's apartment with it, she told the investigators.

Sailor gave conflicting statements to investigators on different occasions, but repeatedly said she did not see Horton handle absentee ballots. When investigators contacted Sailor again in December, she refused to cooperate. "If you want to do something to Barnaby Horton, you'll have to do it on your own. I don't want to be bothered anymore," the affidavit quotes her as saying. She also said "it seems like a witch hunt."

Chief State's Attorney Christopher L. Morano begs to differ.

"The independence of the voter when they're making a decision is paramount in the way we conduct elections," he said Monday. "The thrust and intent of the law is to make sure the voter is making the decision of their own volition, and not with the sense that anyone is twisting their arm."

Green said he was not surprised by the arrest.

"These actions were really quite extensive and quite a violation," he said. "I think that these things need to be investigated and dealt with to the fullest extent. We need to have the public trust."

In September, according to the affidavit, Horton and his lawyer at that time, R. Bartley Halloran, both broached the subject of reaching a "settlement" with elections enforcement lawyers. Halloran told them Horton "could not unequivocally state that he was not present when a voter or voters were completing their absentee ballots," the affidavit states.

The state lawyers invited Halloran and Horton to provide the commission with an explanation or defense for Horton's conduct, but said they heard nothing back.

Morano said the investigation is ongoing, but that he doesn't anticipate additional arrests.

The charges include four counts of unlawful possession of another's absentee ballot and three counts of being present, as a candidate, when absentee ballots were being filled out. All seven counts are Class D felonies, each punishable by up to five years in prison and a \$5,000 fine. The false statement charge is a Class A misdemeanor, punishable by up to a year in jail and a \$1,000 fine.

It's not clear what impact, if any, a felony conviction would have on Horton's license to practice law in the state.

Horton's is the first major absentee ballot scandal to hit Hartford since the 1996 arrest of former 4th District state Rep. Edwin Garcia, D-Hartford, and six campaign workers. Garcia ultimately resigned his state office and from his job as a Hartford police sergeant. He was sentenced to a year of home confinement, which a judge lifted after five weeks, and two years' probation after pleading guilty to three felony counts.

Courant Staff Writer Oshrat Carmiel contributed to this story.

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THE CAMPAIGN BEGINS

BYLINE: JAMES O'TOOLE, POLITICS EDITOR, POST-GAZETTE

BODY:

"I'm a uniter, not a divider," George W. Bush frequently reminded us.

After the longest, most expensive and, arguably, most unpredictable presidential campaign in history, the Texas governor, and, at long last, president-elect, will have ample opportunity to prove that.

He will take the oath of office to preside over an electorate divided evenly between its preference for him and his chief opponent. His ascension follows an election that reflected the nation's sharp divisions along lines of race, gender and geography.

It was an election waged in the context of a decade-long economic boom that seemed to have anesthetized most of the country to the toxic partisanship and bitterness that had consumed the political classes of Washington through impeachment and government shutdowns.

One of the prime arguments for the candidacy of the affable Texan was his vow to shift the tone in Washington, to discourage the scorched-earth tactics that seemed to make every Washington political dispute degenerate into litigation.

It will not be easy, as Bush takes office after a post-balloting brawl replete with mutual charges of intimidation, illegitimacy and election theft. The path to confirmation of his crucial Florida victory became a full-employment program for lawyers.

But at least the equipoise that propelled this election from the ballot boxes to the courts was not the product of passionate ideological battles or deeply polarizing personalities. Policy differences were confined to a relatively narrow slice near the center of the political spectrum.

Bush proclaimed himself a conservative, but a "compassionate" one, and he avoided the ideological militancy that had sent Newt Gingrich's negative numbers soaring. Gore relied on populist rhetoric, but, to the occasional frustration of more liberal members of his party, advanced the policies of a centrist New Democrat.

From the perspective of arithmetic, the division in Election 2000 is clear. The new president captured the White House with a bare majority of 271 electoral votes, while losing the popular vote by a small margin. He will work with a Congress similarly split down the middle: a 50-50 Senate; and a House in which his own party is clinging by its fingernails to a five-seat advantage.

The stage for that shaky victory was set by a one-vote margin at the U.S. Supreme Court, overruling a one-vote decision by Florida's high court.

But all this division may be more of a matter of numbers than of conflicting beliefs. In the face of the major parties' ideological evolution and the competition by two relatively uncharismatic candidates trying to appeal to the middle, many voters simply seemed to have a hard time making up their minds.

The campaign begins

President Clinton ousted the father of the Texas governor in 1992, but the 1990s brought plenty of good news to the GOP, as well. Republicans took over the Congress for the first time in 40 years in the midterm election of 1994. GOP strength grew in state legislatures across the country. Nearly two-thirds of Americans lived in states with Republican governors.

But as the decade wore on, most of the good news for the party came from outside Washington. In 1995, the Gingrich-led GOP partisans, emboldened by their victory the previous year, shut the federal government down in a budget face-off with Clinton. They blinked before the president did, and they paid for it at the ballot box.

In 1996, Clinton coasted to re-election, and the strength of the economy that would boom on through his second administration was a big plus for Gore.

The downside of Gore's Clinton ties was just coming into view in the last weeks of the 1996 campaign, with charges of fund-raising abuses by the Democrats.

Still to surface were names such as Monica Lewinsky, Linda Tripp and Kenneth Starr. The impeachment scandal would tarnish Clinton's place in history and serve as a drag on Gore's chances to succeed him. But the issue was a double-edged sword, as congressional Republicans found when they lost seats in 1998 as their efforts to campaign on the scandal turned off many voters.

To many members of the Republican establishment outside Washington, Texas Gov. George W. Bush was seen as the antidote to that politically poisoned atmosphere. The Texas governor didn't have the longest resume in GOP politics. But he had cultivated a reputation for attracting Democratic support on the way to his landslide election to a second term. As the son of the former president he had instant name recognition.

Through 1999, Bush continued to attract support from party leaders, notably his fellow governors and the deep pockets of the GOP's big contributors. He was well on his way to amassing the war chest that would allow him to decline federal matching funds for the primary season. That, in turn, enabled him to confront his competition unfettered by the state-by-state limits on primary spending that are imposed on candidates who accept the federal campaign aid.

The Iowa edge

Over the last three decades, Iowa has become the starting blocks for the presidential race.

In 1972, the first year of the early February Iowa caucus schedule, the returns were received without fanfare in a back room behind the Democratic Party's downtown Des Moines office.

Since then, the caucuses have grown into a gargantuan production attracting millions of dollars, hundreds of reporters, and candidate pilgrimages that start more than a year in advance.

That's the process that gave former President George Bush what he described as "big mo" in 1980 — and just short of 20 years later, the younger Bush moved quickly to set up the most extensive, sophisticated organization the state had ever seen.

The Iowa caucus process has long been controversial. Why, its critics ask, should this atypical homogenous state have such an outsized influence on the selection of the president? But the caucuses are the epitome of fairness and rationality compared with an even earlier Iowa event — the straw poll — that assumed a crucial role in winnowing the GOP field for 2000.

In the summer of 1999, Bush's high poll numbers and financial advantages were clear, but he had yet to be tested by voters outside his state. Many observers still saw the GOP contest as relatively fluid — so wide open, in fact, that it had attracted a dozen formal or informal candidates. They included the millionaire Steve Forbes; Pat Buchanan, the conservative who had been a force in the previous two GOP nomination battles; Elizabeth Dole, the former transportation secretary and spouse of the party's last nominee; and, in a gift to political cartoonists and late-night comics everywhere, former Vice President Dan Quayle.

As a fund-raising and party-building tool, the Iowa GOP appropriated the state fairgrounds in August 1999 for a presidential straw poll. Any Iowa Republican could vote so long as he or she bought a \$25 ticket.

Bush won big.

Buchanan would soon migrate to the Reform Party. Quayle and former Tennessee Gov. Lamar Alexander, both of whom had banked on grass-roots organizations in Iowa, dropped out as well. Dole, her campaign starved for funds, would soon follow. The straw poll went a long way toward performing the winnowing chore that the caucuses themselves had performed in previous years. Before a single official vote was cast, the potential GOP field was cut in half.

Gore goes populist

Gore's supporters had started his Iowa groundwork even earlier.

He had skipped the caucuses during his abortive presidential run in 1988. But he devoted plenty of attention to them this time round. Throughout his vice presidential tenure, Gore cultivated the state's activists, raised money for its Democratic legislators, sent Christmas cards all over the state.

Several Democrats had made noises about running for the Democratic nomination. But in the end, the only one to challenge Clinton's heir apparent was former Sen. Bill Bradley of New Jersey. In the Senate, Bradley had compiled a mainstream centrist record. But in some respects, he ran against Gore from the left, particularly in his call for a system of tax credits to allow universal health care coverage.

Bradley criticized the Clinton-Gore health care record. He mocked Gore's wonkish immersion in the details of policies across the range of government. Instead, Bradley promised to concentrate his presidency on a few Big Ideas, such as improved race relations and universal health care.

Despite Gore's long cultivation of the state, Bradley clearly thought he could sneak up on the vice president in the caucuses.

Gore, meanwhile, had suffered continual criticism of his campaign organization and persona throughout the summer of 1999.

He tried to reinvent his campaign by moving his headquarters from the lobbyist lairs of Washington back to his former political base in Nashville.

This symbolic return to his roots would not be requited in electoral votes there the following fall, but it seemed to pay off in the short term. On the stump, Gore became a more aggressive, effective candidate.

Gore made subtle adjustments in his apparel to complement his new sleeves-rolled-up campaign style. Mixed with the Washington uniform of blue suits and white shirts were fashion-forward earth-toned suits along with khakis and jeans.

Meanwhile, Bradley proved a surprisingly maladroit candidate. In a Des Moines debate just three weeks before the caucuses, Gore attacked his challenger for voting against rural flood relief. Bradley wasn't able to rebut the criticism, even though Gore had seized on Bradley's vote against a single amendment to an overall relief bill that Bradley had supported.

Days before the Iowa election on which he had waged so large a bet, Bradley's attempts to get his message out were obscured by reports that he had suffered a recurrence of an irregular heart beat. The condition was not life-threatening physically, but it was nearly fatal politically.

Gore, buoyed by newfound energy — along with the backing of the union and Democratic Party establishments — surged ahead.

Enter John McCain

As the caucuses and primaries drew closer, Bush's evident strength had allowed him, at least for the time being, to avoid stepping on one of the traditional land mines of the nominating process. Former President Richard Nixon's widely noted advice to Republican candidates was to run to the right during the primaries and tack back to the center in the general election. Bush resisted the temptation to cater to the right.

Through the wintry early weeks of 2000, Bush projected a big-tent version of Republicanism. At one of the final Iowa debates, he shrugged off the taunts of conservative candidate Gary Bauer, who demanded that Bush pledge to make

opposition to abortion a litmus test for Supreme Court nominees.

Bush's sense of political security was due for a reality check.

The same weekend as that debate, Joe Andrew, chairman of the Democratic Committee, was in Des Moines staging a bit of political theater. He led a gaggle of reporters and television cameras across a restaurant parking lot to witness a steamroller labeled, "Bush Tax Cut," steered by a Democrat in a George Bush mask, rolling over a tool box labeled, "Social Security Lock Box."

On its second try, the steamroller managed to shatter the box.

One of Gore's key Iowa organizers shook his head when the scene was described to him. He faulted the skit not for its sophomoric tone, but for its target.

"I think those DNC guys are making a mistake attacking Bush," he said. "I'd be more worried about running against the other guy."

The other guy was Sen. John McCain. Citing a lack of resources, the Vietnam War hero and former POW decided to skip the Iowa competition and instead concentrate on New Hampshire, which would vote a week later.

New Hampshire, like several of the early Republican primaries, permitted crossover voting by independents and Democrats. The Arizona senator had compiled a strongly conservative record, but his appeal crossed party lines.

Some analysts noted that as Bradley's Iowa weakness became increasingly apparent, some of his New Hampshire support from independents migrated not to Gore but to McCain.

That phenomenon proved an omen for the general election. Gore and Bush secured their respective party bases in both New Hampshire and Iowa, as they would in the general election. But for many independents and swing voters, the more attractive candidates were Bradley and McCain.

Gore and Bush came out of Iowa buoyed by landslide victories. Gore would beat Bradley again in New Hampshire, although not by as large a margin. But Bush barely had time to savor his Iowa victory.

Crack in the facade

McCain had spent virtually all his time in New Hampshire. He had carpet-bombed the state with inspirational biographical videotapes. And it paid off. Buttressed by the support of many independents and Democrats, his campaign notched a decisive 18-point victory.

A winning personality and a big-tent philosophy had been among the most powerful engines of Bush's candidacy. Money was another. But until New Hampshire, Bush also had drawn crucial momentum from a sense of inevitability.

For one tense and increasingly bitter month, McCain changed that.

Democratic rules barred any state, except for the traditional gatekeepers of Iowa and New Hampshire, from choosing delegates before March 7. There were no similar restrictions on the Republican side, where several states would choose delegates in the weeks between New Hampshire and Super Tuesday.

The result was that the political and media spotlight temporarily shifted almost exclusively to the GOP side.

Delaware held a little-noticed GOP primary the week after New Hampshire, but the prime focus for the campaigns and the media was South Carolina, where Bush and McCain would face off on Feb 19. By then, every other candidate except Alan Keyes had dropped out of the Republican field.

A chastened Bush now found it necessary to heed Nixon's advice. His campaign shifted to the right in South Carolina. Almost his first stop in the state was Bob Jones University, a citadel of Christian fundamentalism where interracial dating was banned and where a former university president had condemned Roman Catholicism as a cult.

McCain, proclaiming himself a champion of reform, charged around the state giving interview after interview on his campaign bus, the "Straight Talk Express."

Rebounding from New Hampshire, the Bush campaign tried to preempt the challenger's rhetoric as well as his

stagecraft. Bush rallies now took place in front of a giant banner sporting his new campaign slogan, "A Reformer with Results." He rode a bus called the "Victory Express." He suddenly embraced the town meeting format that had brought success to both McCain and Gore.

Bare knuckles show

Through the winter, the Republican race had remained fairly civil.

South Carolina changed that. Things got rough fast.

Bush professed outrage at a McCain ad comparing his veracity to Clinton's. McCain was the brunt of e-mail and whispering campaigns charging that he was wavering in his opposition to abortion.

It was the most expensive, hardest-fought primary in the state's history. In the end, Bush rose from the canvas of his New Hampshire defeat to deliver a body blow to McCain's insurgent candidacy. The senator conceded in a remarkably bitter speech, full of indignation and invective at Bush's tactics. It seemed his colorful campaign had run out of gas.

But three days later, Michigan's Republican Party had another primary. Bush's forces felt secure there, in part because of his support from the state's energetic governor, John Engler. But Michigan, like New Hampshire and South Carolina, allowed crossover voting by independents and Democrats.

Since there was no Democratic contest competing for their attention that day, many chose to vote in the GOP primary, most of them for McCain.

It was another sharp-elbowed contest. In a controversial speech, McCain denounced Christian conservative icons Pat Robertson and Jerry Falwell as voices of intolerance. Robertson, himself a former GOP presidential candidate, repaid the favor with thousands of recorded phone calls critical of McCain. McCain's supporters filled the phone lines with calls reminding Catholic voters of Bush's appearance at Bob Jones University.

McCain shocked just about everyone and won Michigan — along with a same-day victory in his home state of Arizona. Recrimination and doubt returned to the Bush campaign.

They would be exorcised by Bush's commanding showing two weeks later.

Until March 7, the nomination fights had been rewarded chiefly in the currencies of momentum and publicity. On March 7, Super Tuesday, the real prize, convention delegates, came to the fore. Sixteen states conducted primaries or caucuses for both parties that day.

The balloting fell on Mardi Gras, and was a fat Tuesday indeed for the well-financed frontrunners who could fight on many fronts simultaneously.

Bush and Gore swept the table. On that day, both parties' nominations were effectively decided.

NOTES:

ONE NATION DIVIDED HOW THE ELECTION OF 2000 UNFOLDED, AND WHAT IT MIGHT MEAN TO AMERICA'S FUTURE

GRAPHIC: PHOTO: Eric Draper/Associated Press: ON THE MOVE/TEXAS GOV. GEORGE W. BUSH ENTERED THE CAMPAIGN FLUSH WITH CASH FROM A GOP ESTABLISHMENT THAT SAW HIM AS A PERSONALBE CANDIDATE UNTAINTED BY THE POISONED POLITICAL ATMOSPHERE IN WASHINGTON. HERE HE DISPLAYS SOME BODY LANGUAGE WHILE BOWLING IN NASHUA, N.H.

PHOTO: Charles Krupa/Associated Press: HEIR APPARENT/VICE PRESIDENT AL GORE FIGURED HIS LONG EXPERIENCE AND ECONOMIC PROSPERITY WOULD PROPEL HIM EFFORTLESSLY TO THE DEMOCRATIC NOMINATION. BILL BRADLEY PUT UP A SPIRITED FIGHT, BUT FADED FAST.

PHOTO: Charles Rex Arbogast/Associated Press: FULL COURT PRESS/FORMER KNICKS BASKETBALL STAR AND NEW JERSEY SEN. BILL BRADLEY RAN AGAINST GORE FROM THE LEFT, PUSHING "BIG IDEAS" LIKE UNIVERSAL HEALTH CARE COVERAGE. GORE PICKED THEM APART; BRADLEY FOLDED.

PHOTO: : Steve Mellon/Post-Gazette: MUGGING MCCAIN / ARIZONA SEN. JOHN MCCAIN, RIDING HIS "STRAIGHT TALK EXPRESS" CAMPAIGN BUS AND PROMOTING POLITICAL REFORM, GAVE

FRONTRUNNER GEORGE W. BUSH FITS IN THE EARLY PRIMARIES. BUSH FINALLY CRUSHED THE POPULAR FORMER POW ON SUPER TUESDAY, THANKS TO HIS OVERWHELMING FINANCIAL ADVANTAGE. THEY PATCHED THINGS UP IN PITTSBURGH, ABOVE.

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Kentucky

State Supreme Court Overturns Law Barring Employer Coercion in Voting

The Kentucky Supreme Court in a split decision has overturned that state's law forbidding an employer from coercing or directing an employee to vote for a candidate (*Kentucky Registry of Election Finance v. Blevins*, Ky., 1999-SC-0890-DG, 9/27/01).

The court's 4-3 majority said the state law forbidding employer coercion with regard to voting violates the First Amendment.

The state law says an employer may not "give out or circulate any statement or report that employees are expected to or have been requested or directed by the employer ... to vote for any person."

The law was challenged in a case involving Fayette County Clerk Don Blevins, who in 1994 sent a letter to his employees saying that a candidate for the state Senate, Don Todd, was a "good personal friend." The brief letter concluded: "I'd very much appreciate your vote and support for him."

A complaint was filed with the Kentucky Registry of Election Finance against Blevins by the Fayette County Republican Party chairman. The state agency and a three-judge panel found that Blevins had violated the state law. Blevins appealed and a state appeals court ruled that the law forbidding employer coercion regarding elections was unconstitutional. That decision was appealed to the state Supreme Court, which affirmed the appeals court ruling.

Subjective Line

"The line between persuasion and coercion is drawn subjectively and depends on one's point of view," said the majority opinion, written by Justice Bill Graves. "Consequently, a penal prosecution cannot proceed based on the perceptions of the recipient of a letter."

Graves added that the state law "is inconsistent with the First Amendment and patronizes the employee because it assumes the employee lacks a free will when voting a secret ballot. ... Blevins letter did not cross the threshold of persuasion or impair the important governmental interest of ensuring free elections and assuring the people that the voting process is fair."

A dissenting opinion by Justice Martin Johnstone, joined by two other justices, said the majority ruling "sets back Kentucky's compelling state interest in preventing employer coercion of state employees during partisan campaigns to the political dark ages."

Johnstone cited a series of U.S. Supreme Court decisions, which he said established that the state "has broad power to place even-handed restrictions on the partisan activities of public employees like Blevins. Indeed, such restrictions are deemed necessary in order to ensure that public service is determined by merit and not by patronage."

washingtonpost.com

Allegations Of Fraud, Intimidation In Md. Race

Townsend, Ehrlich Get Ready for Tight Finish

MD

By Lori Montgomery
Washington Post Staff Writer
Tuesday, November 5, 2002; Page B01

Maryland's fiercely contested race for governor spawned a flurry of allegations of election fraud and voter intimidation yesterday as Democrat Kathleen Kennedy Townsend and Republican Robert L. Ehrlich Jr. approached today's election locked in a statistical dead heat.

In Baltimore, the Democratic National Committee filed a lawsuit seeking to prevent the Ehrlich campaign from using off-duty police officers as poll workers. That plan, the suit alleged, could have the "effect of intimidating, threatening and coercing African-American citizens from exercising their right to vote."

But Democrats later agreed to drop the action after Ehrlich agreed that the officers would not wear uniforms, badges or sidearms or identify themselves as police officers.

Meanwhile, the Maryland attorney general approved a Democratic plan to pay more than 1,000 people \$100 each to coax voters to the polls today, as evidence emerged that Republicans, too, considered employing the controversial get-out-the-vote tactic they had decried as a violation of state election laws.

A Democratic campaign worker spotted a poster on a bulletin board at Bowie State University advertising "paid work" on Election Day. The poster offers \$125 and a "free T-shirt" for a full day's work, and assures applicants that the job could help fulfill "community-service" requirements ordered by a court.

The poster directs applicants to call Rep. Ehrlich's Prince George's County headquarters. A woman who answered the phone and identified herself as "Laura at the Bob Ehrlich for governor office" said: "Uh, actually, we've discontinued that program."

The practice of paying people on Election Day to distribute campaign literature and lobby for candidates is a long tradition in Maryland, but it was banned by the General Assembly in the late 1970s. Last week, Maryland Republicans cried foul when they spotted fliers being distributed at the lieutenant governor's campaign rallies that offered people as much as \$110 to help get out the vote.

Maryland Democrats responded by saying that they intended to exploit what they described as a loophole in the law that allowed them to hire people to get out the vote on a nonpartisan basis without advocating any candidate or party.

Attorney General J. Joseph Curran Jr., a Democrat, promptly vowed to study the matter but cautioned Sunday that paying even nonpartisan workers "may not be a very good idea," if technically legal.

In an opinion issued yesterday, Curran's office said it is illegal to pay people for "walk-around services," such as distributing campaign literature or coaxing people to vote, while the polls are open. But it is not illegal, the opinion says, to pay "an individual who simply urge[s] a voter to perform his or her civic duty . . . in a neutral manner," as long as the person does not say or do or wear anything that expresses "support for a particular candidate."

Maryland Democrats said the opinion allows them to proceed with plans to hire more than 1,000 people, primarily in heavily Democratic precincts in Baltimore and Montgomery and Prince George's counties, to

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knock on doors and lure people to the polls.

"They're going to have stickers to urge people to go vote. All their literature and door hangers will be all about getting out and voting," said Democratic Party spokesman David Paulson.

GOP spokesman Dan Ronayne called Curran's opinion "one more example of the arrogance of this monopoly" of Democrats who rule Annapolis. "Bob Ehrlich will have an army of volunteers out working on his behalf on Election Day. The difference between his and Kathleen Townsend's will be that his didn't require a hundred-dollar bill to go out and show their support," Ronayne said.

At a rally in Arbutus, Ehrlich blasted the Democrats, saying, "They know it's against the law, but they're going to do it anyway."

When asked about Ehrlich's plan to pay poll workers an even higher price than the Democrats are paying, Schurick said he would make sure the campaign's Prince George's operation does not follow through on the poster's promises.

"No one is being paid out of this office on Election Day," Schurick said.

Meanwhile, a national watchdog group called on the Internal Revenue Service to investigate a Prince George's church for its efforts on Townsend's behalf. Americans United for Separation of Church and State accused the Rev. John A. Cherry, a pastor at From the Heart Church Ministries, of urging his congregation to vote Democratic in violation of the church's tax-exempt status.

The incident occurred Sunday, the group said, when Townsend appeared before Cherry's 24,000-member congregation during a campaign swing through the county.

Citing a report in The Washington Post, the group said Cherry "urged the congregation to follow a partisan course in the election." Mimicking a flip of voting lever, Cherry said, "I don't care what your persuasion is, you need to pull out your Democratic finger."

"If it sounds like I'm endorsing," he added, "take it as you want to."

As the charges and countercharges mounted, state prosecutor Stephen Montanarelli said he will be taking "certain steps to monitor" today's election, including asking local police to look into allegations of election fraud.

Meanwhile, both parties lined up scores of lawyers and poll watchers to monitor the election in anticipation of further allegations -- or election returns so close that they require a recount, as happened in 1994.

Staff writer Steve Vogel contributed to this report.

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FL

WH woman accused of voting fraud

In an investigation by the State Attorney's Office, Amber Moye, of Winter Haven, was found to have "cast a fraudulent ballot."

According to a complaint affidavit, Moye " knowingly voted a fraudulent ballot in the November 2003 election held in the town of Dundee after being advised by the Polk County Supervisor of Elections that it was a felony violation to vote if she was not a resident of Dundee."

The Polk County Supervisor of Elections Office had received a telephone request for an absentee ballot for Moye, who reportedly had a Dundee address. The ballot material was sent and then returned reflecting a Winter Haven forwarding address.

Barbara Osthoff, assistant supervisor of elections, advised that she contacted the clerks office for Winter Haven in an attempt to confirm the Winter Haven address of Moye. Based on the new address being outside of the Dundee city limits, the ballot was "rejected as illegal."

Moye stated, in the investigation, that she voted because that was where she was registered ad she never changed the registration because she was only temporarily living in Winter Haven. Moye said that she would be moving back to Dundee within 30 days.

Voting fraud is a third-degree felony, punishable of up to five years in jail, according to Assistant State Attorney Chip Thullberry. In this instance Moye will not serve jail time but will instead have a pre-trial intervention that if she completes charges will not be filed against her.

According to Thullberry the pre-trial intervention is a diversion program that generally lasts 18 months and is a contract saying that the person, in violation of the law, agrees to a contract that they will stay out of trouble.

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March 11, 2004

Firefighter Arrested, Released for Illegally Voting

IN

VOTER FRAUD CHARGES



Ronny Douglas

A firefighter accused of illegally voting was released on bond Thursday. Police say 58-year-old Ronny Douglas voted from an Anderson address while actually living 7 miles away in Pendleton.

Authorities say Douglas registered under the address of his rental property in Anderson. His wife told investigators that they've lived in Pendleton since their 1992 wedding.



Madison County Voters Registration Records show Douglas using the Anderson address for voting since 1984. He also allegedly filed fraudulent applications for absentee ballots in the 2000 and 2002 elections.

Douglas faces perjury charges.

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Today | This Week

Health district member faces vote-fraud charges

Christina Leonard
The Arizona Republic
Jan. 4, 2005 12:00 AM

AZ

A Maricopa County grand jury has indicted a member of the county's new special health care district on a dozen charges related to election fraud.

James J. Chavez, 50, faces felony charges ranging from fraudulent schemes to false voter registration. He is scheduled to appear in court for his arraignment Jan. 12.

In November, Chavez narrowly beat out three competitors for the District 5 seat of the Maricopa County Special Health District board. District 5 encompasses the southwest Valley.

Chavez said Monday that the accusations are false. And he said he is confident that justice will prevail.

"We'll have to let this play out," he said. "This is politically motivated. Unfortunately, I got more votes than anyone else."

County officials declined comment Monday.

The indictment, returned Dec. 29, alleges that Chavez provided nominating documents knowing they contained false information and improperly voted in several elections, among other charges.

Campaign opponent Sylvia Moreno challenged Chavez's standing by claiming that he did not live within the proper district boundaries in the southwest Valley and that he provided health care services through his organization.

A Maricopa County Superior Court judge in December dismissed the civil suit against Chavez because there wasn't enough evidence to move forward with the case.

Chavez said the latest allegations revolve around the same issues, and he hopes "the same thing happens here."

Chavez is former president and chief executive officer of Corazon de Oro Community Services.

He said people should know the other side of the story: "People voted for me because they know I've served the community of District 5 with my heart and soul."

Reach the reporter at christina.leonard@arizonarepublic.com or (602) 444-4845.

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Desert Dispatch

CA

Thursday, November 3, 2005

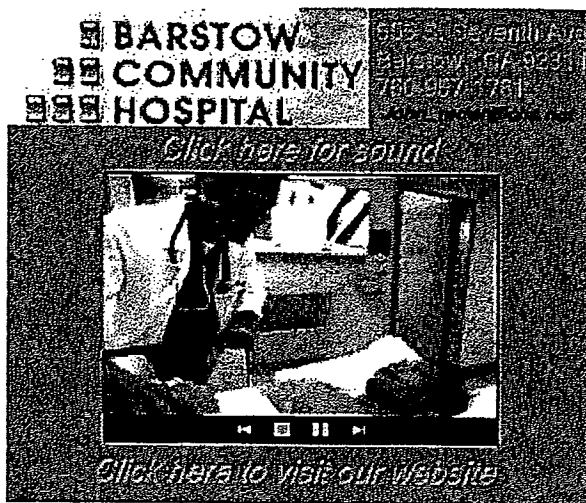
Voting rolls go unchecked in San Bernardino County

By KATHLEEN STINSON

Staff Writer

County elections officials have no idea how many non-U.S. citizens may be voting because no one checks voter registration for proof of citizenship.

The main way elections officials discover non-citizens who vote is through tips from citizens, said Chief Deputy Registrar Donna Manning.



When filling out the voter registration form, each voter signs a declaration, under penalty of a felony conviction, that he/she is a U.S. citizen, 18 years of age or older on or before the next election and not in prison or on parole. The citizenship information is only checked randomly.

Once a year the registrar of voters office "bumps" its registration files up against the jury service forms filled out by people called for jury duty, Manning said. The two forms are compared for citizenship discrepancies.

"Out of a thousand forms, you get a very small percentage -- one or two -- about a handful a year that don't match," Manning said, adding some say they are not citizens to get out of jury duty.

Assemblywoman Sharon Runner, R-Antelope Valley, said she "absolutely believes" voters should have to provide proof of citizenship when registering to vote. With people being paid to register voters, this leaves open the potential for voter fraud, Runner said.

The issue of voter fraud was prominent in the 1996 congressional race between Rep. Robert Dornan and Loretta Sanchez in Orange County. An investigation by Secretary of State Bill Jones revealed that Hermandad Mexicana Nacional had registered 490 documented non-citizens to vote, 303 of which voted in the election.

Assemblyman Mark Wyland, R-Escondido, introduced a bill in the past legislative session to require voters to provide proof of citizenship when registering to vote. Assembly Bill 934 failed to pass in the 2005 Legislative

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session but is expected to come up again in the upcoming session, Runner said.

The Registrar of Voters office also checks for duplicate voter registrations within the county and against a 57-county statewide list maintained by the Secretary of State's office when the registration form is initially entered into the system.

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016917

Man charged with vote fraud

CA

**By ERIC STERN
BEE CAPITOL BUREAU**

SACRAMENTO — A Tracy man faces five felony counts of forging voter registration cards for the November 2004 election, the California secretary of state's office said Wednesday.

It was the second time prosecutors have filed registration-fraud charges related to last year's election in San Joaquin County, where the Democratic and Republican parties invested tens of thousands of dollars to increase voter rolls.

The effort was tied to the hotly contested state Senate race between Democratic Sen. Mike Machado of Linden, who edged out Republican challenger Gary Podesto, the former mayor of Stockton.

"This past election was really rampant" with suspicious voter registrations, said Deborah Hench, the top election official in San Joaquin County.

She alerted state election-fraud investigators about her concerns last year as 30,000 new voters were registered between the June primary and the November general election.

Authorities said they don't believe that any faked voter-registration cards led to fraudulent votes, but orchestrating phony voter registrations is a crime.

Political parties or their contractors generally pay between \$5 and \$8 for each registration card filled out.

Hench said her office flags registration cards that don't match addresses, birth dates and other information.

"As long as parties pay for registration, we get some made up," Hench said.

Mathew Cross, 20, of Tracy, could face more than five years in prison, said Scott Fichtner, chief deputy district attorney in San Joaquin County. Cross is scheduled to be arraigned June 23.

In interviews with state investigators, Cross said soliciting citizens to register was hard work and that forging cards increased his commissions, according to a news release from Secretary of State Bruce McPherson's office.

Cross did not return a phone call seeking comment. He is on probation after pleading guilty last year to felony marijuana possession, the district attorney's office said.

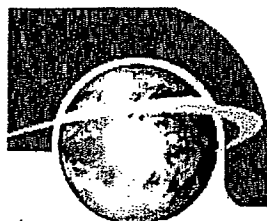
Bonnie Fetters, 47, of Stockton pleaded guilty in October to voter registration fraud. She was sentenced to 30 days in jail and three years of probation, the district attorney's office said.

Bee Capitol Bureau reporter Eric Stern can be reached at 916-326-5544 or estern@modbee.com.

Posted on 06/16/05 00:00:00

<http://www.modbee.com/local/story/10697117p-11479866c.html>

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Voter cards suspect

County thinks some registrations are fake

By David Siders
Record Staff Writer
Published Wednesday, March 24, 2004

San Joaquin County has warned the state it is examining 1,500 voter-registration cards and suspects several are fraudulent, Registrar of Voters Deborah Hench said Tuesday.

Hench said the cards are being examined after elections officials discovered a new registration card with an incorrect address for someone who already had correctly registered to vote.

And several registration cards in the batch have signatures that look similar, Hench said.

The cards were received after the deadline for voting in the March 2 primary and therefore did not affect that election, she said.

The number of registration cards sent to the state Elections Fraud Investigations Unit could be much fewer than 1,500. Hench said her office will determine which ones to send.

The review comes as elections officials continue counting provisional ballots cast March 2.

"It just causes more work for us," Hench said.

::: Advertisement :::

Meanwhile, in a separate fraud investigation, a Stockton woman pleaded guilty Tuesday to a misdemeanor charge of forging six registration cards in 2001.

Rhonda Kenya Felix, 29, was paid \$4 for each Republican voter she registered, according to court documents. Felix and five others in 2001 were the subject of a fraud

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investigation into the registering of Republicans in San Joaquin County.

In the case, David Vance, the owner of the company that hired Felix, said Felix was paid \$633 for one batch of registration cards but was not paid for a second batch, because it appeared she forged the cards, court documents said.

Felix declined to discuss the case.

"I don't want my name in the paper," she said.

Vance said his company, Vance Petition Circulators of Stockton, pays workers to register voters, often outside grocery and department stores. The completed forms are then given to the office of the registrar of voters.

The company hasn't had fraudulent registration cards returned to it since Felix did so in 2001, he said.

"Some of the people that have gone to jail for this have done it for, like, 10 bucks," he said.

Hench said paying collectors per registration encourages fraud. The practice, however, is legal.

"I think (Vance) hires people that are not always on the up and up," she said.

Vance said he hires collectors by word of mouth. Most collectors want to get accurate names on registrations, not collect more money, he said.

"You've got to give everybody a shot, as long as they've got some kind of intelligence," he said.

Felix was sentenced in San Joaquin County Superior Court to 30 days in jail.

* To reach reporter David Siders, phone (209) 943-8580 or e-mail dsiders@recordnet.com

"It just causes more work for us."

-- Deborah Hench,

San Joaquin County



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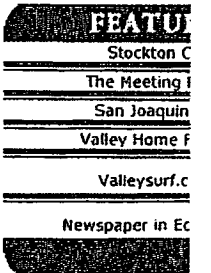
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NEWS  RELEASE
California Secretary of State Bill Jones

CA

BJ00:36

FOR IMMEDIATE RELEASE
Thursday, March 9, 2000

Contact: Shad Balch
Beth Miller

**Secretary of State Investigation Nabs Husband and Wife
for Elections Fraud**

Couple Charged With Submitting Forged Voter Registration Cards

STOCKTON --- Investigators with Secretary of State Bill Jones' Elections Fraud Investigations Unit (EFIU) and prosecutors from the San Joaquin County District Attorney's office today arrested Daniel Williams, Sr. and Carolyn Williams, husband and wife, on charges of submitting fraudulent voter registration cards to the San Joaquin County Registrar of Voters.

The couple, who worked for Green Petition Management and Campaign Services, allegedly submitted eight voter registration cards containing forged signatures to the San Joaquin County Registrar of Voters. After examining the cards, the county registrar suspected fraud and requested that Secretary of State Bill Jones' EFIU open an investigation.

"100 percent participation with zero tolerance for fraud – that's been my message consistently for the last five years," said Secretary of State Bill Jones. "People think that in a state as large as California, it might be easy to get away with a small-scale criminal violation of elections law. But my message can't be more clear: every single allegation of elections misconduct will be investigated and prosecuted to the fullest extent of the law," added Jones.

The secretary of state EFIU investigators and prosecutors with the district attorney's office arrested Daniel and Carolyn Williams this morning on charges of violating Elections Code Section 1801 and Penal Code Sections 115a and 470, submitting a false affidavit and forging signatures. The pair will be held in custody until their arraignment tomorrow at the San Joaquin County Courthouse at 1:30 p.m.

Since established by Secretary Jones in 1995, nearly 200 cases of elections fraud have been referred by the secretary of state's EFIU to county district attorney's for prosecution, and in 1999, 61 percent of cases referred have resulted in convictions.



American Center for Voting Rights Refers Voter Fraud Investigation to Department of Justice, Congressional Oversight Panel

U.S. Newswire
MediaLink Worldwide

1 hour, 52 minutes ago

To: State Desk

Contact: Jim Dyke for American Center for Voting Rights, 843-722-9670

COLUMBUS, Ohio, March 21 /U.S. Newswire/ – Today the American Center for Voting Rights (ACVR) referred a compendium of preliminary findings of registration fraud, intimidation, vote fraud and litigation to the U.S. Department of Justice ([news - web sites](#)). The report was previously made available to the House Administration Committee who will hold a field hearing on election fraud in Columbus today.

A report focused on similar fraudulent activity in Florida will be made available to the public in the coming weeks. Among the Florida report's findings were a box of 180 ACORN voter registrations surfacing just one week before election day that prompted a statewide investigation into the group's practices.

The Ohio report states, "Third party organizations, especially ACT, ACORN and NAACP engaged in a coordinated "Get Out the Vote" effort. A significant component of this effort appears to be registering individuals who would cast ballots for the candidate supported by these organizations. This voter registration effort was not limited to the registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do so but were, in at least one instance, paid in crack cocaine."

After giving the report to the Department of Justice ([news - web sites](#)), ACVR General Counsel Thor Heame stated in testimony prepared for delivery before the House Administration Committee, "there can be no doubt that election safeguards are critical to protecting our elections. When Dick Tracy's fraudulent vote is counted, an honest Ohio voter is disenfranchised. So I find it is beyond the pale that the same organizations who unsuccessfully sought to remove election safeguards by judicial fiat during the election are once again seeking to eliminate these safeguards by state and federal legislation while continuing their battle in the courts." Hearne will testify on this issue today before the House Administration Committee.

ACVR is a non-partisan 501(c)(3) legal and education center committed to defending the rights of voters and working to increase public confidence in the fairness and outcome of elections. The group is compiling similar reports for the states of Pennsylvania and Wisconsin which will be released in the coming weeks. To download a copy of the report or for more information on ACVR, please visit <http://www.ac4vr.com>

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boston.com

THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

N.Y. man fights illegal-voting conviction

The Boston Globe

Political activist seeks vindication as ruling nears

By Darryl McGrath, Globe Correspondent, 1/8/2004

NY

ALBANY, N.Y. -- A disbarred Wall Street lawyer, convicted of the almost unheard-of felony charge of illegal voting, is seeking vindication through a last-ditch appeal to the US Supreme Court.

The appellant is John Kennedy O'Hara, a longtime Brooklyn political activist who ran several insurgent campaigns against the Brooklyn Democratic machine until 1996, when he was convicted of voting using an address that was not his permanent residence. He says party bosses targeted him for prosecution to silence him.

The Supreme Court is scheduled to decide tomorrow whether it will accept the appeal. The case has wended through state and federal courts, an odyssey that has included a conviction, a reversal on appeal, a hung jury in a second trial, and then another conviction. A state appeals court in Albany upheld the second conviction.

O'Hara has made a full-time pursuit out of seeking an overturn of his conviction and reinstating his right to vote and his ability to practice law. He faced up to 28 years in prison on seven charges of illegal voting, but instead was sentenced to 1,500 hours of community service. He has spent that time picking up garbage in Brooklyn parks. His appeals have cost him tens of thousands of dollars, but he said he has persevered on behalf of other activists who might be intimidated by fears of similar prosecutions.

"If you're going to start prosecuting people for voting, there's not much left after that," he said. "You don't have much choice when you're a convicted felon and a disbarred attorney, because you're wrecked."

He said Brooklyn District Attorney Charles Hynes, backed by the Brooklyn Democratic Party, selectively prosecuted him for voting using the address he shared for a year with his then-girlfriend, even as he maintained his longtime apartment 14 blocks away in Brooklyn.

O'Hara practiced at a Wall Street law firm while also following his political passions. He thinks mainstream Democrats wanted to silence him because of his habit of running for office and also running the campaigns of insurgent candidates.

In 1996, O'Hara was among several people who filed a federal lawsuit seeking new primaries in elections for legislative offices and judgeships. In such races in Brooklyn and much of New York City, the primaries almost always decide the winner. O'Hara, an unsuccessful candidate for a state Assembly seat that year, was charged with illegal voting a few weeks later. The elections from which the criminal charges stemmed had occurred four years earlier.

A spokesman for Hynes dismissed O'Hara's accusation of selective prosecution.

"Mr. O'Hara has had a day and a half in court, and the district attorney's position has been consistently upheld," spokesman Jerry Schmetterer said. "We've been commenting on this for a long time, and going to the Supreme Court -- he's certainly entitled to do it, but this case has already been adjudicated three times."

O'Hara is the first person convicted of illegal voting in New York since Susan B. Anthony, who voted in a federal election in Rochester in 1872, when only men had the right, said O'Hara's attorney, Barry Fallick. Others have noted the rarity of O'Hara's conviction.

"Usually cases like this aren't prosecuted," said Lee Daghljan, a spokesman for the New York State Board of Elections. "They're not high on most DAs' lists, this sort of thing."

016923

Illegal voting was seldom prosecuted in New York City even when it was a blatant part of politics, said Dan Lorello, a state archivist. "Illegal voting happened all the time in New York City in the 19th century. You voted early and often. Dead people, ballot stuffing -- it was like Chicago. But nobody really got convicted."

Given that history, and the brutal style of Brooklyn politics, the prosecution of O'Hara has raised some eyebrows. The David-vs.-Goliath nature of O'Hara's battle against the Brooklyn District Attorney's office also has won O'Hara the support from the editorial pages of several New York newspapers.

"From the Brooklyn DA's perspective, it's proven to be a mistake to have prosecuted the case, even though he won, because he's gotten so much bad publicity over it," said Erik Engquist, a political columnist for Courier Life Publications, a group of Brooklyn community newspapers.

"The suggestion that it wasn't politically motivated is just absurd. Brooklyn politics is not for the fainthearted. There is retribution, there is recrimination if you cross certain lines. John O'Hara did cross those lines, but on the other hand, he was never important enough to justify the response he got. He has suffered greatly from this experience. And he is clutching to the thinnest thread of legal hope."

The New York State Court of Appeals in Albany upheld O'Hara's conviction in a 5-to-2 vote in 2001. The Second Circuit Court of Appeals subsequently refused to grant him an appeal.

O'Hara, who participated in his first political campaign at age 12 by handing out fliers for George McGovern, said waiting for the Supreme Court's decision is relatively easier because he has suffered many defeats. "You have to hang in there," he said. "You have to give it a shot."

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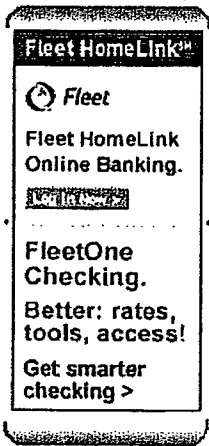


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Fake Votes From Rikers?

Sources say bosses used inmate IDs



By Dan Janison
STAFF WRITER

June 23, 2003

Probers in the widening city Correction Department political scandal have been told of alleged efforts by Rikers Island supervisors to falsify voter registrations and absentee ballots, Newsday has learned.

The Bronx district attorney's office and a grand jury investigating the case have interviewed jail supervisors and officers who allegedly did campaign work on city time last year, Rikers sources said.

A key figure in the probe is Anthony Serra, the former three-star Rikers chief with Republican Party ties who is already facing grand-larceny and false-filing charges related to allegedly diverting correction personnel and equipment for work on his suburban home.

One theory under investigation, sources say, is that the registrations were made in the name of inmates to help election candidates favored by bosses - either with or without the inmates' knowledge.

Inmates are not barred from voting unless serving time for felony convictions. Most city jail inmates - a constantly churning population of as many as 14,000 at a time - are detainees awaiting trial.

City voting scandals of the past have involved the use of absentee ballots to cast phantom votes, such as nursing-home officials who filled in clients' ballots.

Correction Department spokesman Tom Antenen said that in all of last year's election cycle, there were 48 requests from city inmates for absentee ballots.

"We pick up the ballots at the Board of Elections and deliver them to inmates requesting them," he said. "When they fill them out, we deliver them to the Board of Elections."

Of the 48 delivered to the board in the last election, however, 16 were certified, meaning accepted as valid by the board, according to the department.

"The rest were not certified," Antenen said. "Either they failed to sign the form or they were not registered, that type of stuff."

016925

Antenen said he had no knowledge of a vote probe. The city Department of Investigation declined to comment. Board of Elections officials had no comment.

After months of scandals in the city's massive jail system, no criminal charges have been filed regarding the campaign operations.

When Serra was indicted in February, Bronx prosecutors said the counts of grand larceny, defrauding the government and falsifying business records filed against him involved his personal use of jail personnel and resources to run errands and work on his Putnam County house.

Most of the indictment's 89 counts strictly hold Serra responsible for false sign-in sheets and overtime reports filed on behalf of an aide. These counts cite allegedly false department reports filed bi-weekly between June 2002 until October 2002.

One key period was omitted from the charges: Aug. 31 to Sept. 16. That's the period surrounding the statewide party primaries, which were Sept. 10. At the time, Serra was a "security consultant" by the state GOP to help Gov. George Pataki win a second ballot line, the Independence Party nomination.

Officers were surreptitiously videotaped, reportedly doing campaign work, on that day, as shown weeks later on WABC-TV. Serra, dropped as a consultant, has pleaded not guilty to the charges. He has resigned from the department.

A key question is whether prosecutors will account for the missing 17-day period by adding charges involving the campaign operations allegedly conducted from Rikers Island.

"During that period, people under Serra's control were rolling their eyes and grumbling that they had to pick up campaign and election-related items," said an official who declined to be identified, recalling September's primary effort.

"They were talking about having to pick up absentee ballots and voter registration forms," the official said. "Apparently they needed to get people registered to vote in the Independence primary."

Sources said Serra conducted campaign business out of the trailer on Rikers that served as his office at the time. Two wardens under Serra's command allegedly directed submission of voter-registration cards, informants said.

The review has arisen along with other allegations of partisan abuse within the department. Deputy Warden Lionel Lorquet stated in court papers that he found an official of the department's investigations unit videotaping his house, where he was to host a mayoral campaign fund-raiser for Democrat Mark Green in 2001.

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Posted on Wed, Dec. 07, 2005

Barberton couple subject of voting probe

Elections board refers case of questionable New Franklin address to sheriff

By Lisa A. Abraham

Beacon Journal staff writer

The Summit County Board of Elections has asked for a criminal investigation into a Barberton couple who allegedly falsified in New Franklin last month.

Charles I. Worrell Jr. and Jerolyn Worrell of Vanderhoof Road did not attend a hearing Tuesday before the board to answer voter registration.

The board voted unanimously to refer the case to the county sheriff and prosecutor for investigation.

Board Deputy Director Marijean Donofrio said she spoke with Jerolyn Worrell, who said her husband was disabled and they attending the hearing. The Worrells did not return a phone call seeking comment Tuesday.

The board's investigation began after Mark Kochheiser, New Franklin zoning inspector, questioned why the Worrells voted i their address -- 2751 Vanderhoof -- is actually in Barberton.

Board staff searched records and found that Charles Worrell registered to vote in June at 2751 Vanderhoof Road, but in Oct voting address to 2571 Vanderhoof. In June, Jerolyn Worrell registered to vote at 2571 Vanderhoof.

The board's investigation determined that there is no such address as 2571 Vanderhoof Road. Staff also found documentati Worrells live at 2751 Vanderhoof in Barberton, including a flier calling for the replacement of Al Bollas as mayor of New Fra bottom of the flier states: ``Bollas for 4 more years? Now is the time for change," and lists ``Geri Worrell, 2751 Vanderhc Ohio" as the distributor.

Bollas beat challenger Harry Gehm by about 400 votes.

Elections Board Director Bryan Williams said it appears the pair did not move, but changed addresses with the board to ind moved to a part of the road that is in New Franklin, not Barberton.

``We don't know why they did what they did. We just know what they did," Williams said.

Falsification of voter registration is a felony.

Lisa A. Abraham can be reached at 330-996-3737 or labraham@thebeaconjournal.com



LA

6 face voting-related charges

By BRUCE SCHULTZ

Acadiana bureau

LAFAYETTE -- A federal grand jury has accused St. Martinville City Councilwoman Pamela Champagne Thibodeaux of conspiracy and submitting false information for voter registration, while St. Martin Parish authorities have charged five people with voter irregularities.

The four-count federal indictment, returned last week but unsealed Tuesday, accuses Thibodeaux of conspiracy and three counts of submitting false information to register to vote during her 2002 re-election campaign for the District 3 seat on the St. Martinville City Council.

"It's never going to end," she said Tuesday morning before referring any questions to attorney Gerald Block of Lafayette.

Block declined to comment.

Under state law, Thibodeaux will not have to step down from office unless she is convicted of any of the four felony charges.

In state court, Assistant District Attorney Chester Cedars said he has charged Lillian Bernard, Thibodeaux's brother Burton Champagne, Albert Decuir, Reid Foti and Hardy "Joey" Theriot, former St. Martinville Section 8 housing administrator. Cedars said more people will be charged, but he would not say who they will be.

The federal indictment claims Thibodeaux persuaded three people, Stacy Richard, Carrie Fruge and Decuir, to fill out voter registration cards on March 5, 2002.

"It was part of the conspiracy that, in order to increase the likelihood of being elected to the City Council ... Thibodeaux would ask persons living in the St. Martinville, Louisiana, area but not in her district to agree to falsely register in her district," the indictment reads.

She brought voter registration cards to the co-conspirators and asked them to fill out the cards with everything but their address, the indictment indicates, and Thibodeaux wrote the address of 320 Oliver St. in St. Martinville for Richard, Fruge and Decuir. None of the three are charged in the federal case, which has been assigned to U.S. District Judge Richard Haik.

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Cedars said Bernard is charged with two misdemeanors for voting on April 6, 2002, and on May 4, 2002, knowing she was unqualified to vote in the District 3 race.

Decuir and Champagne are each accused of a felony for filing their voter registration cards with an address within District 3, and two misdemeanors for voting in the primary and runoff with improper registrations, Cedars said.

Foti, an electrician for the city of St. Martinville, is accused of two felony counts of filing two false voter registrations, one for himself and one for Bernard, the prosecutor said, and two misdemeanors for voting in the two District 3 elections based on those improper registrations.

Theriot, former director of the St. Martinville Housing Authority, is accused of a misdemeanor for voting absentee in March 2002, knowing he was not qualified to vote in the municipal election.

Cedars said the cases will be vigorously prosecuted.

"It's going to be addressed with the severity of the offenses," he said.

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http://www.theadvocate.com/stories/121703/new_face001.shtml

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RI

08/20/2005

Four local residents are charged with election fraud

Times Staff

EAST PROVIDENCE – A father and son duo and a Seekonk husband and wife have been charged with election fraud stemming from last fall's primary race in East Providence, the state Attorney General's Office announced Friday.

C. Richard Costa, 77, of Bristol, his son Keith Costa, 45, of East Providence; and Antonio Arruda, 51 and Aida Arruda, 50, both of Seekonk, are accused of fraudulently casting or attempting to cast ballots in a voting district other than where they lived in the Sept. 14 East Providence Primary.

The four individuals reportedly face a total of 15 counts, both felonies and misdemeanors, according to published reports.

Last fall, Thomas Reilly, a member of the East Providence Board of Canvassers, filed a complaint alleging voter fraud, and the Rhode Island State Police conducted an investigation. Both the Costas and the Arrudas were originally charged last October with voting illegally.

According to police, the Costas are alleged to have registered for the East Providence Democratic Primary using the business address of Keith Costa's auto body shop, James Auto Body, 175 Taunton Ave., East Providence.

Police also allege the Arrudas used the address of a Dunkin Donuts that they own in East Providence when they registered to vote in the primary.

All of the defendants are scheduled for a pre-arraignment conference in Providence County Superior Court on Aug. 30.

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The New York Times
ON THE WEB

March 4, 2001

MD

St. Louis Sees Specter of Vote Fraud

By B. DRUMMOND AYRES Jr.

ST. LOUIS, March 3 — When it comes to American cities with a notorious history of election fraud, St. Louis can hold its own. Its political past is replete with instances in which people no longer alive got to vote, not to mention people who never lived.

In last November's presidential election, some voters filed a lawsuit midway through Election Day demanding that voting hours be extended. They said that election officials had permitted polling places to become chaotically crowded, possibly in a deliberate effort to depress the city's heavy black vote.

The hours were extended, then it was discovered that the chief plaintiff in the lawsuit had been dead the better part of a year.

Come Tuesday, the people of St. Louis will head to the polls again, this time to nominate candidates for the April 3 mayoral election. And once again the integrity of the city's voting system is as much at issue as what the various candidates have to say about the city's economic and social problems. Once again, there are bold headlines and live-at-6 broadcasts about scores of bogus registrations, secret grand jury investigations and accusations of blatant race-based disenfranchisement.

"It's the same old never-ending St. Louis story," said James Shrewsbury, a city alderman and veteran of the city's political wars. "It's what happens when you have an old city that insists on hanging on to the bad old political ways. I know. At one point, somebody out there reregistered my long-dead mother."

None of Tuesday's mayoral candidates have been accused of wrongdoing. But there is no shortage of whispering — unsubstantiated — that some of them have supporters who would not hesitate to write down a bogus name or address. There also is plenty of talk — unsubstantiated — that Republican election officials are intent on making it difficult for blacks to vote, while Democratic election officials are intent on making it too easy for blacks to vote.

And, some election officials and political professionals say, there is always the real possibility that some of the fraud and disenfranchisement exists only in the imagination of those who want to make an opponent or another party look bad. Likewise, it is said that some of the most egregious fraud, like registering dead aldermen, may well have been perpetrated by people hired to sign up new voters and paid on a per-person basis.

Whatever the case, this much is certain:

A grand jury is investigating a report by election officials that hundreds of fraudulent names and nonexistent addresses were found on about 3,800 voter registration cards turned in last month just hours before the deadline for signing up for Tuesday's election.

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"It's just incredible what we've uncovered," Kevin Coan, an election official, said. "Would you believe the names of three dead aldermen? Of course you would. This is St. Louis."

A coalition of civic and church groups, Citizens Concerned with African-American Voter Disenfranchisement, says that although voting fraud is a problem in St. Louis, the city's election officials have gone overboard on tightening voting regulations. The group is contemplating legal action if election officials do not take steps to make it easier for St. Louis residents to vote, particularly blacks, who account for half of the city's 333,960 residents.

"We're not charging specific fraud or specific partisan politics or specific racism, though we aren't naïve," Richard Gaines, a coalition official, said. "What we are charging is that it is not easy to vote in this town if you are black. There's always another form to fill out or another official to see or another office to visit. That has to change."

The city prosecutor, Jennifer Joyce, and state election officials say they are so concerned about voting irregularities that they will send poll observers on Tuesday to keep an eye on things. "We're going to make sure that the process is not tainted in any way," Ms. Joyce promised a few days ago.

And the United States attorney general, John Ashcroft, a Missourian, says he will send in several Justice Department "monitors" and take "appropriate action" should there be any violations of voting rights or instances of voter fraud.

The mayoral candidates seeking nomination on Tuesday — four Democrats and two Republicans — are saying little about voting irregularities other than to call for a clean election. Instead, they are trying to keep the focus on improving the sometimes marginal quality of health care, schooling and economic opportunity in the city.

St. Louis is one of the country's most heavily Democratic cities. So only the Democratic primary is being watched carefully, since winning it is tantamount to winning office. And that primary, if the polls have it right, seems most likely to end up as a down-to-the-wire race between a former mayor, Freeman Bosley Jr., and the president of the city's Board of Aldermen, Francis Slay.

The incumbent mayor, Clarence Harmon, has disappointed many voters over the past four years and appears to have little chance of being re-elected.

Mr. Bosley, who is black, has the support of one of the city's most influential blacks, Representative William Lacy Clay Jr., and probably will get most of the black vote.

Mr. Slay is white and probably will get most of the white vote.

Mr. Harmon, who is black, captured the mayor's job four years ago by unseating Mr. Bosley. He did it with the help of white votes. Where the now disenchanted Harmon supporters go on Tuesday — blacks and whites — could decide the race.

The other Democratic candidate is Bill Hass, a school board member. The Republican candidates are Michael Chance and Francis Wildhaber.

MO

**FBI subpoenas records from Election Board
Of the Post-Dispatch**
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The Federal Bureau of Investigation has subpoenaed St. Louis Election Board records on all people who registered to vote, cast ballots or whose efforts were rejected from Oct. 1 through March 6.

The FBI subpoena also seeks all internal board correspondence, including memos and e-mail.

The action, taken Monday, is the first indication that the Justice Department or its agencies appear to be launching a federal investigation into accusations of vote fraud or attempted fraud in the Nov. 7 general election and the city's March 6 mayoral primary.



St. Louis Police Officer Craig Bentrup controls the crowd outside the Board of Election Commissioners building Nov. 7, 2000.

A federal inquiry would be in addition to an investigation by a St. Louis grand jury, ordered by city Circuit Attorney Jennifer Joyce, into 3,800 suspect voter-registration cards turned in at the deadline for the March 6 primary.

Some of those cards sought to register prominent people already on the rolls, as well as several deceased aldermen and a dog.

Regarding Monday's action, local FBI spokesman Peter Krusing would say only that "a subpoena was served."

He declined further comment. The Justice Department also declined to comment Monday, as did the office of U.S. Attorney Audrey Fleissig.

However, sources with some of the agencies confirmed that the serving of the subpoena signals involvement by an arm of the Justice Department or one of its task forces.

The Post-Dispatch witnessed the serving of the subpoena, which occurred about 3:30 p.m. Monday when an FBI agent, accompanied by a uniformed officer, walked into the Election Board headquarters at 208 South Tucker Boulevard.

The agent read aloud from the two-page subpoena, which was given to one of the employees. None of the board's officials or commissioners were present. Afterward, no workers would comment and none of the commissioners could be reached.

The FBI subpoena gives the Election Board until 9:30 a.m. on May 6 to turn over mandated documents to the Eastern District Circuit Court at the Eagleton federal courthouse. The subpoena states the documents will be given to a federal grand jury.

The subpoena seeks all records pertaining to any person who registered to vote between Oct. 1 and March 6, or whose voter-registration application was rejected.

It also demands all records of anyone who cast absentee ballots or regular ballots during that period, as well as anyone who was turned away at the polls and barred from voting.

The scope of that demand is enormous. The city residents affected would include:

Voters who cast absentee or regular ballots - almost 125,000 on Nov. 7 and close to 83,000 on March 6.

At least 143 unregistered people who, according to former Missouri Secretary of State Bekki Cook, were illegally allowed to cast ballots on Nov. 7.

Hundreds of registered voters who, according to a postelection investigation by Cook, were improperly prevented from voting on Nov. 7.

At least 15,000 people who registered to vote, or attempted to do so, between Oct. 1 and March 6. That includes the 3,800 suspect voter cards.

Sources say U.S. Attorney General John Ashcroft might recuse himself from the investigation - as may some of his aides - because city voters played a role in Ashcroft's Nov. 7 defeat in his bid for a second term in the U.S. Senate.

Sen. Christopher "Kit" Bond, R-Mo., said Monday, "All St. Louis voters should support this law-enforcement investigation because it may be our city's best chance to clean up our elections and our image."

Earlier this month, Bond called for further investigations because his office had learned from state election officials that 24,000 registered voters in the city, and 33,000 in St. Louis County, also were registered to vote elsewhere in the city or state.

Missouri Secretary of State Matt Blunt says he is collecting voter records to determine whether any of those voters illegally cast multiple ballots in the Nov. 7 or March 6 elections.

Bond has been calling for federal involvement since he and other Republicans alleged vote fraud in St. Louis in the Nov. 7 elections. They were upset by Democratic efforts to keep St. Louis' polls open an extra three hours, until 10 p.m. A local judge approved the request, but a state appeals court ordered the polls closed about 7:45 p.m.

Democrats blamed crowds at the polls on Nov. 7 and confusion over an "inactive voter list" of more than 30,000 registered voters. That list was not distributed to poll workers, causing a crush of angry would-be voters at the downtown Election Board shortly before the polls closed.

But in February, some Democrats alleged attempted vote fraud when the 3,800 suspect voter-registration cards turned up at the registration deadline for the March 6 Democratic mayoral primary.

As a result of the allegations swirling around those cards, the hotly contested primary was conducted under the scrutiny of an unprecedented number of observers dispatched by federal, state and local election officials, or law enforcement agencies.

The Election Board also has been reeling from the arrest on March 1 in Alton of the city's then-top GOP elections official, Kevin Coan. He stands accused of attempting to solicit a minor over the Internet; the "minor" turned out to be fictitious and part of an Alton sex-sting operation.

Several of the board's key employees or commissioners have resigned or are on leave. Gov. Bob Holden, who appoints the four-person board of commissioners, has said he plans to name a new board soon.

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Wash. Times 04/19/01

MO

FBI advances Missouri voter fraud probe

By Jerry Seper
THE WASHINGTON TIMES

The FBI has ratcheted up its investigation into Missouri's Nov. 7 presidential election and a separate March 6 mayoral primary in St. Louis, ordering local election commissioners to hand over thousands of documents in an ongoing search for voter fraud.

A subpoena in the FBI's continuing probe, issued without statement Monday, calls for the St. Louis Election Board of Commissioners to surrender voter registration records and other documents. The records are expected to show, among other things, that dead people and a dog were able to cast ballots in one or both of the elections.

The FBI, along with a state grand jury, is looking to examine 3,800 potentially fraudulent voter registration records. Federal and state investigators also want to review all election documents relating to people who registered to vote between Oct. 1 and March 6; records showing whose voter-registration applications were rejected; documents showing who cast absentee ballots; and records of those who were turned away from the polls or otherwise barred from voting.

Investigators also are examining documents relating to 143 unregistered voters known to have voted in the Nov. 7 election.

The Board of Commissioners, which also has been asked by the FBI to turn over all of its related internal correspondence and e-mail, has until May 6 to hand over the documents.

"Voter confidence in the outcome of elections is essential to our democratic system," said Sen. Christopher S. Bond, the Missouri Republican who initially called for the probe. "Events in St. Louis remind us once again how important it is to guard rigorously against any and all attempts to exploit voting laws for political purposes.

"Apparent attempts to break the law in St. Louis are an affront to citizens who follow the law and undermine our faith in the election process," he said.

The FBI and the grand jury initially focused on accusations of widespread voter registration and balloting irregularities during the Nov. 7 election, including a petition prompted by Democratic Party officials to keep the polls open in St. Louis for an additional three hours. The petition, signed by a voter who died in 1999, was later overturned

by an appellate court, although the polls remained open an additional 45 minutes.

Texas Gov. George W. Bush won the Nov. 7 presidential election in Missouri over Vice President Al Gore with 51 percent of the vote. But John Ashcroft, now attorney general, lost his Senate seat to the late Gov. Mel Carnahan, who had died in a plane crash a month earlier. Mr. Carnahan's widow, Jean, was appointed to his seat. Despite questions about the vote and suspected irregularities, Mr. Ashcroft did not challenge the results. St. Louis' high Democratic totals figured prominently in Mr. Ashcroft's defeat.

Questions also surfaced after the March 6 mayoral primary, when it was reported that at least three dead aldermen had registered to vote in the election. The primary was won by Alderman Francis G. Slay, ensuring that St. Louis would get a new chief executive for the third time in the past eight years.

Mr. Bond, along with the Landmark Legal Foundation, a Washington-based public-interest law firm, initially sought the investigation in November. They told the Justice Department that widespread voter irregularities by Democrats had tainted both elections. Rep. William

L. Clay, Missouri Democrat, later charged that thousands of registered voters — mostly minorities — were turned away from the polls by Republicans.

Landmark's president, Mark Levin, said in a letter last month to Lee J. Radek, head of the Justice Department's public-integrity section, that shortly after a St. Louis judge ordered the polls to stay open longer on Nov. 7, prerecorded telephone messages from the Rev. Jesse Jackson informing residents they could vote late "began ringing into St. Louis households." He also said Mr. Gore personally called a popular radio talk show to say the polls would stay open late.

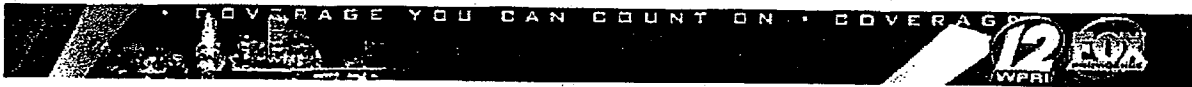
"If the citizens of Missouri are to have any confidence at all in the integrity of their elections, then the U.S. Justice Department must hold the St. Louis Election Board and anyone else responsible under the U.S. Voting Rights Act," Mr. Levin said.

FBI officials in St. Louis confirmed that a subpoena was issued but declined to comment on the investigation. U.S. Attorney Audrey Fleissig in St. Louis and Justice Department officials in Washington also have declined to comment.

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MA

Voter fraud in Worcester City Council election being investigated

WORCESTER, Mass. Voter fraud has been alleged in a Worcester City council race.

Candice Mero Carlson lost the November eighth District Two election by 102 votes to Councilor Philip Palmieri.

However Carlson charges that two prominent Palmieri supporters -- bar owner and Worcester magazine publisher Paul Giorgio and Boston lobbyist Paul Pezzella -- voted for Palmieri, although they don't live in the district. And she has asked Worcester District Attorney John Conte to investigate her allegations.

Carlson said her charges are not about changing the results of the election, which she says she clearly lost. She says the state's voter fraud statute carries criminal fines and penalties, and she wants them carried out if the law was violated.

A spokeswoman for Conte told the Telegram and Gazette of Worcester the matter is under investigation.

Palmieri says he is happy with the election results, and says Carlson's complaint is an Election Commission matter.

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K.F. Beg

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Home Tuesday November 5, 2002

Local News
Monday, November 4, 2002 10:15 pm

Hidalgo County voting rolls will not be subpoenaed

By Andrea Hauser

The Monitor

McALLEN — A controversial study alleging that 16,000 potentially dead and ineligible people are still registered on Hidalgo County voter rolls will not be subpoenaed, Hidalgo County District Attorney Rene Guerra said.

County Elections Administrator Teresa Navarro requested on Monday that the list of potentially dead voters be subpoenaed by the attorney general's office and Guerra so that names could be examined and taken off election rolls immediately to prevent possible voter fraud.

But Guerra said he thinks the study, paid for by the Hidalgo County Republican Party, is not credible and is part of a Republican agenda to discredit the elections department and Navarro.

"I cannot issue a subpoena on a witch hunt," he said. "I don't believe that these people are being righteous about their claim. Show me one document that shows a dead person voted, then I can issue a grand jury subpoena for a private company."

Compiled by Austin-based Voter Views Information Systems, the study was released Oct. 22 by Hidalgo County Republican Party Chairman Hollis Rutledge and claims that approximately 4,223 names included in the sampled voter rolls are of dead people, some from as far back as 1982.

Study results from 912 of those names also claim that 130 deceased voters cast ballots in the March primary election. If the study is valid, it would indicate substantial voter fraud.

The Hidalgo County Republican Party on Saturday decided not to release details from the study immediately, opting instead to form a task force to discuss the matter. No one outside the party has seen the study or been able to verify its claims independently.

"He's (Rutledge) made allegations. Those are strong allegations, and I've got to turn them over," Navarro said. "I wouldn't be doing my job if I didn't turn it over the attorney general or the D.A. based on allegations that they made. It's my job to turn it over to them and they do with it what they need to do."

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Jane Shepperd, spokesperson for Attorney General John Cornyn's office, said the office has not received the request yet or made any decision regarding it.

Information from the Texas Ethics Commission indicates that a large part of Voter Views clientele is made up of Republican candidates or groups, which Democratic party officials said discredits the study because it is not a non-partisan business.

But Robert Edwards, general manager and a partner in Voter Views, said public records available about the company do not indicate all of its clientele, which includes a number of groups and consultants for both the Democratic and Republican parties.

Edwards said public records used by Voter Views to determine whether the names were of eligible voters are also not accepted by the elections department because the elections code process of verifying a death is more detailed and work-intensive.

"We're talking massive amounts of information coming through the hole every month and she (Navarro) has to process it," Edwards said. "I'm waiting to see how things are going. I would love to be an active part of helping the county assimilate the information on a monthly basis because we definitely could do it. We don't want it to be a situation like it's turning into. We don't want it to be a finger-pointing situation.

"We simply were asked to analyze the voter rolls. Once we did that job, we walked away."

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LOCAL NEWS UPDATE

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WA



Voter to face fraud charges

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By MAGGIE O'BRIEN and JEFF ZELENY
Register Staff Writer
04/25/2000



Seattle sex columnist Dan Savage will be charged with felony voter fraud for allegedly casting a vote in Iowa's first-in-the-nation presidential caucuses, a Des Moines attorney said Monday.

The Polk County attorney's office is poised to charge Savage with two counts of voter fraud, according to attorney Mark Weinhardt, who is representing Savage.

Savage faces a felony charge and a serious misdemeanor charge, which could land him behind bars for a total of six years if he's convicted, Weinhardt said. Weinhardt, who said he hadn't seen official court documents, declined to comment further.

Savage claimed that he used his temporary address at Des Moines' Kirkwood Hotel to vote in the January caucuses. In the days after the caucuses, he wrote an article for online magazine Salon.com called "Stalking Gary Bauer." Savage, who is gay, wrote that he tried to infiltrate the conservative Republican's Iowa campaign as an act of protest. He also claimed that he attempted to infect Bauer with the flu bug by licking door knobs at the campaign headquarters.

Loras Schulte, who headed Bauer's Iowa campaign, said he was pleased to hear that Savage would be charged. "The reason it was important to me was because the whole process of our caucuses and voting is very dear to my heart," Schulte said.

"For someone . . . with so careless disregard for the privilege one has in voting . . . it didn't sit well with me."

Deputy Polk County Attorney Joe Weeg declined to comment on the Savage case, saying the matter remained under investigation.

Savage could not be reached for comment.

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WI

Arrests sought in election fraud

2 accused of falsifying voter registration cards

By **DERRICK NUNNALLY** and **GREG J. BOROWSKI**
dnunnally@journalsentinel.com

Posted: May 11, 2005

Two arrest warrants were issued Wednesday alleging election fraud by two voter-registration workers employed last year to sign up new voters.

According to warrants filed by the Milwaukee County district attorney's office, Urelene Lilly, 48, and Marcus L. Lewis, 23, both admitted to authorities that they filled out multiple voter-registration cards using fictitious information to earn money from Project Vote, which paid workers such as them \$40 per day plus \$1.75 for each registration above the daily quota of 24 new voters.

Project Vote registered about 40,800 names in Milwaukee County alone, according to a national spokesman.

District Attorney E. Michael McCann would not say when or if more information on other allegations of voter fraud might be available.

The warrant filed for Lilly says she was addicted to crack cocaine when the alleged fraud happened, and that she handed in "approximately 75 fraudulent voter registration cards," using names taken from the phone book, made-up birthdates and Social Security numbers, then had her 15-year-old daughter sign each card. She turned in no valid registrations, the warrant says, and is charged in connection with nine registrations for people who didn't vote in the November presidential election.

Lewis' warrant says he was fired by Project Vote for submitting a registration card in the name of a dead person, but before he did that, he allegedly turned in duplicate cards for the same voter on "numerous" occasions. He admitted turning in multiple entries for some family members, the warrant says.

Lilly and Lewis were charged with five felonies each: three counts of forgery, one count of election fraud and one count of misconduct in public office, because they had been sworn in as deputy voter registrars for the registration effort. If convicted as charged, each could face a maximum possible sentence of 25 years in prison.

The charges came a day after McCann and U.S. Attorney Steve Biskupic announced that their probe into election irregularities in the city of Milwaukee had turned up clear evidence of voter fraud.

The probe, launched in January after reports by the Journal Sentinel detailed widespread election problems, found more than 200 felons who illegally voted in the city, while still on probation or parole, and at least another 100 cases in which people voted twice, or used fake names, false addresses or the names of dead people to vote.

Investigators also said officials had been unable to eliminate a 7,000-vote gap cited by the newspaper, in which more ballots were counted than people who had been recorded as voting. City officials had resolved some of the questions, but investigators said a gap of about 4,600 remains.

Biskupic and McCann also said they had found about 65 false names that had been submitted by deputy registrars, such as the two charged Wednesday.

Additional charges are expected to be filed. Prosecutors have warned, however, that the cases may be hard to prove because the city records are so sloppy.

The issue of fraudulent registrations came up even before the Nov. 2 election, as various groups made major pushes to get likely supporters

Election Investigation

Quotable

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016940

signed up to vote.

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"We are proud of what we did, and we think we caught virtually all the cards that may have been allegedly created by these people," said Brian Mellor, a national coordinator for Project Vote.

In October, the Journal Sentinel reported that two of Project Vote's workers in Milwaukee were felons on probation, which makes it illegal for them to vote and, thus, to register voters. A week later, before the Nov. 2 election, Racine County officials issued felony charges against two Project Vote workers on allegations of falsifying registration cards.

The charges are similar to those filed Wednesday by McCann.

In the Racine case, charges were filed against Robert Marquise Blakely, 24, and Damien D. Jones, 25, both of Milwaukee. Both men pleaded not guilty.

Jones had been fired as the group's leader for Racine and Kenosha counties after the Racine clerk's office raised questions about registration cards he had submitted. As in the Milwaukee cases, the pay for the two was based, in part, on how many signatures they submitted.

Earlier this year, Gov. Jim Doyle called for a state law that would bar groups from paying registration workers on a per-signature basis, or basing pay on meeting a signature quota. That proposal, part of a broader reform package, has not been acted on by the state Legislature.

Sheila Lalwani of the Journal Sentinel staff contributed to this report from Racine.

From the May 12, 2005, editions of the Milwaukee Journal Sentinel
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016941

Original URL: <http://www.jsonline.com/news/metro/may05/325342.asp>

WC

Arrests sought in election fraud

2 accused of falsifying voter registration cards

By **DERRICK NUNNALLY** and **GREG J. BOROWSKI**
dnunnally@journalsentinel.com

Posted: *May 11, 2005*

Two arrest warrants were issued Wednesday alleging election fraud by two voter-registration workers employed last year to sign up new voters.

According to warrants filed by the Milwaukee County district attorney's office, Urelene Lilly, 48, and Marcus L. Lewis, 23, both admitted to authorities that they filled out multiple voter-registration cards using fictitious information to earn money from Project Vote, which paid workers such as them \$40 per day plus \$1.75 for each registration above the daily quota of 24 new voters.

Project Vote registered about 40,800 names in Milwaukee County alone, according to a national spokesman.

District Attorney E. Michael McCann would not say when or if more information on other allegations of voter fraud might be available.

The warrant filed for Lilly says she was addicted to crack cocaine when the alleged fraud happened, and that she handed in "approximately 75 fraudulent voter registration cards," using names taken from the phone book, made-up birthdates and Social Security numbers, then had her 15-year-old daughter sign each card. She turned in no valid registrations, the warrant says, and is charged in connection with nine registrations for people who didn't vote in the November presidential election.

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From the May 12, 2005, editions of the Milwaukee Journal Sentinel
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Midwest News

Web posted **Saturday, July 12, 2003**

Voter Fraud Suspect Reaches Agreement

SD?

RAPID CITY (AP) – A Rapid City man, who has been accused of voter fraud, will make a plea agreement.

Lyle Nichols had been accused of falsifying voter registration cards during last year's campaign. He faced up to five years in prison on each of five counts of fraud.

But his attorney said Thursday that a plea agreement has been reached with the state Attorney General's Office which would lessen the charges to class six felonies.

The agreement is expected be finalized in court next week.

Nichols was arrested last October after the Pennington County auditor's office noticed irregularities in registration cards that were submitted. Authorities said at the time that more than 230 registrations were pulled because of accuracy concerns.

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Hamilton Co. Election Chief Suspects Fraud

December 18, 2002

CHATTANOOGA (AP) -- Hamilton County's elections chief says a review of records from a county commission primary show some voters used other names to cast ballots.

County election administrator Fran Dzik said she has advised District Attorney Bill Cox that about possible voter fraud.

Dzik made the comment Wednesday in chancery court, where a judge held a hearing on a dispute over the county election commission's denial of records to the Chattanooga Times Free Press.

Judge Frank Brown did not immediately rule on the newspaper's request for records.

Incumbent William Cotton won the county commission District four primary by 34 votes on May seventh. Cotton could not be reached by telephone for comment.

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016945



HoustonChronicle.com -- <http://www.HoustonChronicle.com> | Section: Politics

Feb. 5, 2005, 11:55AM

TX

Vote fraud suspected in House District 137

Loser in primary suspected in bogus registration swaps

By **JOE STINEBAKER**
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Harris County officials are investigating allegations of vote fraud in connection with a legislative primary in southwest Houston last year.

County Tax Assessor-Collector Paul Bettencourt, who serves as the county's voter registrar, asked the district attorney to investigate after discovering what he thinks was a pattern of improper voter registrations in state House District 137.

Neither District Attorney Chuck Rosenthal nor the investigator in the case could be reached for comment Friday.

Bettencourt and state Rep. Scott Hochberg, D-Houston, the incumbent, said the investigation is a continuation of one begun last year and is focused on Bernardo Chike Amadi, who unsuccessfully challenged Hochberg in the March Democratic primary. Amadi could not be reached for comment Friday.

Bettencourt said he has given the district attorney information about at least 157 voters, and perhaps hundreds more, whose addresses were changed to make it look as if they were residents of District 137.

Officials think the registrations were moved into the district without the voters' knowledge in the hope that they would support Amadi, a Nigerian immigrant, because they also were African immigrants.

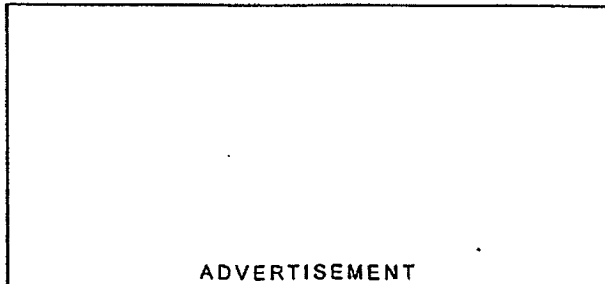
The initial investigation began early last year based on complaints from voters, Bettencourt and Hochberg said, but stalled after investigators were unable to question Amadi.

More evidence surfaced recently in connection with the election challenge filed by former state Rep. Talmadge Heflin, a Republican who is contesting his 33-vote loss in District 149 to Hubert Vo.

joe.stinebaker@chron.com

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016946



Election board confronts rep for voting equipment

February 6, 2004

Greenwood -- Members of the Johnson County Election Board on Thursday blasted a representative from Election Systems & Software for providing allegedly illegal voting equipment during last year's general election. The state's election commission had not certified the software used in the machines as reliable and accurate, which meant counties should not have used it.

The company left Johnson County officials with the impression that everything they had received was approved by the state, election board member Jean Harmon said. Voters in Wayne and Henry counties also used the machines.

ES&S representative Wesley Wiley read a statement from the company standing by the reliability of machines but saying that the equipment had all been returned to a previous version of the software that was certified by the state.

"That reinstallation is complete," he said. "Our focus now is to make sure voters, election administrators and poll workers are educated about the systems."

That may not be enough, Harmon said.

"When you sold the equipment to the county, you told us the equipment was certified," she told Wiley. "We held an illegal election. We have every reason to doubt this company and their equipment, its integrity."

Wiley said he hopes the state will still approve the most recent version of the software in time for this year's election. There is no penalty under Indiana law for using illegal equipment to conduct an election.

PN

Voting machine
not certified

IW

Elections

State, federal officials launch anti-fraud effort

By Michele McNeil Solida

michele.mcneil.solida@indystar.com

October 30, 2002

With less than a week to go before Tuesday's election, state and federal officials stepped up their efforts to catch and deter voter fraud.

Indiana Secretary of State Sue Anne Gilroy and U.S. Attorney Susan Brooks announced their voter integrity effort Tuesday, when they urged voters to be on the lookout for election corruption.

They asked voters to be vigilant and to call state or federal officials with complaints.

"I spend a lot of time encouraging people to vote, and I don't want voters to lose their voice. We're asking voters to not let that happen," said Gilroy, who is Indiana's chief election officer.

Just a phone call away are lawyers with the secretary of state's election division, officials with the U.S. attorney's office and FBI agents. Staffers from each office will be on duty Election Day to take complaints.

Gilroy touted this as an improved and better-publicized partnership between federal and state officials -- one that will allow election complaints to be handled better and resolved more quickly.

Election fraud is a federal offense that can bring up to five years in prison, said Brooks, who represents the southern district of Indiana. Election crimes include failing to count all votes, providing false information to poll workers, buying votes and threatening people not to vote.

On the same day Indiana announced its effort, President Bush signed into law election reform legislation. It requires each state to maintain a statewide voter registration list, to make polling places accessible for people with disabilities and set up a voter fraud hotline. Indiana is already undertaking these initiatives, Gilroy said.

"Again, we're ahead of the curve," she said.

*EFFORTS to
CATCH &
DETER voter
fraud*

Call Michele McNeil Solida at 1-317-615-2381.

016948

Kansas City Star -- Posted on Thu, Oct. 31, 2002

*Protect Voters
Rights KS*

State, federal officials to monitor Kansas elections
By JOHN L. PETTERSON
The Kansas City Star

TOPEKA - Kansas and federal officials announced Wednesday they will team up to protect the rights of Kansas voters as they go to the polls on Tuesday.

Secretary of State Ron Thornburgh and U.S. Attorney Eric Melgren said at a joint press conference they will be prepared to protect Kansans from election fraud.

"We will be proactive to ensure public confidence in the integrity of the election process by protecting voting rights and prosecuting voting crimes," Melgren said.

"This is in no way suggesting that we anticipate problems with the state of Kansas election officials."

The U.S. attorney said most election crimes are easily recognized. They include voter bribery, voter intimidation and ballot forgery.

Other forms are more subtle. For example, it is a crime to seek out the elderly, socially disadvantaged or the illiterate to unfairly influence their votes.

Leon Patton, an assistant U.S. attorney, has been assigned to be the person who will field voting complaints and initiate investigations in conjunction with the FBI.

Reports of possible violations of state voting laws will be forwarded to the Kansas attorney general.

Patton can be reached in Kansas City, Kan., at (913) 551-6730. The U.S. attorney's office also may be reached on Tuesday in Topeka at (785) 295-2850 and in Wichita at (316) 269-6481.

FBI agents can be reached on Tuesday in Kansas City at (816) 512-8200, in Topeka at (785) 235-3811 and in Wichita at (316) 262-0031.

In Topeka, the secretary of state's telephone number is (785) 296-4564.

"It should be easier to vote and harder to cheat," Thornburgh said. "If any Kansan has a problem or question between now and Election Day, pick up the phone and let us know."

To reach John L. Petterson, who covers Kansas government and politics, call (785) 354-1388 or send e-mail to jpetterson@kcstar.com.

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016949

Lexington Herald Leader (KY) - Posted on Wed, Oct. 30, 2002

Suspected
Fraud

KY

**District election officer appointed
HE WILL SUPERVISE OFFICIALS RECEIVING REPORTS OF FRAUD**
By Louise Taylor
HERALD-LEADER STAFF WRITER

If you suspect or see skulduggery at the polls on Tuesday, a special team of G-men will be available to look into your complaint.

U.S. Attorney Gregory Van Tatenhove appointed his assistant Thomas Self as district election officer yesterday for the eastern half of Kentucky. The move was made in the wake of U.S. Attorney General John Ashcroft's Oct. 8 announcement that the government was bucking up its efforts to prosecute election crime.

Self, a federal prosecutor for 23 years who specializes in election fraud, will serve two years in the position. He will supervise a team of FBI agents and U.S. postal inspectors who will be on duty election day to receive complaints of fraud.

Van Tatenhove said election crimes such as vote buying and ballot forgery are easy to recognize, but others -- such as seeking out the elderly, illiterate or disadvantaged to badger for votes -- are more subtle.

"Election fraud dilutes the worth of votes honestly cast," Van Tatenhove said. "It also corrupts the essence of our representative form of government."

If you suspect election fraud, there are several numbers to call: The U.S. attorney at (859) 233-2661; the FBI at (502) 583-3941; the U.S. Postal Inspection Service at (859) 231-6778; or the state attorney general at 1-800-328-8683 (VOTE).

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016950

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fresnoBee.com

No bail, no release in vote fraud

By Michael Baker

The Fresno Bee

Published 09/18/03 05:20:28

A judge denied requests from a former Mendota mayor and an alleged accomplice to be released without posting bail after the two men pleaded innocent Wednesday to voter fraud charges.

Robert Rasmussen, 54, who served on the Mendota City Council from 1992 until he was voted out in 2000, faces five charges related to forging signatures on petitions to recall Mendota's mayor and mayor pro tempore in 2001.

Steve Burrola, a former employee at Rasmussen's security company, faces three charges related to the fraud.

A conviction on one of the election fraud counts is punishable by up to three years in prison.

Rasmussen's attorney, Randall ShROUT, cited his client's heart problems and depression when asking for his release.

ShROUT said Rasmussen has no other criminal history except for a no-contest plea to a misdemeanor charge of theft from an elderly person.

Burrola's attorney, George Herman, noted that the incident dates back to 2001.

Burrola told the judge that he has stayed out of trouble since his 1996 parole on a drug-related conviction.

Fresno County Superior Court Judge Alan M. Simpson denied both men's requests.

Rasmussen's bail remained at \$22,000 and Burrola's at \$12,000. He scheduled Sept. 30 for the defendants' preliminary hearing, when a judge determines whether there is sufficient evidence to hold suspects for trial.

Authorities say Burrola forged several signatures at the direction of Rasmussen, who knew he didn't have enough signatures to qualify the recall.

In July 2001, the Fresno County Clerk/Registrar of Voters Victor Salazar disqualified the last recall attempt, saying 61% of the signatures on one petition and 57% on another were not valid.

He said the most prevalent violation was information completed by the petition circulator instead of the petition signer.

The reporter can be reached at mbaker@fresnoBee.com or 441-6465.

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*Forged Signatures
on Petitions CA*

016951

report
suspected
fraud GA

U.S. Attorney staff to hear midstate voter complaints

By Debbie Rhyne
Telegraph Staff Writer

Middle Georgia voters who encounter Election Day problems can pass their complaints on to federal prosecutors.

Middle District of Georgia U.S. Attorney Max Wood announced Monday that he will staff the district's six federal courthouses Nov. 5 and again Nov. 6 for voters who want to report suspected election fraud or problems with election procedure.

"We want to make every effort to be available should there be any problems on Election Day," Wood said. "We are not poll watching, nor do we have a significant history of election fraud on the Macon Division.

"However, in light of the problems Florida had in their transition to electronic voting, we must be prepared in case problems arise."

Georgia is using statewide electronic voting machines for the first time - a move that was pushed through after the country watched Florida's problems with paper ballots in the 2000 presidential election. Florida switched to the electronic voting for this year's primary, but again experienced a number of problems, including complaints of poorly trained poll workers and voters being turned away because machines weren't working.

Wood said his staff's role will not be the same as those of election monitors or poll watchers, who are typically personnel from the U.S. Department of Justice and get involved "when there is a documented history of election abuse."

An example of a county that would warrant Justice Department scrutiny is Dodge County, where a vote-buying scandal in the mid-1990s ultimately netted 30 convictions. An investigation found problems with votes being cast multiple times by the same person as well as votes being cast by both dead people and convicted felons.

Dodge County is part of the Southern District, which announced earlier this month it too will have staff available at its federal courthouses.

While based in Macon, the middle district covers a 70-county area and also has offices in Albany, Athens, Columbus, Thomasville and Valdosta. The courthouses in all of these cities will be staffed for the election.

Sabatato + Simpson · Dirty Little Secrets
TO
Mixed

Vote Fraud: Back to the Future

Well, everybody knows that election officials never cheat, and after all, nobody can prove they cheat. The only thing that we know is that they're all from the same political party. And nobody would ever think that they would dare violate their oaths of office. And if I sound cynical about it, I am.

—Attorney Albert Jordan

Push-polling, like street money, gives an unsavory taint to the already maligned field of politics. But if there is any corruption that goes straight to the foundations of American democracy, it is vote fraud—a catchall term that includes ballot-box stuffing, phony voter registrations, and the manufacture of absentee ballot submissions. Nothing else in this book so convincingly proves that a free system such as ours, with its bias toward minimal control of the electoral process, keeps generating the same kinds of corruptions every few decades. This study of current vote fraud will remind us that we can never declare victory over, and we must be ever-vigilant about, corruption—particularly those practices that tempt politicians with the promise of power while operating in the shadows and on the hidden periphery of politics.

The idea of progress is fundamental to understanding the American character. As a people, we have always wanted to believe that the future is destined to be better than the past by dint of our unceasing

Vote Fraud

efforts at improvement, which we have usually managed to bring about. Unsavory practices such as election fraud belong in the dustbin of our discarded and long outgrown history. Surely, the ballot boxes in Texas are no longer stuffed! Votes are not stolen or manufactured anymore in Alabama! Elections in Philadelphia and California are certainly clean now! The press does not look for what it does not expect to find, and the public ignores the occasional muffled sounds emanating from ballot boxes hither and yon.

But the press and the public are in for a rude shock. Voting fraud is back, is becoming more serious with each passing election cycle, and soon—because of recent changes in the law—is destined to become even worse.¹ For our purposes here, we define voting fraud as any serious violation of election laws controlling the registration of voters or the casting of absentee, mail-in, or polling-site ballots. Many of the examples in this chapter are derived from local elections, but the corrupt practices certainly extend to elections for district, state, and national offices. After all, generally the same group of political party organizers, consultants, and precinct workers are employed at all levels. Christmas past and Christmas future are merging for those who profit from such perfidy. And it is past time for the press and public to receive a loud wake-up call, lest the ultimate corruption in a democratic system—the stealing of elections—becomes widespread, corroding trust in the essential process of democracy itself.

In this chapter, we focus on four U.S. locales—Philadelphia, Alabama, Texas, and California—to illustrate the current slide back to the bad old days of election fraud. Our interviews and other research have convinced us that we could just as easily have selected at least a dozen other states or many dozens of sizable cities to prove our thesis. The quartet we have chosen demonstrate the problem dramatically—maybe fulsomely. The scale of fraud may sometimes be small compared with the anything-goes days of a century ago, but several kinds of fraud are clearly ingrained and resurgent, and this trend ought to be of immediate and pressing concern to all people who care about the integrity of the American political system.

CCO
953

America's Sordid History of Voting Fraud

Our nation has a long and depressing history as a happy haven for the vote thief. For much of the last century and a good part of this one, elections in many states and localities became contests of the voting fraud capacities of various factions and parties. The chief question on Election Day sometimes was: who could manufacture the requisite number of votes most easily and shrewdly, giving the other side insufficient time to make necessary adjustments to its tallies and insufficient evidence to cry foul convincingly.

Sometimes no specific evidence of fraud was required to know it had taken place. For the 1844 election, New York City had a reasonably large voter pool of 41,000, but the turnout on Election Day was far more spectacular: 55,000, or 135 percent of the entire pool of voters! As one observer put it, "the dead filled in for the sick," and the city's dogs and cats must have been imbued with irresistible civic spirit, too.²

The nation as a whole got a taste of this kind of election snake oil in the 1876 presidential election, arguably the most corrupt in America's history before or since. On Election Day, Democrat Samuel J. Tilden of New York garnered about a quarter million more popular votes than Republican Rutherford B. Hayes of Ohio, and Tilden was the undisputed leader in states with 184 electoral votes (with 185 required for victory).³ However, twenty electoral votes in Florida, Louisiana, South Carolina, and Oregon were in dispute. Tilden had actually carried the first three of these states, but GOP-controlled election boards disqualified enough Democratic votes, for dubious reasons, to potentially tip the states to Hayes. Congress established a fifteen-member electoral commission, supposedly nonpartisan, to arbitrate the disputes, but the commission's partisan breakdown turned out to be eight Republicans to seven Democrats. As a result, every single controversial electoral vote was awarded to Hayes by a vote of eight-to-seven, and Hayes took office in 1877—and was called "His Fraudulency" by Democrats throughout his one term.

Historians and political scientists faithfully cataloged the abominable arts that were practiced at America's polls throughout the

centuries. Not long after the Hayes-Tilden election, for example, the "use of direct bribery in the United States" became "widespread."⁴ Most states and large localities began formally registering voters in this period, and it thus became more difficult to simply stuff the ballot box or hire so-called floaters or repeaters to vote twice or thrice.⁵ Resourceful political organizers changed tactics and began to buy votes on a large scale. One study in 1892 concluded that almost 16 percent of all voters in Connecticut were "purchasable."⁶ In 1910, a judge in Adams County, Ohio, convicted 1,679 persons of selling their votes—more than a quarter of all the electors; further, his inquiries showed that fully 85 percent of the county's voters had engaged in buying or selling their votes at some time in their lives!⁷

Ballot-box stuffing was not abandoned everywhere, of course, as suggested by the exceedingly close 1960 presidential election, which Democrat John F. Kennedy won over Republican Richard M. Nixon by only 118,574 votes.⁸ Strong suspicions exist that the Illinois electoral votes were stolen for Kennedy by Mayor Richard J. Daley, who late on election night magically produced just enough of a massive margin in Chicago to overcome Nixon's large lead in the rest of the state. (Thanks to a 319,000-vote advantage in Chicago, Kennedy won a paper-thin victory of 8,858 out of more than 4.7 million votes cast in the state—and thus captured all twenty-seven Illinois electors.)

The loss of Illinois would have reduced Kennedy's Electoral College majority edge to just six, and had he lost Texas as well, the election would have been Nixon's. In Texas, too, substantial voter fraud may well have occurred, though it is impossible to say whether fraud accounted for Kennedy's entire 46,242-vote majority out of over 2.3 million votes cast. One thing is for certain, though: Kennedy's running mate, U.S. Senator Lyndon B. Johnson of Texas, knew where all the votes were buried, and he had practiced electoral skulduggery before.⁹ Having lost an agonizingly close U.S. Senate race in 1941 to former Governor Pappy O'Daniel, whose supporters may have stolen it, Johnson was determined to turn the tables when he ran again in 1948. LBJ's alliance with South Texas's political boss, Judge George Parr, known as the "Duke of Duval County," helped him do it. As in 1941, the Democratic primary battle between Congressman Johnson and former Governor Coke Stevenson was as

tight as a tick, and the vote was so close it all came down to Voting Box 13 in Alice, Texas, in the heart of Parr's territory. Several days after the election, Parr's precinct man in charge of Box 13, Luis Salas, "found" 203 more votes, 202 of them for Johnson.¹⁰ Amazingly, these good citizens had voted in alphabetical order, with the same handwriting and blue pen.¹¹ Moreover, the discovered ballots gave the victory to LBJ by a statewide margin of only 87 votes. Thus was a U.S. senator created by corruption and sent on his path to the Oval Office.

While there is little to admire in the low standards Johnson set, his sins must be interpreted in context. Voting fraud was a way of life in parts of Texas in the 1940s, just as it has been, at various times, in Chicago, Louisiana, West Virginia, New Jersey, and many other places. For much of our history vote fraud has been as American as (sour) apple pie. This is a humbling and sobering reality, and we need to remember this whenever we feel the urge to sanctimoniously condemn wide-scale fraud in other countries' elections. Election reformers still have a full plate right here in the United States.

The Philadelphia Story

The city where the American democracy was born is now proof of America's continuing corruption of the electoral process.¹² In 1993, a special election was held to fill the vacated 2nd Senatorial District seat in Philadelphia, Pennsylvania. The contestants for the seat, which would determine the balance of power in the state Senate, were Republican Bruce Marks and Democrat William Stinson. Even though the district was substantially Democratic, Marks had come close to winning it in 1990 against veteran state senator Francis Lynch, and after Lynch's death in May 1993, Marks decided to try again. His new opponent, Stinson, was often described as a classic Philly Democratic pol, a deputy mayor who lost a 1991 Democratic primary for a city council seat by a mere seventeen votes.

The battle was fierce, and the campaign attracted statewide attention because the Senate was then divided evenly, twenty-four Democrats to twenty-four Republicans. With a pro-GOP, anti-

Clinton tide running across the country in fall 1993, Marks appeared to surge. Sure enough, Marks received more Election Day votes (those cast in polling places on the day of the election) than his opponent—19,691 to Stinson's 19,127. Yet Stinson garnered an extraordinary proportion of the absentee ballots to turn the tide—1,396 to Marks's 371, yielding totals of 20,523 and 20,062, respectively. The Philadelphia County Commissioners (Democrats Margaret Tartaglione and Alexander Talmadge Jr., and Republican John F. Kane), sitting in their capacity as the County Board of Elections, certified Stinson as the victor of the race on November 18, 1993. State Democrats arranged for Stinson to be sworn into office quickly, before a court could issue an injunction to stop it.

While the board's imprimatur ordinarily would have marked the conclusion of the election, in the case of the Second District it marked the beginning of a lengthy inquiry, by the end of which Stinson was indicted (though not convicted) and Judge Clarence Newcomer of the U.S. District Court for the Eastern District of Pennsylvania condemned the commissioners for permitting blatant violations of state election law and overturned the result of the special election. Stinson was eventually cleared of criminal charges of absentee ballot fraud, but in the civil proceedings, Newcomer found sufficient proof to implicate Stinson in a conspiracy to steal the election, and Stinson was ousted from office. (Several Stinson staffers were even less fortunate; their involvement in the fraud resulted in criminal prosecution and conviction.¹³) *Marks v. Stinson*,¹⁴ the conclusion of candidate Marks's civil challenge to Stinson's victory, marked an extraordinary but necessary intervention of a federal judge into the state's political process to redress claims of civil and voting rights violations. Newcomer's order to certify Marks as the winner on the basis of the machine vote total without considering the absentee ballots cast appears to be unprecedented in modern times.¹⁵

The vote fraud was documented beyond question.¹⁶ Despite Pennsylvania's strict laws regarding application for, completion, and return of absentee ballots,¹⁷ the Stinson campaign and related organizations engaged in the systematic distribution and collection of absentee ballots, which circumvented the normal process. More remarkably, the Democratic members of the Board of Elections themselves were implicated in the conspiracy, despite the procedural

safeguards they were legally required to observe in order to prevent absentee voting fraud. The electoral process was corrupted not just by a campaign but by those charged with overseeing it.

The competition for the Second District seat was tight enough to convince members of the Stinson organization that fraud was required to ensure victory. In both predominantly white and minority areas, Stinson's campaign and related Democratic Party organizations engaged in a widespread effort to file fraudulent applications for absentee ballots and then ensure the proper choice was made when applicants returned their ballots. Some of the applicants did not realize what they were doing, some were not even registered, and others were browbeaten and intimidated. The Democratic commissioners played a key role in the plot; as Marks recalled, they and their staffs "illegally [gave] absentee ballots directly to my opponent's campaign and to [Democratic] committee people."¹⁸

Absentee voting in Pennsylvania is not unlike that of most states: exacting statutory guidelines determine the method of application, completion, return, and processing of an absentee ballot. Absence from the state or county of residence, or disability, are legitimate reasons to vote absentee. An absentee ballot cannot be requested more than fifty days prior to the election and must be requested at least seven days before the election. A voter is required to submit an absentee ballot request to his or her local board of elections by the Tuesday prior to the election. Although the Philadelphia board's official policy required a check of each applicant's signature against the file copy, in actual practice it did not do so. When any absentee application is approved, statutory language requires the board of elections to return an absentee ballot only to the applicant, who must mail or return the ballot to the board in person prior to the Friday preceding the election.

The Stinson campaign used two distinct ploys to put illegally obtained absentee votes in its column. First, from July through September of 1993, campaign workers solicited hundreds of absentee applications as part of a canvass and registration effort in predominantly white Democratic precincts. Contrary to election law, "many persons who were hesitant to register because they simply did not want to go to the polls were told that they could fill out an absentee application and obtain a ballot out of convenience."¹⁹ The

dates of the applications were left blank to conceal the fact that they were requested either before or after the filing deadline. When William Jones, a Stinson worker, approached the candidate to express his concern over the scheme, Stinson told him "that he was never going to lose another election because of absentee ballots."²⁰ Robert O'Brien, a campaign staffer, instructed subordinates to deliver the completed applications to the election board's office. As a result, the board sent over 500 ballots to the campaign, which O'Brien then distributed to workers, who proceeded to take them to homes of voters. As Stinson had instructed, the workers directed voters to "either check off the straight Democratic box, or to check off the individual Democratic names, and then to return the completed absentee ballot to O'Brien."²¹ About 450 ballots supporting Stinson found their way back in this manner.

More dubious still was the Stinson effort to elicit absentee applications and "correctly" complete ballot packages in Hispanic and African-American precincts. Late in the campaign, polling results provided by the Democratic State Committee indicated Stinson was trailing Marks. The decision was made to target minority precincts in a last-ditch effort to turn the tide in his favor. In essence, the Stinson campaign workers convinced some minority voters that, in Marks's words, "if they wanted to vote from the convenience of their own home that they could do so, and they could just fill out the application and say that they were out of town or make up some medical reason."²² Ruth Birchett, who directed the Stinson campaign in minority areas, was explicitly assured by both the candidate and one of the election board's Democratic commissioners that the scheme was legitimate, although others in the Stinson organization recalled that a hard-edged cynicism permeated the effort. For example, one staffer reported that the not-funny "joke" in the Stinson campaign was that the Hispanics would sign anything, "a problem exacerbated by the fact that the absentee ballot application included no Spanish language instructions. Some Hispanics were apparently not even aware they were voting. Lydia Colon, for example, thought she was signing a form to request removal of a pile of refuse from her back yard. However, the Democratic canvasser who connived her into signing the ballot did not count on her subsequent decision to go to her polling place on election day and attempt to vote."²³

The execution of the minority plan mirrored the one used for the majority white precincts: applications were solicited and submitted by the Stinson workers, who then received, distributed, and returned about 600 ballots. Likewise, campaign workers instructed voters to mark their ballots for Stinson. The special twist was that the field staffers were paid one dollar per correctly marked ballot returned. In other words, the Stinson workers distributing the applications and ballots took the supposedly neutral polling place to the voters while serving simultaneously as remunerated flushers and haulers.

The Stinson organization received the funds to implement this plan from several sources, including the Committee for a Democratic Majority PAC (\$4,000) and a PAC associated with Democratic State Senator Vincent Fumo (\$4,000).²⁴ The money also paid for a phone bank operated in English and Spanish, to inform voters of the "new way to vote." From direct testimony, the dates of the street money contributions, and the receipts retained for payments to workers, Judge Newcomer determined that the ballots—cast overwhelmingly for Stinson—could not have been returned prior to the absentee ballot deadline. Further, it was clear to the court that campaign workers aided completion of the ballots "in the homes of voters and often directed, coerced, and/or intimidated voters to vote for Stinson; . . . [and] the campaign workers had a political and financial interest in obtaining votes for Stinson."²⁵

Compounding this disturbing pattern was the active assistance given the Stinson campaign by two election commissioners, both Democrats. These officials casually waived normal procedures, helped to process absentee applications for unregistered citizens, and permitted campaign workers to distribute ballots—all in contravention of the rules, and all consciously designed to result in a Stinson victory.²⁶ Judge Newcomer reserved some of his harshest language for Democratic commissioners Talmadge and Targaglione, since they "could have prevented much of the illegal activity that occurred even if the Stinson campaign had acted illegally."²⁷ If the commissioners had required that existing written procedures be followed, for example, the wrongdoing that altered the outcome of the election could not have happened. As Republican election attorney Jack Connors, who worked on this case, suggested, "You had

built-in arrogance of power in a local board of elections that had been in one party's control for over twenty years. The reason why this case is so outrageous . . . was that they thought they were going to get away with this."²⁸

This particular instance of fraud, unlike so many others, had a just ending that served as a powerful warning to vote-tamperers. After concluding that nearly 600 absentee ballots had been cast after the deadline by unregistered people, Judge Newcomer stated firmly that "Bruce Marks would have won the 1993 Special Election in the Second Senatorial District" had it not been for the Stinson organization's violation of state election law.²⁹ Newcomer then evicted Stinson from the state Senate, gave his seat to Marks, and with it, control of the Senate to the Republican Party.

But we need to remember that the Philadelphia fraud was widespread, well established, relatively easy to accomplish, and stayed hidden for a good while. Only an aggressive, generously financed, and thoroughly politicized legal assault on the system that stole an election managed to right the balloting wrong. Most candidates are not so well positioned to pursue suspected fraud—and as a consequence, one suspects, similar or more subtle shenanigans elsewhere may go undetected and unexposed.

Sweet Home Alabama: Southern Fried Voting Fraud

As Philadelphia's state Senate election suggests, it is the close election that often leads to revelations about voting fraud. (The candidates in close or disputed races are almost inevitably involved in court brawls, and their investigations can turn over rocks that hide sleazy shenanigans.)

Such has recently proved to be the case in Alabama as well. The 1994 election for chief justice of the state Supreme Court yielded a dead heat, with Democratic incumbent Sonny Hornsby losing to Republican Perry Hooper Sr. by fewer than 300 votes out of 1.2 million cast. It had been a high-stakes race, with the trial lawyers backing their former association president (Hornsby) with at least

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\$198,519 in campaign expenditures and Alabama business persons and groups spending many tens of thousands of dollars on their favorite son (Hooper).³⁰ To maintain his narrow lead, Hooper and his supporters launched a preemptive legal challenge after suspecting widespread fraud. Hooper's legal maneuvers were aimed at preventing the counting of 1,700 disputed absentee ballots—ballots that came disproportionately from solidly Democratic counties. The litigation was ultimately successful, permitting Hooper to finally be sworn in as the state's chief justice on October 20, 1995—eleven months after the election.³¹ And along the way to this belated victory, the Hooper forces uncovered some disturbing facts about Alabama's electoral process.

Once again, it is the absentee ballots that present an occasion for sin. In Greene County, a heavily Democratic part of Alabama's "black belt," almost a third of the vote was cast absentee, compared to well under 10 percent just about everywhere else. Dozens of absentee ballots were mailed by elections officials to a nonexistent post office box, with many of the ballots allegedly being picked up at the post office by an unknown individual.³² Local resident Paul Harrington readily observed the telltale signs of absentee fraud. During a meeting with the clerk of the Circuit Court of Greene County (who served as the manager of absentee ballots), Harrington found the clerk had discovered that

approximately 60 applications for absentee ballots were received requesting that the absentee ballots be sent to Post Office Box 115, Eutaw, Alabama, 35462. According to [the clerk], however, she later learned that no such post office box existed. However, as absentee election manager, she was unable to recover all the ballots. . . . Approximately 10 to 20 were . . . picked up by someone from the post office and the post office was unable to identify the individual or individuals retrieving the ballots.³³

Several dozen other absentees were sent to two Democratic officials, with the party chairman's home listed as the "permanent address" for many of the absentee voters.³⁴ Other absentee ballots went to the local sewer and water authority, a woman who had moved out of

the county six months earlier, and a man who had died well before the absentee balloting period began. This dead man somehow voted, by the way, while other legitimate voters showed up at Greene County polls on Election Day only to be told they were ineligible because they had supposedly already voted by absentee.³⁵

Similar problems cropped up in other Alabama localities. In Houston County, in the far southeast corner of Alabama, a man "dead for seven years," according to his wife, has regularly been recorded as voting by absentee,³⁶ despite the difficulties in delivering a ballot to the afterlife. Reportedly, political activists would also provide absentees to eligible persons and then take them away after the ballot had been signed, with candidate choices marked only in pencil (or not marked by the presumed voter at all).

Then there were the helpful visits to nursing homes in Montgomery and elsewhere. For example, a young woman observed with absentee ballot materials showed up at the capital city's Tyson Manor Nursing Home shortly before the 1994 elections and "assisted" incapacitated and even comatose patients with their ballots. As one visitor reported: "I had seen [a particular patient] in the bed many times in the past . . . [and] I thought she was comatose . . . [she] was incapable of filling out the forms or even making a mark on the papers. She died three days after this event, which would have been before the election on November 8, 1994."³⁷ A patient with severe Alzheimer's disease supposedly cast a ballot in another nursing home even though her daughter testified that this was not possible and the woman had been removed from the voting rolls at the family's request the previous summer.³⁸ As the daughter recalled, "her name still appeared on the list in November, 1994," even though "no member of the family" had applied for an absentee ballot.³⁹

Suspicious circumstances were identified all over the Alabama map. Some voting machines were apparently programmed to facilitate voting for Democratic candidates and to discourage GOP votes,⁴⁰ according to an affidavit of John Russell Campbell:

You could vote the straight Republican ticket by punching one button at the top of the Republican column and it would light up all of the officials' names in the Republican column. And

"EVERYBODY'S DOIN' IT": BIPARTISAN CORRUPTION

then you could reach over and punch the button of individual Democratic candidates or independent candidates and it would light up and cancel the [individual] light on the Republican side and then . . . the votes would be cast. You could not do that if you were voting the straight Democratic ticket. If you punched the light at the top of the Democratic ticket, it would light up the entire Democratic ticket. But if you reached over and tried to vote individual Republican candidates, nothing would happen. The light wouldn't come on and it wouldn't cancel the light on the individual Democratic candidate.

Many absentee ballots from unregistered individuals and other unqualified people were counted by local election officials even though the ballots were challenged by authorized poll workers. Under state law, these suspect ballots are supposed to be separated out from unchallenged ballots so that they can be carefully reviewed; instead, the signed cover sheets were removed and they were mixed in with all other ballots—so it was impossible to identify and retrieve them.⁴¹ The situation apparently approached the proportions of a parody, Campbell said:

Despite my requests (over about a thirty-minute period of time), the Committee continued to open affidavit envelopes and separate them from the ballots at a feverish pace. Whenever I was able to stop the process of opening the affidavit envelopes at one end of the table, the Committee members at the other end would frantically begin ripping envelopes open and separating the ballots.

And despite the closeness of the election, which was obvious to everyone on election evening, the ballots were not secured in many counties. Some ballot boxes were missing, votes from one precinct were combined with another, seals on various containers of votes had been broken, and ballot boxes were openly available in unwatched public rooms.⁴²

John Campbell, the dumbstruck Alabama poll watcher, summed up his reactions after a long election day of observing arbitrary, conspicuous, and downright illegal actions by local officials charged

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with safeguarding the electoral process: "When I was asked to serve as a Ballot Security Attorney, I could not believe that the election officials in Wilcox County would be capable of tolerating, much less participating in, the type of activities that were described to me as having occurred in the past. Not only was it as bad as it had been described to me, it was worse. I was shocked."⁴³

Somewhat surprisingly, Campbell's description of Wilcox County's elections received backing from Dan Warren of the county's own Board of Registrars. When we contacted Warren, he refused to address Campbell's specific allegations but said they were "the tip of the iceberg" and that "there will never be a fair election in Wilcox County."⁴⁴

Of course, there is no mystery about the systemic source of Alabama voting corruption. Election laws and procedures are followed—or ignored—in each county at the discretion of a board comprised of the local sheriff, the probate judge, and the circuit court clerk. Frequently, these individuals are all members of the same political party. An experienced Alabama attorney, currently involved in the search for voting fraud in his state's 1994 elections, offered us an overview of the state's election system:

Do y'all understand how the system is rigged to begin with? Basically what happens is that you're not going to second-guess elections in the absence of strict proof. And then what you do is make sure the people who control the proof are in the inner circle of your party. And therefore, as the process unwinds in the wee hours of the [election] night, based on the information that's available from the media outlets, the inner circle comes up with what [votes] they need. Who's going to rat on them? Who's going to tell on them? Well, everybody knows that election officials never cheat, and after all, nobody can prove they cheat. The only thing that we know is that they're all from the same political party. And nobody would ever think that they would dare violate their oaths of office. And if I sound cynical about it, I am.⁴⁵

All in all, the Alabama electoral process does not seem likely to be

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be another deeply ingrained custom in a traditional state slow to change.

California: The Golden State for Vote Fraud

If mega-state California, as advertised, is the trendsetter for the rest of America, voting fraud will truly be a Malibu-sized wave of the future. For the Golden State has exceptionally serious difficulties in its system of registration, absentee balloting, and election-day voting.

The fundamental difference between California and Philadelphia or Alabama is that the breakdown of the electoral process begins at a much earlier stage than absentee balloting. The voter registration setup is the first source of trouble; not to put too fine a point on it, it is nothing short of a disgraceful mess. California has not thoroughly purged its voting rolls of those who are no longer eligible to vote since 1979, when advocates of greater political participation secured passage of a law permitting the removal of voters' names from the rolls only by means of an inconclusive "negative purge." Voters who have not cast a ballot in two consecutive general elections are sent a postcard asking whether they still live at the listed address. Only if the card is returned as undeliverable is the name stricken. So long as the card is not returned, for whatever reason, the name stays.

Many voters who have died or moved are thus retained on the registration rolls, and as a result there are literally millions of inaccurate or wrongful registrations on file. Many voters have moved out of California but remain on the rolls. Some have simply changed addresses within the state and have duplicate registrations (one each in the new and old locations). In many localities of California, a duplicate registration is recorded if a voter who has moved within a city or county makes the slightest addition or deletion (for example, of an initial or nickname) when he re-registers. A sample of 940 voters requesting absentee ballots in Tulare County discovered, for example, that 92 people had relocated (according to other voters currently residing at each address). Partial voter files showed 20 of this group were recorded as voting in the 1994 general election at their old address. It is not clear whether they returned to vote there,

or they had voted twice (at an old and new address), or there was some other explanation.⁴⁶ Other voters have died or been convicted of felonies; either condition normally makes a person ineligible (though a Chicagoan might disagree). And at least a few individuals register twice in order to vote twice. In 1994, there were cases of people (1) voting both absentee *and* on Election Day, (2) voting two absentee ballots, and (3) voting at two different polling places on Election Day.⁴⁷

Phony registrations encourage shenanigans in any place, and California's massively erroneous voter list is an engraved invitation to commit fraud. Incredibly, the most recent official estimates of the "deadwood" on the California voter rolls range from 14 percent to 24 percent of the more than 14 million registered voter total—meaning between 2 million and 3.4 million phony registrations crowd the books.⁴⁸ Every election cycle, deadwood voters cause state and local governments to waste \$5 to \$8 million of taxpayers' money printing and mailing voter pamphlets, unneeded ballots, and the like.⁴⁹

Among the many factors responsible for this monumental ineptitude is the failure of bureaucrats at various levels to share death and incarceration records with registrars, as they are supposed to do;⁵⁰ the appalling lack of a centralized statewide voter registration list that could at least reduce or eliminate the extraordinary number of duplicate registrations; and most important for our purposes, the existence of a burgeoning, legal campaign industry whose *raison d'être* is the registration of citizens. Political parties, individual campaigns, and ideological interest groups contract with the consulting organizations to find and register eligible persons at a per-head price that ranges from \$1 to \$10. The profit incentive demands a large volume of registrants, obviously, and so the paid solicitors avariciously sign up whoever they can find, often without regard to the legal niceties, including illegal and legal aliens, some juveniles and infants, fictitious individuals, companion animals (known in less sensitive states as "pets"), and even the dead (or "life-challenged" voters). As one California elections official asserted, "You're just asking for trouble. . . . Anytime you pay to register people, you're going to have fraud."⁵¹

Because California registrars have "a ministerial duty to accept a

registration without investigation, absent any challenge to its validity," the state's registration system is "a system of self-certification, [with no] certainty that a registrant is who he or she claims to be."⁵² Since it is widely acknowledged that prosecution for registration fraud is given a very low priority by law enforcement agencies, this is yet another green light to sloppy or unethical work by paid voter solicitors.⁵³

The lamentable results of widespread registration solicitation are to be found all over California. In the city of Los Angeles, paid solicitors added over 4,000 fraudulent registrations just in 1992.⁵⁴ In Glendale, bounty hunters "found" 190 unregistered voters in a single apartment building, and signed them up (along with a dog)—even though many were apparently already registered.⁵⁵ Jailed felons have registered while incarcerated, and other new voters have illegally listed business addresses (including department stores) as their supposed place of abode.⁵⁶ Illegal and legal aliens are, without question, on the rolls in many areas. A single precinct in San Diego County was found to have 30 verifiable legal aliens out of just 313 registered voters.⁵⁷ Illegals voted in Fresno and Tulare County in November 1994;⁵⁸ and a prominent legal alien—a Mexican businessman and a publisher of a Spanish language newspaper—registered to vote in 1987, while in the United States on a tourist visa, and cast a ballot in both 1992 and 1994 despite his lack of American citizenship.⁵⁹ Even Mario Aburto Martinez, the Mexican citizen who assassinated the ruling party's 1994 presidential nominee Luis Donaldo Colosio in Tijuana, was a registered voter in San Pedro.⁶⁰

The use of paid solicitors for partisan registration efforts has plagued California for a decade or longer. The Republican Party, finding its share of the registration rolls lacking, engaged in a year-round registration drive as early as 1986. During that year, the party employed approximately 2,000 bounty hunters and paid them \$1 to \$4 per Republican registrant as part of its centralized, coordinated registration campaign. The simultaneous Democratic Party registration drive, though less organized, also utilized paid workers, employing 250 bounty hunters in Orange County alone.⁶¹ In one recent case of bounty hunter abuse, two workers retained by political consultant Michael Long for Republican Brooks Firestone's campaign for the state assembly were arrested for registering the inhabitants of

a graveyard and were actually charged with election fraud. Long's firm paid the two, and approximately fifty others, about \$3 per completed Republican registration card. Unlike their companions, the two copied names from tombstones and submitted the cards to their employer, who reviewed the cards and then forwarded them to the Firestone campaign, which in turn submitted the cards to county officials.

Neither Firestone nor Long's firm was apparently aware the registration cards were fraudulent, and Firestone noted, "We had no intention of engaging in fraudulent registration whatsoever. . . . It wouldn't do us any good, because dead people don't vote."⁶² Of course, while the dead logically cannot vote, neither should they be able to register. No evidence suggests that the Firestone campaign intended to capitalize on the life-challenged registrants, but less scrupulous candidates may not find the legal or ethical principles involved very compelling.

The tried-and-true fraud associated with absentee balloting is part of the California picture, too, mirroring the conditions already identified in Philadelphia and Alabama. Jim Boren, reporter for the *Fresno Bee*, described the bold and "sophisticated" pattern of activity by campaign staffers and candidates: "They know what the exact turnaround should be in neighborhoods. The campaigns mail the absentee requests to the elections office, and then they literally follow around the postmen and women as they deliver the absentee ballots back to the residences. They go up to the residences, offer people a stamp, and make sure they vote."

This harvesting of absentees (sometimes called "ballot farming") may simply seem like savvy politics, but violations of law are involved.⁶³ A recent *San Francisco Chronicle* investigation of one county's elections found that signatures on dozens of absentee ballot request forms did not match the registration signatures on file, yet the ballots were still mailed; and that 1,500 suspect absentee ballots were simply filed away and never referred to the district attorney for investigation.⁶⁴ At times, local candidates have directly obtained absentee ballots from the elections office and personally delivered the ballots to voters, entering their homes while the voters were casting them. Campaign workers have also punched holes in the ballots for voters, instructed people who to vote for, handed out free postage

stamps, or simply taken the completed ballots away with them, and occasionally engaged in intimidation of voters during the balloting process.⁶⁵ All of these activities can result in misdemeanor or felony charges under existing law. Two recent city council elections in Stockton and Inglewood have been overturned because of absentee ballot hanky-panky of this sort.⁶⁶

Of course, the ultimate form of absentee balloting is voting by the dead. Many years ago, if you planned to remain politically active once deceased, you had to arrange burial in Chicago or Louisiana. Now, apparently, California is an acceptable alternative. For example, in Alameda County a deceased woman's 1994 absentee ballot was cast—the registrar suspects that either her daughter or roommate did it,⁶⁷ and in San Francisco one Lazarus who had passed away twelve years earlier (in April 1982) came back to vote in 1994.⁶⁸

The dead are not the only unexpectedly energetic voters on election days in California. Some registered Golden Staters are such good citizens they vote twice—this a result of the widespread duplicate registrations mentioned earlier. In one study of five Central Valley counties following the 1994 general election, 3,300 voters were found to have registered twice. With only very partial records available on some of these voters, 90 were identified as having cast at least two ballots.⁶⁹ (Had all data been accessible, the number of "vote-early-and-often" citizens would almost certainly have been higher.) A number of people may also be voting under the names of registered voters who, for whatever reason, are not expected to show up at the polls. On general Election Day 1994 at a Kern County precinct, for instance, a woman was in the process of casting her ballot when another woman (with two female friends) entered the polling place and requested a ballot under the name of the woman who by chance was already in the voting booth. As the legitimate voter objected and stared in disbelief, the impersonator and her accomplices fled the area.⁷⁰

As if all this were not enough to malign California's unsecured electoral system, the record-keeping and vote certification are so sloppy that almost nothing adds up correctly. When the state's Fair Elections Foundation, a nonprofit watchdog group, examined the November 1994 returns from seven counties, the county registrars inexplicably reported totals that differed by many thousands from

ange County, the registrar claimed 627,223 votes had been cast but the secretary of state's office released a final count of 618,448. To make matters worse, the tallies by poll workers of votes cast in each precinct frequently differed from the tallies recorded by the county registrars. In Los Angeles County, fully 40 percent of the 6,104 precincts showed a disparity between the counts of the poll workers and the registrars.⁷²

Computer software glitches may well account for some (though not all) of these errors. Still, the mistabulations add to the seeming haphazardness of the laid-back California elections process. When combined with the abundant evidence of voter fraud (both potential and actual), there is but one reasonable conclusion: let honest California elections officials beware, and let concerned citizens be about the business of reform.

These recent California experiences also point to a noteworthy irony that applies to other states and the nation as a whole: laws intended to encourage voting have sometimes become an entrée for vote fraud. The last quarter-century has seen an opening up of the electoral process almost everywhere, as regulations concerning registration and balloting were eased to maximize convenience and turnout. But undeniably there is a hidden cost to these benefits: the resurgence of fraud apparent around the country. Remedies that neatly cure one ill frequently and surprisingly cause another. Just as with well-intentioned campaign finance schemes, the "law" of unintended consequences prevails—and it is a rule rarely given much thought when many reforms are first designed.⁷³

Vote Fraud in Texas: The Wild, Wild Southwest

As we have already demonstrated in this chapter, the Lone Star state—whatever the extent of its electoral hijinks—will never walk alone in the field of voting fraud. Nevertheless, fraud in contemporary Texas is still breathtaking in its boldness and scope, amply fulfilling the state's "bigger and better" stereotype. Reformers bent on cleaning up political excesses had best hope that the state's informal slogan, "Don't Mess with Texas," does not extend to the registration and voting system.

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fraud found in Philadelphia, Alabama, and California: voting by illegal aliens, ballots from the living dead, manipulation of the elderly, double voting, absentee ballot shenanigans, street money incentives, and so on. In addition, some traditions and laws unique to Texas create conditions that spawn even more corruption.

The most egregious of the state's election law provisions permits people to come to the polls on Election Day, and without a recorded registration, to cast a ballot as long as they sign a sworn statement swearing that they are in fact registered in that precinct.⁷⁴ These ballots are *not* kept separate so that they can be challenged or checked later. Just in Harris County (the Houston area), 6,707 individuals *who were actually ineligible* voted this way in the 1992 presidential election.⁷⁵ Of this substantial total, 1,262 had *never* been registered *anywhere*, and twenty-five of the illegal voters were *convicted felons* not permitted to vote because of their crimes.⁷⁶ It took Harris County seven months to conduct the check, long after the election results had been certified. And of course, once again no one knows whether the illegal ballots affected the election since these provisional votes were not segregated from the clearly legal ones. Incidentally, even though it is a felony for a person to "vote or attempt to vote in an election in which the person knows he is not eligible to vote," no punishment is designated for those who "unintentionally" violate the law. Surprise: not a single one of the 6,707 illegal voters was prosecuted because it is very difficult to prove criminal intent.⁷⁷ Nor was this merely a localized problem affecting Houston. In the same 1992 general election, over 3,000 unregistered, ineligible people cast a ballot in Tarrant County (the Fort Worth area).⁷⁸

Moreover, Texas has an extraordinarily generous "early voting" system⁷⁹ that permits *anyone* age 65 or older, for instance, to use a mail-in ballot (the same kind of ballot as the absentee, except that senior citizens need not be away from home on Election Day or incapacitated to use it). Generally, as Texas examples will show, the more substitutes there are for in-person voting, and the more frequently they are used, the greater the opportunities for voter fraud. To make matters worse, Texas does not require mail-ins and absentee ballots to be accompanied by a witness or notary signature on the sealed envelope that actually contains the completed ballot.⁸⁰ Nor is even a full signature by the *voter* necessary on this envelope, even

though a space is provided. Many elections officials permit *any* mark (an "X" or a check) to suffice—making it impossible to verify the voter's signature and easing fraudulent efforts by people who come into possession of absentee or mail-in ballots. In addition, some registrars do not seem to match and carefully compare the signatures on the mail-in ballot application and the actual ballot envelope. One watchdog group counts over 200 instances of apparently differing signatures on the applications and envelopes in the 1994 Democratic primaries just in Galveston County; several races were decided by fewer than 200 votes.⁸¹ A follow-up investigation by the Galveston district attorney's office found "some violations of the Texas Election Code," including a mentally and physically incapacitated voter's ballot being cast by a caretaker who lived in the voter's home.⁸²

Some of the elderly—especially the infirm and the poor—are vulnerable to manipulation under this Texas regime. A Lone Star state form of street money pays individuals to organize absentee and mail-in voters.⁸³ (In Hispanic areas these activists, each paid around \$100 per week, are referred to as the *politiqueras*.) Typical of these activists' targets in recent elections was Edward Taylor of Houston, a seventy-nine-year-old retiree. Prior to a 1993 municipal election, a woman Taylor had never met before arrived at his home and presented him with an absentee ballot *application*, which she mailed after Taylor signed it. Very shortly after the postman delivered the ballot to Taylor's mailbox, the woman returned. Taylor related the events that followed in a sworn affidavit:

Shortly after I received the ballot, the same woman, in the company of a man, came to my house. . . . She used a hole punch to vote my ballot. She then told me to sign my ballot. This woman then put my ballot in the envelope as I was not allowed to mail in my ballot. The woman then took my ballot with her when she left.⁸⁴

As is needless to point out, this entire procedure is not just unorthodox but blatantly illegal.⁸⁵

Compared with some others, Taylor was well treated, and actually given a role . . .

of his ballot. One married couple, Maria and Jesus Casteneda, were misled when a "helper" showed up at their house.⁸⁶ Instead of aiding them in marking their ballots for an independent candidate for city clerk, David Pena, as the couple requested, the helper tricked them into checking the "straight Democratic" ticket box. As Jesus Casteneda recalled, "I later found out that I had not actually voted for David Pena and that [the helper] made me believe I did."⁸⁷ Another "helper" aided a husband and wife, Charles and Gloria Scott, by voting their ballots and falsifying the certificate signatures on the carrier envelopes.⁸⁸ Even more remarkable was the story of Mr. and Mrs. Jim Cheney Jr.⁸⁹ Neither of the Cheneys applied for an absentee ballot in 1993, but two arrived anyway. (Someone unknown to them did the application paperwork.) Soon after, Mrs. Cheney received a woman visitor who offered to take her to the polls on Election Day. She declined, indicating she did not plan to vote; she also pointed out the two unrequested ballots, which the visitor cheerfully took off Mrs. Cheney's hands. Of course, the ballots were cast and counted in the election. This was particularly noteworthy in the case of Mr. Cheney, who had died in September 1992. Mr. Cheney came back again to his old home in March 1994, when he seemingly could not resist applying for an absentee ballot to vote in the federal and state primary elections. (Fortunately, the bogus application was rejected this time by an alert registrar.)

In South Texas, meanwhile, remarkably little has changed politically since the days of LBJ's vote stealing. The sheriff is still the premiere power in most counties, with great influence over the electoral process. Some public officials (especially sheriffs) are again on the take, with drugs rather than moonshine being the source of their ill-gotten gains.⁹⁰ And all kinds of fraudulent shenanigans remain a staple of political life there. In recent elections, substantial charges included voting by non-citizens, the mailing of blocks of absentee ballots directly to a political party's headquarters, voting twice, intimidation of voters at the polling places, and campaign workers following around postal delivery persons in order to take mail-in ballots from voters' mailboxes shortly after they were delivered.⁹¹ Poll workers have also observed official election judges—supposedly neutral arbiters—exhorting voters in line at the polling places to support a favored candidate or party.⁹² And the beat goes

To paraphrase John Donne, no state (except Hawaii) is an island, so Texas shares vote abuse practices with other parts of America. As in Philadelphia, fraud in Texas is bold. As in Alabama, Texas fraud is traditional and institutionalized. As in California, vote fraud in the Lone Star state is assisted by lax state laws that practically invite trouble. But as long-time residents of the state are fond of bragging to outsiders, everything is bigger in Texas, where vote fraud combines all of the polling problems observed elsewhere on our American journey.

Election Fraud in Perspective

What conclusions are reasonable, now that this electoral tour of some diverse precincts is over? As we asserted at the outset, contrary to the belief of some that voter fraud is a thing of the past existing today only in isolated pockets, if at all, the evidence accumulated in this chapter's case studies strongly suggests a persistent pattern of criminal fraud that is well organized and a continuing part of the political culture in some areas. The fact that fraud is generally not recognized as a serious problem by press, public, and law enforcement creates the perfect environment for it to flourish.

The role played by the news media deserves a special comment. Many of the stories we have just reviewed received little or no national press attention, even when the local media carried news accounts. Perhaps they were seen merely as "isolated" incidents of interest only to the citizens directly affected. Remarkably, though, some of these cases of fraud attracted amazingly light attention from the local news organizations themselves. Partly, as noted at the outset, this results from the mistaken belief among journalists that vote fraud is no longer a serious problem. But it also reflects a lack of knowledge even among opinion makers about vote fraud's resurgence. Less charitably, the coverage vacuum may also be another indication of a disease some reporters may have contracted from extended contact with political professionals: a blasé attitude about some unsavory aspects of the electoral sausage-making process.

In contrast to the absence of the press, the alert reader has probably already noticed that Democrats feature prominently in almost

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Democrats take umbrage, and the Republicans mount a high horse, an explanation is in order. First, the GOP is fully capable of voting hijinks when circumstances permit. For example, the two Ventura County workers who were arrested in October 1994 for collecting the names of newly registered voters from tombstones were working on behalf of a Republican candidate for the legislature.

Another hotbed of Republican vote fraud is rural southeastern Kentucky, where a sizable number of GOP local candidates, consultants, and precinct workers have recently been caught paying off voters to cast their absentee ballots "correctly," among other offenses.⁹³ Several decades later, the price of a vote was still reasonable—five dollars or a half-pint of whiskey—but by the 1980s and 1990s a combination of inflation and candidate competition had driven the per-vote cost to about \$50.⁹⁴ Despite the substantial increase, various local Republican politicians and their absentee-ballot "brokers"—frontmen who give people cash in exchange for their marked and signed absentees—were more than willing to pay the price.⁹⁵

"It's a way of life," commented former assistant state attorney general Dale Wright, who was assigned to the vote fraud hotline in his office. "It is basically conceded in Kentucky that people have a constitutional right to sell their vote. We laugh about there being three Kentucky cash crops: tobacco, marijuana, and votes."⁹⁶ Wright describes a particularly blatant form of vote-buying in some Kentucky precincts:

Sometimes the buying or selling [of votes] is done right at the door of the polling place. The [vote-buyers] are stationed at the end of the road leading to the [precinct], and trucks stop and the drivers are given a kind of business card. Then these [bought] voters go into the polls and the [partisan] election judges see the card, know exactly where it came from, and watch to see that the voter votes correctly . . . Then one of the judges will tear off a certain corner of the card. When the voter drives off, he stops to see the vote buyer at the end of the road, presents the torn card, and is paid.⁹⁷

Moreover, in some parts of the state, says Wright, "The patriarch or

family to the highest bidder, and once [he or she's] been paid, [all family members] file for absentee ballots, sign them, and turn them over" to the party or candidate's agent. By the way, Wright knows whereof he speaks, and not just because he worked in law enforcement. "Hell, I was part of it. My first year out of law school, in 1971, I hauled half-pint whiskey bottles all [election] day around the polling places, and I took the money to the family patriarchs" at a time when he was active in partisan politics.

Kentucky and a few other places aside, Republicans have fewer opportunities for vote fraud available to them. In many states, particularly in the South and some border states, the GOP has rarely if ever controlled the local and legislative offices necessary to set the rules and manipulate the election process. Alabama and Texas clearly demonstrate this, although in those states and elsewhere in Dixie, Republicans are beginning to make the necessary gains at the ballot box that will change the balance of power in many localities.

In and out of the South, another factor is also at work: the hard reality of economic and class politics. In most areas, the Republican base consists primarily of white-collar, managerial professionals, as well as Christian conservatives. Neither group is easily induced to commit fraud; community standards, cultural values, "clean government" orientation, high education level, and/or the lack of a financial incentive to commit fraud for just a few dollars work against any Republican Party operative who seeks to draft them into any illegal schemes.

By contrast, the pool of people who appear to be available and more vulnerable to an invitation to participate in vote fraud tend to lean Democratic in their partisan predisposition, such as low-income minorities.⁹⁸ The usual turnout among African Americans and Hispanics is disproportionately low, and Democratic organizers are often desperate to boost their participation rate. Some liberal activists have even partly justified fraudulent endeavors on this basis; those making this case say it is unfair that the voices of the poor and dispossessed are muted at the ballot box, and therefore extraordinary measures (for example, stretching the absentee ballot or registration rules) are required to compensate.⁹⁹ To most observers, though, the rationalization that the end justifies the means is not very convincing. The 1993 passage of the "Uniformed Services of the Health Care Act" . . .

reduced whatever cogency such an argument possessed. (This bill, which also potentially increases the opportunities for vote fraud, is discussed in chapter 11.)

Less partisan readers might wonder more about the breadth of election fraud. Are polling problems restricted just to the four hot spots we investigated, or do they characterize the American electoral process generally and range more widely? Our strong suspicion—based on dozens of unexplored tips from political observers and interviewees—is that some degree of vote fraud can be found almost everywhere, and serious outbreaks can and do occur in every region of the country. In New Jersey, for instance, nearly 1,000 illegal votes were cast in Hudson County (Jersey City) in a 1989 election, including some by people who were unregistered and others who were dead.¹⁰⁰ In addition, several dozen psychiatric patients—some of whom believed Franklin Roosevelt or Harry Truman was still president—managed to cast absentee ballots in a local 1993 election in Secaucus.¹⁰¹ And, one of our interviewees, Republican political consultant Ed Rollins, claimed in a session with us that in the 1993 New Jersey gubernatorial election, there were precincts with 100 to 200 votes recorded for the Democratic candidate, Governor James Florio, before the polls opened. Rollins blamed "Democratic sheriffs in control of the machines."¹⁰²

Granted, vote fraud has been a staple of New Jersey's history; as one chronicler wrote, "What Renaissance Italy was to art, the old-time Garden State was to vote fraud."¹⁰³ However, places with relatively spotless records, where the authorities are convinced that the electoral process is clean, may be especially vulnerable to fraud. Virginia is a perfect example. Though administratively well run, the elections process in the prideful Old Dominion may be too reliant on an outdated "honor system" and sense of civic security. One can cast a ballot in Virginia on Election Day without displaying any identification. All one must do is give a name and an address to a poll worker who then checks the official voter list—a procedure potentially wide open to fraudulent manipulation.

Whether fraud is Democratic or Republican, or located in the North or the South or the West, the effect on American democracy is similar. While electoral hanky-panky affects the outcome in only a small proportion of elections (mainly in very tight races), even one

fraudulent ballot is too many. The superstructure of any representative democracy ultimately rests on the soundness and integrity of the elections that produce its governors. Most important of all, citizens must have complete confidence that the declared winners are the actual winners; otherwise, the motivation to participate in elections is destroyed. Millions of citizens are already convinced that their one vote matters too little to exercise the franchise. Once the pattern of election fraud becomes too obvious for the media to ignore, and the public begins to suspect or believe elections can be stolen, then American democracy's currently tenuous hold on many individuals may well dissipate.

Therefore, the need for reform is urgent and clear. Voter turnout in the United States is traditionally too low, and cynicism among citizens too high, to permit the malodorous malady of election fraud to continue unchecked—or to spread. Fortunately, some simple procedural changes, combined with newly advanced technology, can make a real difference in this corrupt province, and proposals in both categories will be set forth in chapter 11.

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- In a letter to Gibson dated August 9, 1993, Secrest accused the reporter of "a pattern of very disturbing behavior . . . potentially including . . . receipt of stolen materials, . . . fraudulent means to acquire propriety [sic] trade materials, and . . . harassment of employees in a dark parking lot as they left work." No action followed, and the facts of Gibson's reporting were never convincingly challenged or refuted.
43. The average population of registered voters per district was approximately 30,000, so as many as one of every twenty households containing a registered voter was being reached—a sizable proportion if one's goal was to spread rumors.
 44. Nine separate questions in the poll posed negative arguments about Orrock. The respondent was asked to state whether each argument was "a very persuasive reason not to reelect him," "an only somewhat persuasive reason," or "a not at all persuasive reason."
 45. Wisconsin Republicans have also been targeted in state legislative races. These push-polls were reportedly conducted by the National Education Association's Wisconsin affiliate. See Harwood and Pearl, "In Waning Campaign Hours." See also Judy Williams, "5th District Candidates Pull Plug on Phone Calls," *Appleton (Wisconsin) Post-Crescent*, October 9, 1994, p. B8; and Judy Williams, "Candidates at Odds Over Phone Tactics," *Post-Crescent*, October 29, 1994, p. B1.
 46. See Phil Porado, "A Case Study: How Negative Phoning Didn't Work in Two State House Races," *Campaigns and Elections* 13 (April 1992): 62; Buddy Nevins, "Many Undecided about Candidates in Upcoming Primary," *Fort Lauderdale Sun-Sentinel*, August 28, 1994, p. B4.
 47. Telephone interviews with Haley Barbour, February 26 and May 31, 1995.
 48. Barbour noted, "At one point, we considered a script saying, 'If the Democrats contact you, would you call [the following] 800 number.' But we ended up not doing that because it was kind of complicated."
 49. The information in this section is taken from Maloney's testimony before the Federal Election Commission on March 8, 1995.
 50. See Scott Lehigh, "Kennedy Camp Reacts Angrily to 'Push-poll,'" *Boston Globe*, November 5, 1994, p. B18.
 51. The calls also tied North to the Reverend Jerry Falwell and U.S. Senator Jesse Helms (Republican of North Carolina). See Laurie Kellman, "Robb callers tie North to David Duke," *Washington Times*, October 28, 1994, p. A14; Laurie Kellman, "North Says Recent Troubles Won't Keep Him out of the Senate," *Washington Times*, October 29, 1994, p. A1; and Margaret Edds, "Get-Out-the-Vote Efforts Crucial in Close Senate Race," *Virginian-Pilot*, October 30, 1994, p. A2.
 52. News Staff, "Bird Says Benson 'Survey' Is Just a Dirty Political Trick," *Rocky Mountain News*, July 23, 1994, p. A8.
 53. See Harwood and Pearl, "In Waning Campaign Hours."
 54. See R. H. Melton, "Poll Firm That Irked Voters Paid by Coleman," *Washington Post*, November 1, 1989, p. A1.
 55. Interview with Mark Sanford, January 24, 1995.
 56. Interview with Geoff Garin, April 13, 1995.
 57. Interview with Karan English, January 13, 1995.
 58. Telephone interview with Steve Horn Jr., campaign manager for his father, February 17, 1995. Horn Jr. suggests that the push-polling for his father's 1994 Democratic foe, Peter Mathews, was done by a prominent Democratic telephone bank firm, Gordon and Schwenkmeyer. Indeed, Mathews's filings with the Federal Election Commission show two late payments to the firm, \$10,000 on November 6, 1994, and an additional \$3,270 on November 13, 1994. Mike Gordon, president of the firm, declined to comment on the substance of the allegation, citing his firm's policy of "not discuss[ing] clients with anyone." Telephone interview with the authors, July 20, 1995.
 59. Telephone interview with Tim Tomkins, February 2, 1995.
 60. Interview with Steve Chabot, November 30, 1994.
 61. Interview with Herb Klein, January 17, 1995.
 62. Interview with Mike Synar, January 27, 1995. Also interview with Amy Tobe, Synar's campaign manager, March 6, 1995. According to our interviewees, computer-automated calls are often made when the message is brief and no response from the listener is required. The technology exists for computer-automated phoning that includes listener response, but it can be clumsy or off-putting to those at home.
 63. See Mike Oliver and Michael Griffin, "Plot Thickens as Politicians Resort to Pulling Dirty Tricks," *Orlando Sentinel Tribune*, October 11, 1992, p. B1.

CHAPTER 10. VOTE FRAUD

1. In the 1994 general elections there were several well-publicized close contests in which vote fraud was alleged, including the Maryland gubernatorial race, won by Democrat Parris Glendening over Republican Ellen Sauerbrey by 5,993 votes out of more than 1.4 million cast; a North Carolina U.S. House contest in District 7 won by incumbent Democrat Charles G. Rose over Republican Robert Anderson by 3,821 votes out of 121,519 cast; and a California U.S. House race in District 36 between incumbent Democrat Jane Harman and GOP challenger Susan Brooks, which Harman won by only 812 votes of 195,808 cast. In this chapter, however, we have chosen to focus on less well-known examples that are indicative of systemic corruption.
2. Bruce L. Felkner, *Political Mischief: Smear, Sabotage, and Reform in U.S. Elections* (New York: Praeger, 1992), p. 160; see also pp. 155–82.

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3. For a classic treatment, see Paul Leland Hayworth, *The Hayes-Tilden Disputed Election of 1876* (Cleveland: Burrows Brothers, 1906).
4. Louise Overacker, *Money in Elections* (New York: Macmillan, 1932), p. 31.
5. Many "floaters"—individuals who would roam from precinct to precinct, casting a ballot at each one—were imported from other cities and towns to perform this extraordinary civic "duty." The practice may be the origin of the old aphorism, "Vote early and often."
6. J. J. McCook, "Venal Voting: Methods and Remedies," *Forum* 14 (September/October 1892): pp. 1, 159; as cited in Overacker, *Money in Elections*, p. 32.
7. A. Z. Blair, "Seventeen Hundred Rural Vote-Sellers," *McClure's* 38 (November 1911): 33; as cited in Overacker, *Money in Elections*, p. 33.
8. For further details on the 1960 election, see Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), chap. 8, pp. 211–23; Stephen E. Ambrose, *Nixon* (New York: Simon & Schuster, 1987), chap. 26, pp. 584–608; and Theodore White, *The Making of the President 1960* (New York: Pocket Books, 1961).
9. As Johnson underling L. E. Jones later reported, LBJ had an early introduction to the (under) world of voter fraud. Working for the left-leaning Maury Maverick in his winning 1934 congressional campaign, Johnson sat at a table covered with money and paid barely bilingual Mexican-Americans in multiples of \$5 bills. Jones realized that Johnson was paying each man \$5 for each eligible voter in his family. See Robert A. Caro, *The Years of Lyndon Johnson: The Path to Power* (New York: Alfred A. Knopf, 1982), pp. 276–77. Johnson put this experience to good personal use in 1937, campaigning in his successful bid to fill Texas's Tenth Congressional District seat, which had been vacated by the death of James P. Buchanan. Caro reports that Johnson bought votes in African-American and Czech communities.
10. Parr ordered Salas to come up with the needed votes in a meeting attended by Johnson himself, according to Salas. Decades later, Salas admitted that two deputy sheriffs added the extra names to the voter list, at his direction. Most observers at the time strongly suspected this skulduggery, but efforts in the Democratic state committee and in the courts to change the results failed. See James W. Mangan, Associated Press interview, July 30, 1977. For a more extensive account of Johnson's Box 13 shenanigans, see Caro, *The Years of Lyndon Johnson*, chaps. 14 and 15, pp. 318–412.
11. The hundreds of previous signatures were written in different color inks, and were clearly signed by each individual voter separately.
12. The first draft of the Philadelphia section was researched and written by University of Virginia graduate student Charles H. Woodcock.

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13. See "Stinson Cleared of Election Fraud," United Press International regional news, June 22, 1994. There was insufficient evidence to tie Stinson directly to the fraudulent efforts made on his behalf. The Democrat had been specifically charged with unsealing and counting absentee ballots, as well as unlocking voting machines in his own precinct. For a description of the pretrial proceedings, see Marc Duvoisin, Daniel Rubin, and Henry Goldman, "Stinson, 2 Aides Are Indicted; Charges Center on Absentee Ballots," *Philadelphia Inquirer*, March 13, 1994, p. A1.
14. Newcomer's final opinion in the *Marks v. Stinson* case (1994 U.S. Dist. LEXIS 5273; hereafter, *Marks v. Stinson*) was actually the second time he ordered Stinson stripped of the seat and certified Marks. The proceedings occurring prior to his April 26, 1994, decision are complicated, and an accounting of the entire obstacle course Marks was forced to run in order to gain redress would require a chapter in itself.

Marks's appeal through the state court system proved futile. The Marks campaign was actually aware that absentee malfeasance had occurred prior to election night. Even so, Steve MacNett, a Pennsylvania lawyer who worked on Marks's appeal, explained that at each of several stages of the appeal process, "the apparent over-politicization of the Pennsylvania Courts, especially in Philadelphia," prevented successful action. MacNett continued, "[The] three judges he was before in Philadelphia, each of them has deep ties to the Democratic party establishment" (interview with Steve MacNett, July 18, 1995).

Marks's inability to gain redress quickly was compounded by the actions of the County Board of Elections, which prompted Judge Clarence Newcomer to note that "the actions of the board [of Elections] were designed to, and did in fact, prevent any realistic opportunity to appeal the certification in the State court system. . . . Defendants allege plaintiffs consistently failed to avail themselves of the proper appeal procedures. Plaintiffs were never given the opportunity to present their claims because the safeguards failed at every level" (1994 U.S. Dist. LEXIS 5273, 58).

With his appeal to the State Supreme Court pending, Marks filed for redress in federal court. Judge Newcomer found his claims compelling, and on February 18, 1994, delivered his initial injunction stripping Stinson of the seat, threw out all absentee ballots, and ordered the Board of Elections to certify the victor of the machine vote, that is, Marks. While federal judges have in the past overturned the results of state elections on civil and voting rights grounds, this was the first occasion a federal judge simply installed the opposing candidate in office rather than ordering a new election.

However, Newcomer was found to have exceeded his authority by the court of appeals. (See his original opinion, *Marks v. Stinson*, 1994 U.S. Dist.

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LEXIS 1586, order overturned.) The Third Circuit Court of Appeals upheld the portion of Newcomer's order stripping Stinson of the seat, but vacated his order to install Marks. While the Circuit Court agreed the District Court was correct to claim jurisdiction, proof of voter fraud was not sufficient to award the seat. Writing for the court, Judge Stapleton, stated, "The district court should not direct the certification of a candidate, unless it finds, on the basis of record evidence, that the designated candidate would have won the election but for wrongdoing" (19 F.3d 873, 889 [3d Cir. 1994]). The appellate judges relied on *Griffin v. Burns* (570 F.3d 1065 [1st Cir. 1978]) to suggest that Newcomer's order to install Marks might be unconstitutional, creating an opportunity for voters to challenge the decision under the Federal Voting Rights Act. Because Newcomer's order voided all absentee ballots cast, it inevitably voided some that were lawfully and properly cast. The First Circuit in *Griffin* "concluded that rejection of a ballot where the voter has been effectively deprived of the ability to cast a legal vote implicated federal due process concerns" and possible Fourteenth Amendment violations (*Marks v. Stinson*, 19 F.3d at 889).

The second opinion, which we discuss in the text, was the result of the circuit court's remand to Newcomer. See particularly Newcomer's analysis of the number of illegal absentee ballots and the statistical tests used to corroborate his findings. Newcomer went to great pains to show that the Stinson campaign's "dollar a ballot" drive produced approximately 600 fraudulent votes (greater than the 461 needed to change the election results). He also found via expert testimony that Stinson received approximately 1,000 more absentee votes than expected.

The story does not end here, however. Stinson unsuccessfully appealed Newcomer's second opinion to the Third Circuit in August 1994, and then in January 1995, to the U.S. Supreme Court, which declined to overturn or comment upon the judgment. In the (presumably) final chapter of the story, Marks ironically lost his hard-won seat in the regular 1994 general election to Nina Tartaglione, the daughter of Democratic County Commissioner Margaret Tartaglione, who had been implicated in the scandal that denied Marks the seat to begin with. (See "Recount Shows Marks Still a Loser," United Press International regional news, November 14, 1994.)

15. See, for example, *Griffin v. Burns* (570 F.2d. 1065, 1st Cir. 1978), the case cited by the Third Circuit panel to justify remanding the case to the district court. In this case, Providence election officials distributed absentee ballots for a primary city council contest, although Rhode Island law only provides for absentee voting in general elections. The Rhode Island

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tees in primary elections, decertified the primary victor, and ordered recertification based only on machine votes—which also changed the outcome of the election. However, the circuit court agreed with absentee voters' claims that the lower court ruling effectively disenfranchised them, vacated the order to certify on the basis of the machine count, and ordered a special election. Note, however, that the *Burns* case did not involve fraud per se, and the Third Circuit left Newcomer the option to certify Marks if he found the Republican would have been elected but for the wrongdoing.

16. See "Improper Ballots Turned Election," *Philadelphia Inquirer*, March 25, 1995, p. A1. The *Inquirer's* investigation, which required a massive effort, indicated that at least 540 absentee ballots cast for Stinson were tainted, a number that exceeded his margin of victory.
17. PA Stat. Tit. 25, 3146.1–3146.6 (1994).
18. Interview with Bruce Marks, July 18, 1995. In addition, several hundred rejected applications (some of which were for unregistered individuals, and some of which were simply fraudulent) were covertly returned to the Stinson campaign to prevent their discovery. These documents are public records, and should have been preserved for two years.
19. *Marks v. Stinson*, 1994 U.S. Dist. LEXIS 5273 p. 23.
20. *Ibid.*, p. 26. As noted above, Stinson had narrowly lost an election for a Philadelphia city council seat in a June 1991 Democratic primary. For a fuller account of Jones's recollections of his work for Stinson, see also Henry Goldman and Sergio Bustos, "Campaign Worker Says Stinson Ignored Warning on Ballots," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson, on the other hand, challenged Jones's credibility and claimed that he deliberately maintained his ignorance of many details of his campaign, including the absentee ballot program. See Mark Fazlollah, "Stinson Said He Stayed Clear of Details," *Philadelphia Inquirer*, February 8, 1994, p. A1. Stinson's argument, however, contradicts the testimony of many of those who worked on his campaign; see Marc Duvoisin, "Absentee-ballot Quest Described as Obsessive; Aides Say Stinson Discussed It Frequently," *Philadelphia Inquirer*, March 13, 1994, p. A1. Ironically, Marks later recalled that Daniel McElhatton, Stinson's opponent in the 1991 city council primary, was one of the sources who suggested he investigate Stinson's use of absentee ballots: "I ran into [Daniel McElhatton] who had run against my opponent in a 1990 primary, . . . and he just recommended to me that I look into the absentee ballots" (interview with Bruce Marks, July 18, 1995).
21. *Marks v. Stinson*, p. 23.
22. *Ibid.* See also *Marks v. Stinson*, p. 31, where Judge Newcomer notes the scheme: Hispanic and black voters were also told "that the law had been

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- changed and there was a 'new way to vote' from the convenience of one's home."
23. For a more complete account, see "Voters Say Ballots Were Forged," *Philadelphia Inquirer*, November 21, 1993, p. A1; and John F. Dickerson, "Is This Seat Stolen? Angry Republicans Contend That Dirty Tricks at the Polls Tipped the Balance of Power in Pennsylvania," *Time*, February 7, 1994, p. 34.
 24. *Mark's v. Stinson*, p. 36.
 25. *Ibid.*, p. 39.
 26. One of the Democratic commissioners even gave an order to "stay out of it" to an elections board employee who ascertained that unregistered citizens had applied for absentee ballots and so informed the commissioner.
 27. *Mark's v. Stinson*, p. 55.
 28. Interview with Jack Connors, July 18, 1995.
 29. *Mark's v. Stinson*, p. 47.
 30. Office of Alabama Secretary of State, Elections Division. As was the case with the Philadelphia story, where party control of the Pennsylvania state senate was at stake, the significance of the Alabama election was tied to a larger issue current in the state at the time. Tort reform, which gained national prominence in the Republican Party's "Contract with America," is an especially significant issue in Alabama, as in many states where judges are elected. Plaintiff trial lawyers categorically oppose regulatory efforts to limit jury awards for punitive damages and pain and suffering in civil liability suits. Alabama is distinguished by the large dollar amounts that juries award to plaintiffs, and by the fact that the state appeals courts, including the Supreme Court, often maintain the amounts set by juries. Hornsby is the past president of the Alabama Trial Lawyers Association and is critical of tort reform. Hooper and the Alabama Business Council are outspoken proponents of reforming tort award limits. The Hornsby-Hooper race is therefore symbolic of the wider issue.
 31. The United States Court of Appeals for the 11th Circuit requested that the state Supreme Court clarify the status of the 1,700 absentee ballots under Alabama electoral law prior to ruling on the merits of Hooper's supporters' claims. A five-judge panel of the state Supreme Court (not including Hornsby), all Democrats, ruled on March 15, 1995, that by Alabama Code 17-10-7, the ballots were in substantial compliance with Alabama electoral law and should be counted despite the fact that the affidavits attached to the ballots were not notarized or witnessed by two individuals, as required. This ruling would place their colleague Hornsby back on the bench. The circuit court is currently considering the panel's opinion and as Hamner noted, "This isn't even close to being over." (See

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- Ronald Smothers, "Court Orders Votes Counted in Alabama," *New York Times*, March 16, 1995, p. A23.) However, in September 1995 a U.S. district court judge in Mobile threw out the disputed absentee ballots, and the U.S. Court of Appeals then upheld the judge's decision, thereby clearing the way for Hooper's swearing-in, at long last. (See "Chief Justice Takes Office in Alabama," *New York Times*, October 22, 1995, p. A25.)
32. Affidavit of Paul J. Harrington, November 20, 1994. All affidavits cited in this section are public record, and were submitted as documentation for *Larry Roe et al. v. Mobile County Appointing Board et al.* (Civil Action 94-885-AH-S).
 33. Affidavit of Paul J. Harrington, November 20, 1994.
 34. Affidavit of Pam Montgomery, November 11, 1994.
 35. Affidavit of H. O. Kirksey, November 21, 1994.
 36. Affidavit of Anthony J. Keith, November 14, 1994. See also affidavit of Juanita Crawford, November 1994.
 37. Affidavit of Jacquelyn Gandy, November 22, 1994.
 38. Testimony of Helen Watts, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board et al.* (preliminary injunction hearing before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 122-28.
 39. *Ibid.*
 40. Affidavit of John Russell Campbell, November 15, 1995.
 41. *Ibid.* See also affidavit of John Modris Grods, November 14, 1994.
 42. Testimonies of William Moulton and Murphy Gewin, from transcript of Civil Action 94-885-AH-S, *Larry Roe et al. v. Mobile County Appointing Board, et al.* (request for temporary restraining order before Judge Alex Howard [U.S. District Court, Southern District of Alabama]), pp. 48-63 and 109-11.
 43. Affidavit of John Russell Campbell, November 15, 1994.
 44. Telephone interview with Dan Warren, July 20, 1995. Warren is a member of the Board of Registrars.
 45. Telephone interview with attorney Albert Jordan (of Wallace, Jordan, Ratliff, Byers, & Brandt), March 27, 1995.
 46. See Doug Haaland and Doug Swordstrom, "A Report on Election Law Irregularities: California 16th Senate District," personally published report, January 27, 1995, p. 8.
 47. See "Report of the Fair Elections Foundation (II)" (Costa Mesa, Calif.: self-published, winter 1995), pp. 34-48.
 48. See "Report of the 1995 Elections Summit" (Sacramento, Calif.: Office of the California Secretary of State, April 18, 1995), pp. 11-14. Karen Saranita, of the nonpartisan watchdog group Fair Elections Foundation, estimated that the deadwood clogging the registration rolls was in the

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- range of 14–17 percent, while Trudy Shaffer, of the California League of Women Voters, cited an estimate of 24 percent from a study conducted in the 1980s.
49. Secretary of State Jones estimated “deadwood” costs for the state of California at between \$3 and \$5 million. Similarly, Associated Press reporter Doug Willis estimated that registration inaccuracies cost the state government \$5 million and local governments an additional \$3 million. See “Report of the 1995 Elections Summit,” p. 14; and Doug Willis, “Deadwood on Voter Registration Rolls Wastes Millions for Taxpayers,” AP News Analysis, May 1, 1995.
 50. The lists have apparently been lost in the shuffle of bureaucracy, and the names of dead voters who passed away in the early 1980s are still on the rolls in good standing. This problem was discussed at length at the Election Summit. (See the “Report of the 1995 Elections Summit,” p. 13.)
 51. Ventura County elections head Bruce Bradley, as quoted in the *Los Angeles Times*, October 28, 1994, p. B1.
 52. See “Report of the 1995 Elections Summit,” p. 16.
 53. *Ibid.*
 54. See “Report of the Fair Elections Foundation (I),” p. 4. The Los Angeles County registrar’s office disputes this figure. In an interview with the authors on July 20, 1995, Wendell Patterson, manager of the records division, said there is “no positive proof” that 4,000 people illegally registered to vote, and he stressed that under California law, when a person signs the affidavit on the registration card, the registrar cannot challenge its authenticity or any information on the card. Of course, this provision of the law in itself may be a problem.
 55. Robert B. Gunnison, “Registrars Seek Voting Reform,” *San Francisco Chronicle*, February 23, 1995, p. A16.
 56. See Haaland and Swordstrom, “A Report on Election Law Irregularities,” p. 9.
 57. See “Report of the Fair Elections Foundation (I),” p. 61.
 58. Haaland and Swordstrom, “A Report on Election Law Irregularities,” pp. 7, 9. In a letter to us dated July 13, 1995, Norma Logan, assistant registrar in Fresno County, wrote that while she has “no direct knowledge or proof that illegal aliens are voting,” there are “many allegations about it, and the possibility is that some may be voting.”
 59. See “Report of the Fair Elections Foundation (I),” p. 62. The man in question is Eduardo Rivera, who publishes *Nuestra Gente*.
 60. See Shawn Hubler, “County Ordered to Tighten Rules for Voter Registration,” *Los Angeles Times*, March 30, 1994, p. B3. He registered in September 1990, when he was nineteen years old, and re-registered in 1993, changing his address and his party affiliation from American Independ-

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- dent to Democrat. There is no record of Martinez actually casting a ballot. His intention may have been to gain documentation in order to qualify for welfare benefits, as Congressman Steve Horn pointed out. (See *Congressional Record*, April 20, 1994.) Or like other illegals, he could have been seeking a voter registration card in order to obtain a separate border-crossing card that facilitates transit across the border and qualifies the holder for a California driver’s license. (A notarized voter card can be used to secure the border document—see the “Report of the Fair Elections Foundation [I],” p. 4.)
- Ironically, Luis Donaldo Colosio, the man Aburto assassinated, had pledged to depart from the fraudulent electoral practices that have severely damaged the credibility of the Institutional Revolutionary Party (PRI), including massive, systemic voter fraud. To his credit, as president of the PRI, Colosio conceded his party’s loss to the right wing National Action Party (PAN) candidate in the gubernatorial race in Baja California Norte, the first such defeat in 60 years. (See Larry Rother, “Mexico’s Ruling Party Concedes First Defeat in a Governor’s Race,” *New York Times*, July 6, 1989, p. A1.) However, Colosio was also the campaign manager of former President Carlos Salinas’s 1988 presidential campaign, the conclusion of which was marred by widespread evidence that the PRI stole the election from Salinas’s opponent, Cuauhtemoc Cardenas. See David Gardner, “Mexico’s New Man Bows to the Past; Mexican Elections,” *Financial Times*, May 22, 1988, p. 4.
61. See Lanie Jones, “Veteran GOP Director Leads Charge in Voter Registration Campaign,” *Los Angeles Times*, October 5, 1986, pt. 2, p. 1.
 62. See Matthew Mosk, “Two Accused of Voter Registration Fraud,” *Los Angeles Times*, October 28, 1994, p. B1. This case is also mentioned later in the chapter. In another example of registration excess, twenty-six transient residents of a Salvation Army shelter were registered and requested absentee ballots, but left before the election. See Robert B. Gunnison and Susan Yoachum, “Abuses Cast Doubt on State Voting System,” *San Francisco Chronicle*, February 22, 1995, p. A1; and Robert B. Gunnison, “Registrars Call for State Voting Reform,” *San Francisco Chronicle*, March 27, 1995, p. A15.
 63. Under California election law, a “helper’s punching holes in other people’s absentee ballots, his or her instructing voters in their choice of candidates, or handing out free stamps are misdemeanors, and his or her handling or mailing of another individual’s absentee ballot is a felony offense.” Now a sophisticated process, absentee “farming” skirts the law, and in some cases violates it.
 64. See Gunnison and Yoachum, “Abuses Cast Doubt on State Voting System,” p. A1.

65. Ibid.
66. Ibid. According to the article, although it is illegal for a candidate to electioneer "while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting," candidates have admitted on the record to engaging voters completing absentee ballots. As explained by Fresno City Council candidate Dan Ronquillo, "there was nothing wrong with entering voters' homes and answering their questions while they voted." (Quoted in Ibid.) However, evidence existed that Ronquillo did more than answer questions; as Gunnison and Yoachum found, "Some voters said in interviews that they felt pressured by Ronquillo. 'He wanted to help me fill out my ballot,' said one elderly voter. 'You know, that's as private as my purse.'"
- Ronquillo's actions certainly had precedents in Fresno. City councilman Homero Espinoza, elected in 1992, was found guilty of voter fraud in 1995. Among other offenses during his campaign, Espinoza personally took and cast other people's absentee ballots, in some cases having the unmarked ballots mailed to his own post office box. Espinoza won by just thirty-four votes in an election where an extraordinarily high 35 percent of the ballots were cast by absentee voters. (Probation report of Homero Espinoza, Fresno County Superior Court Case No. 503088-7, released to us by letter on May 30, 1995, by County Counsel Phillip S. Cronin.)
67. Letter to the authors from Bradley J. Clark, Registrar, County of Alameda, dated July 31, 1995. Mr. Clark pointed out two loopholes in the California process for removing the deceased from the voting rolls: "Alameda County residents who die outside the county have their death records reported in the county of death. These records are then forwarded to the state registrar of vital statistics who in turn sends reports back to the county of residence. There can be a lag of six months to a year to receive this information. Alameda county residents who die outside the state have their death recorded in the state of death. Due to confidentiality laws in many states, these records are never provided to us."
68. See "Report of the Fair Elections Foundation (II)," p. 15. This San Francisco man somehow awoke from a severe case of methadone poisoning, which left him in rigor mortis on April 1, 1982. But he stiffly registered as a Democrat on September 29, 1991, and cast his ballot via coffin in the 1994 general election.
69. Haaland and Swordstrom, "A Report on Election Law Irregularities," p. 6.
70. Ibid., p. 10. The legitimate voter was interviewed and signed an affidavit for the report's authors.
71. See "Report of the Fair Elections Foundation (II)," p. 51.
72. Ibid., p. 24.
73. This "law" is applied to the world of campaign finance in Larry I. Sabato

- Paying for Elections: The Campaign Finance Thicket* (New York: Prior Press, 1989), pp. 19-24.
74. Texas election law permits "election officers, watchers, or any other person lawfully in the polling place" to challenge any voter's eligibility, including absence from registration rolls. Following the challenge, the voter is given the opportunity to rebut the reasons given by executing an affidavit that states the facts necessary to support the voter's eligibility vote." If such an affidavit is produced, the voter may proceed to vote at his or her ballot is not separated from those of unchallenged voters. If the voter refuses to execute the affidavit, he or she is simply not permitted to vote. See Tex. Elec. Code Ann. 63.010 (West, 1994).
75. See Alan Bernstein, "Thousands Voted in 1992 Sans Registration," *Houston Chronicle*, October 24, 1994, p. A1. The total voter turnout in Harris County (including the 6,707 ineligible persons) in November of 1992 was 958,234.
76. Note that 5,277 registrations had expired, and 143 were living in another county.
77. As Alan Bernstein of the *Houston Chronicle* explained it to us in a telephone interview on April 20, 1995, "The registrar's office took [the 6,707 illegal cases in Harris County] en masse to the district attorney's office who took them to a grand jury, and the grand jury said, 'To hell with that we have got [serious crimes] going on to worry about.'"
78. See Selwyn Crawford, "Vote Fraud Allegations are Probed; Registration of 3,000 in Tarrant Doubted," *Dallas Morning News*, May 27, 1994, p. A33.
79. Early voting is available to all voters twenty days before Election Day, although most voters must appear at a designated polling site in person. Exceptions are made for certain individuals and groups, such as the elderly; this is explained in the text following. In 1992, over 40 percent of the registered voters cast an early ballot in some of Texas's most populous counties. See Edwina Rogers, "Election Daze: Is Early Voting Coming to Your State Near You?" *Campaigns and Elections* 15 (September, 1994): 36-37.
80. The signature of a witness is required on the mail-in-ballot application and the certification on the carrier envelope only if another signs for the voter, perhaps if he or she is illiterate or otherwise incapacitated. See Tex. Elec. Code Ann. § 87.041.(b)(2) (West, 1994).
81. See Kevin Moran and Bob Sablatura, "Mail-in Fraud Allegations Probed," *Houston Chronicle*, October 5, 1994, p. A1.
82. Press release, Office of the Criminal District Attorney, Galveston County, Texas, December 20, 1994, pp. 1-3.
83. For example, the campaign of U.S. Representative Craig Washington of Houston made five separate payments in February and March 1994.

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- ing \$22,505 to the "Acres Home Community Relations" group for an "early voting drive" (Federal Election Commission). This group has been suspected of orchestrating some of the mail-in abuses involving early voters, according to reporter Alan Bernstein of the *Houston Chronicle*, but "nobody has ever proved anything on them." (Telephone interview with Alan Bernstein, April 20, 1995.)
84. Affidavit of Edward Taylor, subscribed December 7, 1993, by R. M. Simmons, Harris County, Texas.
 85. According to Texas elections law, it is a misdemeanor to "prepare the voter's ballot in a way other than the voter directs," or "suggest by word, sign, or gesture how the voter should vote." (See Tex. Elec. Code Ann. § 64.036, [a][2-3] [West, 1994].) These stipulations apply to both the polling place and early voting by mail.
 86. Affidavits of Maria Gloria Casteneda, subscribed by Debra Ann Garza, October 27, 1992, and Jesus Casteneda, subscribed by Debra Ann Garza, October 28, 1992. Mr. and Mrs. Casteneda, who intended to vote for David Pena, were told by "helper" Federico Pilon that marking the ballot in the straight Democratic ticket oval would cast their vote for Mr. Pena. Pena was an independent candidate.
 87. Affidavit of Jesus Casteneda, subscribed by Debra Ann Garza, October 28, 1992.
 88. Affidavit of Celia Seymour, subscribed by Henry Rodriguez, December 3, 1994. Ms. Seymour interviewed Mr. Charles Scott and his son and discovered that Mr. Scott and his wife did not prepare the ballots, nor did they sign the carrier envelopes as required. Mr. Scott had signed his mail in application, and his wife placed her "mark" on the signature line, which would have been appropriate only if she were visually disabled or if a language barrier existed. The interloper, a neighbor, requested the Scotts' absentee ballots and indicated which candidate should be selected. Once the ballots were sealed in the carrier envelopes, the "helper" signed Mr. Scott's name on the envelope certification and requested that the Scotts' son sign for Mrs. Scott. The discrepancy in signatures *should* have rendered the ballots invalid.
 89. Affidavit of Curley Cheney, subscribed by Catherine A. Platz, December 17, 1994; interview with A. Glenn Diddel, April 24, 1995; the death certificate of James Cheney Jr., dated September 17, 1992; and the falsified applications for mail-in ballots for both Curley and James Chaney Jr., dated November 23, 1993, and February 17, 1994. Although the spellings of the names differ by one letter, the applications were matched to the Cheneys by address.
 90. In the past two years, sheriffs in two South Texas counties have been implicated, and other counties' officials are undergoing investigation.

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- Brigido Marmolejo, sheriff of Hidalgo County for twenty years, was prosecuted and convicted for accepting bribes from a drug dealer. (See James Pinkerton, "Bribes Cost Sheriff His Job, Respect," *Houston Chronicle*, November 13, 1994, p. 1.) In Zapata County, Judge Jose Luis Guevera, Sheriff Romeo Ramirez, and County Clerk Arnoldo Flores were either convicted of or pleaded guilty to drug related charges. Interestingly, Judge Guevera's opponent alleged vote fraud in a primary election, the results of which were overturned by a state judge. See David McLemore, "Fallout from Drug Sting Has County in Quandary; Zapata Officials Going to Prison, Who'll Lead?" *Dallas Morning News*, July 3, 1994, p. A1; also, James Pinkerton, "Trafficking and the Long Arm of the Law," *Houston Chronicle*, July 31, 1994, p. 1.
91. See David McLemore, "Starr County Denies Election Irregularities," *Dallas Morning News*, August 21, 1994, p. A47. Also, telephone interviews with David McLemore, April 18, 1995; Bruce Sherbert, Dallas County election administrator, April 20, 1995; and David Pena, April 20, 1995. Pena was an unsuccessful candidate for city clerk in Starr County. These kinds of fraudulent activities, it should be noted, are not limited to South Texas in the Lone Star state. See Sylvia Martinez and Frank Trejo, "Hopefuls, Backers Accused of Fraud, Document Tampering in Two Districts," *Dallas Morning News*, May 5, 1995, p. A30; and Todd J. Gillman, "Dallas JP Loser Alleges Voting Fraud," *Dallas Morning News*, May 17, 1994, p. A21. Also see the affidavit of Victor Cantu, August 25, 1992, regarding favoritism in the mailing of absentee ballots.
 92. Affidavits of Mary Ramirez, November 12, 1992; and of Sonia Garza, November 15, 1992.
 93. Political scientist Louise Overacker, in her *Money in Elections* p. 34, explained the Kentucky operation this way: "The Republican organization in Louisville, Kentucky, has worked out a novel method of payment [for votes]. In the local election of 1925 aluminum discs the size of a half dollar bearing the imprint of a bulldog were distributed to the faithful by precinct workers. These bulldog checks were then taken to a district paymaster and redeemed for \$2.00. By this plan the use of money around polling places was avoided and only a few persons were entrusted with cash."
 94. These estimates were given by veteran Kentucky journalist Al Cross of the *Courier-Journal* in an interview with the authors, June 29, 1995. Another prosecutorial source told us the usual price was "more like \$20 . . . but the highest that I heard was \$150. . . . It depends on the market and how tight the race is."
 95. The absentee ballots were either sent directly to the voters, who marked

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simply had the voter sign pre-marked ballots. Once the voters signed off, they would receive the payoff.

The Kentucky legislature had attempted to curb vote fraud by passing reform legislation in 1988 that made purchasing or selling votes a felony offense. (Rigging election machinery and electioneering within 500 feet of the polls were also severely punished.) (See Kentucky Revised Statutes, Title X, at 117.235.) The new law apparently did indeed stem fraud at the polling places, where illicit activity is easily observable, but it may simply have channeled more fraud into the relatively hidden absentee process. As a result of the recent disclosures of absentee fraud, the legislature has passed still more reforms, including two mandates directly affecting absentee voting. Now, no individual is permitted to assist more than two voters, and citizens are allowed to vote by mailed absentee ballot only if they are certifiably disabled, or living outside their county, or serving in the military. (Kentucky Revised Statutes, Title X, at 117.075.) Other people who wish to vote prior to the election day must do so *in person* at their county courthouse. (Kentucky Revised Statutes, Title X, at 117.077.)

Unlike some of the other states we have investigated, Kentucky has taken vote fraud seriously. As George Russell, executive director of the State Board of Elections commented, "I think you'll find that the Attorney General, Secretary of State, and the General Assembly are completely committed to eliminate vote fraud. Of course, that's the *present* Attorney General, Secretary of State, and General Assembly" (interview with George Russell, July 27, 1995). The state election system is well administered; statewide registration records are computerized, and voters are identified by a unique number to prevent duplicate registration. Sources differed on whether the revisions of the election code, or a more active, aggressive approach to combating electoral abuses on the part of the State Board of Elections, secretary of state, and the state attorney general have contributed to a decrease in election fraud. In any case, there was a significant decrease in the number of calls made to the attorney general's statewide vote fraud hotline in 1994 and 1995. See, for example, John Voskuhl, "Primary '95: State's Vote-Fraud Hot Line Rings Only Three Times," *Courier-Journal*, May 24, 1995, p. B5.

96. Interview with Dale Wright, July 19, 1995.
97. Ibid.
98. The same class and economic distinctions can explain the presence or absence of "street money" in any community.
99. A couple of our Democratic interviewees alluded to this reasoning in off-the-record comments.
100. United Press International, "Election Officials: Four Dead People Cast Ballots in Hudson," January 12, 1989.
101. Peter J. Simonson, "Judge's Ruling Leaves Sequence Movable; Chal-

lenge to Just's Victory to Proceed," *Bergen Record*, January 22, 1994, p. A4.

102. Interview with Ed Rollins, May 26, 1995.
103. The author of the observation is journalist Marc Mappen. See the retelling of a classic 1889 ballot-box stuffing in Hudson County in Marc Mappen, "Jersey-ana," *New York Times*, November 13, 1994, section 13, p. 17.

NOTES TO CHAPTER 11

The quotation at the beginning of the chapter is from Merrill D. Petersen (ed.), *The Portable Thomas Jefferson* (New York: Penguin Books, 1977), p. 198. We have now come full circle. The first part of this Jefferson citation appeared in the introductory discussion of corruption.

1. As did a number of other candidates, none of whom was ever called to account by the IRS.
2. Title 26, Internal Revenue Code, Sec. 527.
3. President Nixon and high-ranking members of his administration attempted to use the Internal Revenue Service to retaliate against critics and opponents. As John Dean explained in a memo made public during his explosive testimony before the 1973 Senate Watergate hearings between June 25 and 27, the goal was to "maximize the fact of our incumbency with persons known to be active in their opposition to the administration. Stated a bit more bluntly—how we can use the available federal machinery to screw our political enemies." Grants, contracts, litigation, prosecution, and audits were possibilities Dean raised.

In addition, attempts were made to gain access to IRS information for use against "enemies." When initial attempts to gather the "dirt" failed, Nixon brought pressure to bear on both Internal Revenue Service Commissioner Johnnie Waters (who was later replaced) and Treasury Secretary George Shultz.

Another document Dean made public was the actual "priority list" of opponents (compiled by then-special White House counsel Charles Colson), which included prominent corporate executives (such as Arnold M. Picker of the United Artists Corporation), labor union officials (such as Alexander Barkan of AFL-CIO COPE and Leonard Woodcock of the UAW), Democratic congressmen (such as Ronald Dellums and John Conyers), and media figures and entertainment personalities (such as Daniel Schorr, Mary McGrory, and Paul Newman).

For a fuller account, see Bob Woodward and Carl Bernstein, *The Final Days* (New York: Simon and Schuster, 1976), p. 89; and Mercer Cross and Eldler Witt (eds.), *Watergate: Chronology of a Crisis* (Washing-

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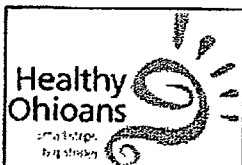
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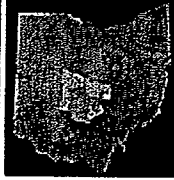


Columbus

Con Artist Poses as Elections Worker

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March 25, 2004



The Franklin County Board of Elections is warning residents of a scam artist. ONN-affiliate WBNS reports that an identity thief is prowling the streets of northeast Columbus. He goes door-to-door asking people to register to vote. He shows them a picture I.D., a clip board and a palm pilot. After he receives personal information, he attempts to steal money.

At least six people have complained to the Board of Elections about the scam, but the county says elections officials don't go door-to-door.

The safest way to register is to contact the Board of Elections directly.

However, not everyone who comes to your door and asks to register you to vote is out to scam you.

Many legitimate groups are having voter registration drives to get more people to the polls for the November elections.

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News

Elections | Article published Tuesday, December 9, 2003
LUCAS COUNTY BOARD OF ELECTIONS

Vote certification prompts recount in 4 local contests

By FRITZ WENZEL
BLADE POLITICAL WRITER

The Lucas County Board of Elections certified the Nov. 4 general election yesterday, finalizing its results after an arduous process that had elections workers meticulously examining votes cast in every one of the county's 530 precincts.

The certification triggers recounts of four races or ballot issues:

- Sylvania City Council.
- Oregon City Council.
- The village of Waterville.
- The Swanton School District.

No date was set for those recounts, but they'll be done in the next two weeks, said Joe Kidd, elections director.

The board of elections' unusual attention to detail was required after it was discovered that some poll workers had trouble following unfamiliar sets of directions required because of new electronic voting machines. On two earlier occasions, meetings to certify the election were canceled because the board was not finished with its work.

Poll workers also found themselves scrambling on Election Day because they were short-handed. Many booth official jobs went unfilled, elections records show.

Two workers responsible for recruiting Republican poll workers have been suspended for failure to do their jobs. They face a hearing Dec. 16 to determine their employment status.

Mr. Kidd said problems were to be expected because it was the first countywide election using new machines. He said he believes the March primary election will run much better.

In a related matter, the board directed Mr. Kidd to seek more information from the office of Secretary of State Kenneth Blackwell about a January deadline for counties to pick which voting machine they wish to buy under the federal Help America Vote Act.

Un clear instructions for Poll worker

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The board wants to know if it will be granted more time to decide in light of a recent study that revealed the machines up for sale in Ohio have security flaws.

Mr. Blackwell has ordered the companies to fix the flaws before their machines are allowed in Ohio, but those repairs are not expected to be completed by the January deadline.

Paula Ross, chairman of the elections board, said she didn't want to be forced to choose voting machines until the flaws are fixed.

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Posted on Tue, Sep. 30, 2003

The Beacon Journal

Summit elections worker fails polygraphs

OH

No. 2 official admitted drug, alcohol use before petition query, sources say

By Julie Wallace
Beacon Journal staff writer

A Summit County Board of Elections employee quizzed as part of a probe into a candidate's missing petitions failed two polygraph tests after admitting using drugs and alcohol before the tests, law enforcement officials said.

Several sources familiar with the investigation identified the employee -- who was not named in a news release issued Tuesday by the Summit County Sheriff's Office -- as Deputy Director John Schmidt, a Democrat who holds the No. 2 position in the board's office.

Schmidt declined to comment. His lawyer, Carmen Roberto, said Schmidt did not fail the polygraphs; he said the results were inconclusive on both tests.

Sheriff Drew Alexander, a Republican, said 11 full-time employees were asked to submit to lie-detector tests in the investigation into the June disappearance of election petitions belonging to Akron City Councilman Joe Finley, D-2. Finley is a maverick often at odds with his party's local leaders.

Eight of those 11 full-time employees easily passed the polygraph.

Three others were tested twice. Two of them had results that initially were labeled inconclusive but later were determined by polygraph examiner Bill Evans to be truthful.

The third employee also underwent two voluntary tests -- showing up and acknowledging to Evans that he had used marijuana and alcohol prior to the appointments, Alexander said.

Alexander, who declined to confirm that the employee is Schmidt, said no charge would be filed against the employee over his admitted drug use because the tests were voluntary.

``Both times, he failed miserably at over \$500 a pop," Alexander said. ``That's enough polygraph examinations. I have no confidence that he'd come in and take a third or fourth and not try to beat it."

No charge likely now

Alexander said the failed tests elevate the individual to a potential suspect, but no charges are likely at this point.

``He's a person of interest -- certainly a person of interest," Alexander said. ``But... we need a witness or a confession. Until one of those two come forth, we just can't arrest on the fact that he failed a polygraph."

Alexander's office released the information as part of a status update on the investigation. It began after Finley discovered his petitions were missing when he went to the board's Grant Street office to have them filed minutes before the 4 p.m. June 26 deadline. He had submitted the petitions earlier that week for signature verification.

A judge ultimately ordered that Finley be placed on the ballot, and elections board officials asked the sheriff's office to investigate the disappearance of the petitions.

Tuesday's update said the board's offices were searched twice, and detectives interviewed 28 of the

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employees. Those 28 were the ones identified as having been around the office from 11 a.m. to 12:30 p.m. June 25 -- the period in which, detectives determined, the petitions had disappeared.

More interviews

Most of the part-time employees -- generally college-age students who are relatives of political operatives in the area -- have not been interviewed. But after meeting with election officials Monday to brief them on the investigation, the detectives agreed to interview those part-timers.

``They felt we needed to interview everybody," Alexander said. ``We interviewed the people we thought were in the area during the timeline when the petitions were missing. But to satisfy everybody, we'll interview everybody."

Detectives will track down those people, many of whom have returned to college. Phone interviews will be arranged if possible; lie-detector tests will be initiated only if something of interest is learned, Alexander said.

Those who worked for the board over the summer include the two children of former Akron Service Director Joe Kidder; the son of Wayne Jones, a leader in the county Democratic Party; the daughter of Akron Council President Marco Sommerville, D-3; the son of Akron Councilman Mike Freeman, D-9; and the son of Kevin Davis, a campaign aide for Akron Mayor Don Plusquellic. The Republican part-timers also had political ties -- albeit to lesser-known precinct committee representatives, rather than officeholders and party leaders.

Schmidt, lawyer respond

Schmidt, contacted Tuesday, said he couldn't discuss the allegations and would not acknowledge whether he was the employee in question.

Roberto, Schmidt's lawyer, did deny that Schmidt had admitted using drugs or alcohol before either of his tests.

``I was at the second test. It did not happen," Roberto said.

If investigators ask Schmidt to take a drug test, Roberto said he would encourage his client to do so.

Schmidt, a Cuyahoga Falls City Councilman, was hired at the elections board in September 2002 to replace Yolanda Walker, who took a job leading the Summit County Solid Waste Authority.

Russ Pry, chairman of both the Summit County Democratic Party and the elections board, said he expects the allegations in Alexander's news release will be the topic of an upcoming executive session of the elections board.

Board Director Edna Boyle, a Republican who took over at the board at the end of July, said personnel problems exist that the board needs to address.

``Those are very serious allegations that are made in the statement, and I hope they are dealt with as soon as possible so we can get back to the reason we are here -- to have fair elections," Boyle said. ``We need to not lose focus of that here, and I'm afraid we will with all that is going on."

Alex Arshinkoff, chairman of the Summit County Republican Party and an elections board member, said the release is the latest blow to the troubled board.

``This matter is bad enough in and of itself, but what makes it more troubling is that the petition that was stolen is a Democrat who is a maverick and who has endorsed the Republican candidate for mayor, Bryan Williams," the GOP leader said.

``It certainly adds another element of discomfort for the Board of Elections inasmuch as it adds another layer of politics to this outcome and action."

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October 30, 2002

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TN

Atchley Named By Mattice As District Election Officer posted October 29, 2002

United States Attorney Harry S. "Sandy" Mattice, Jr. today announced the appointment of Assistant United States Attorney Chuck Atchley to serve as district election officer for the Eastern District of Tennessee.

This appointment was made pursuant to a nationwide Department of Justice Voting Integrity Initiative announced by Attorney General John Ashcroft in Washington, D.C. earlier this month. The purpose of this nationwide federal law enforcement program, which the Department has implemented during national general elections since the late 1960's, is to ensure public confidence in the integrity of the election process by strengthening and enhancing the Department's efforts to protect voting rights and to prosecute election crime throughout the country, officials said.

Mr. Mattice said, "Election fraud dilutes the worth of votes honestly cast. It also corrupts the essence of our representative form of government. As a crime against both the individual and the government, it will be dealt with promptly and aggressively."

As district election officer, Mr. Atchley will supervise the investigation and prosecution of election fraud matters in the Eastern District of Tennessee, and will coordinate the District's efforts with Department of Justice prosecutors in Washington, D.C. As part of his responsibilities as district election officer, Mr. Atchley will supervise a team of Special Agents of the Federal Bureau of Investigation (FBI) during the November 5 election, including the preceding early voting period.

These individuals will be on duty throughout the election period to receive complaints of election fraud. AUSA Atchley can be reached by the public at the following telephone numbers: (865)545-4167 and (865)607-8727.

The FBI also will have special agents available in each field office and resident agency in this district to receive allegations of election fraud during the election period. The FBI can be reached by the public at: (865)544-0751.

Mr. Mattice stated that most forms of election crime are easily recognized, such as voter bribery, voter intimidation, and ballot forgery. Other forms of election fraud are more subtle. It is, for example, a federal offense to seek out the elderly, the socially disadvantaged, or the illiterate for the purpose of subjugating their electoral will. Furthermore, every voter has the right to mark his or her ballot in private, free from the watchful eye of election partisans.

Mr. Mattice said, "The detection of election fraud depends in large part on the watchfulness and cooperation of the American electorate. It is imperative that those who have been asked to participate in questionable election practices, or who have observed or have specific information regarding electoral corruption, make that information available immediately to my Office or to the FBI. The cooperation of this country's citizens in helping to protect the sanctity of the ballot box is crucial."

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election fraud

The 2002 Help American Voter Fraud Act

http://www.pardonmyenglish.com/archives/2005/10/the_2002_help_a.html

VT

October 06, 2005

Want to vote by phone? Apparently, it is a possibility...

Americans may soon be able to use the telephone to vote in local elections, and could someday dial in their decision in national races, the WALL STREET JOURNAL reports on Thursday.

The 2002 Help America Vote Act, which was created to simplify the voting process following the debacle in Florida during the 2000 presidential election, helped fund the development of new voting systems.

Vermont is the first state to commit to phone-voting technology. By the November 2006 elections, all of the state's voters who are unable to mark their own paper ballots are slated to use a new telephone voting system. The Vote-by-Phone, initially will be used only in polling places – but there are plans to expand the system to voters' homes!

The irony here is that an action taken to curtail voter fraud will lead to provisions that will make it easier to commit voter fraud. I can hear the stories now, Democratic operatives will either be A) knocking on doors on Election Day and physically making the calls themselves (which would likely be prohibited); B) employee phone technicians to make calls on behalf of real voters, fooling the system to believe that they are indeed calling from the actual address; C) pay for phone numbers for non-existent or dead persons and voting for them D) all of the above and much, much more. I can see it now, every phone booth will become the residence of a "registered Democrat" who votes party line.

The sad thing is, this not far-fetched.

Posted by Aaron at October 6, 2005 12:32 PM

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GOP: Gov.'s bill would encourage voter fraud

Thursday, January 08, 2003

By **TERRENCE DOPP**
Trenton Bureau

TRENTON -- The floodgates for rampant voter fraud would be thrown wide open under legislation being pushed by Gov. James E. McGreevey, Republicans charged Wednesday.

A bill up for a vote in the state Senate would prohibit so-called "third party" registration groups and poll workers from checking voters' identification. Administration officials said the checks would prove a deterrent to some urban voters with little identification.

But critics of the plan maintain it would inject uncertainty into the process by making it unclear exactly who is voting and how often.

"You can't put people through the third degree to vote or else no one would vote. People should not be hassled before they enter the voting booth," said McGreevey spokesman Micah Rasmussen. "He wants as many people to exercise their rights as possible."

Legislators in the Assembly passed the measure 72-3 on Dec. 15.

The bill is an updated version of one McGreevey vetoed Dec. 8 because he said it was too strict in requiring the identity checks. It springs from the federal Helping America Vote Act (HAVA) passed in October 2002 after the contested presidential election two years before.

State funding for election reforms, establishing a grievance procedure for those who feel they've been wronged at polls and a limited prohibition on paper ballots were part of the original bill. It also doled out about \$4 million in federal funding.

Rasmussen said state election monitors told the administration to change the bill to match federal requirements, which do not allow identity checks.

Ramon de la Cruz, the state's lead figure in enacting HAVA, said the issue shows the growing pains of states grasping to meet federal guidelines foisted upon states with no appropriation and arbitrarily drawn timeframes.

HAVA was intended to increase voter turnout and to insure all votes are cast legally.

One GOP lawmaker said under McGreevey's HAVA plan, there would be no safeguarding the security or integrity of ballots.

"The governor's recommendations provide that when a person is registered to vote through the actions of a third party, such as through a voter registration drive, no identification shall be required to ensure the identity of that person," Sen. Thomas Kean, R-Union, said in a letter to

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Attorney General Peter Harvey calling for a halt to implementing McGreevey's proposal should it clear the Legislature.

"The provision clearly violates both the letter and spirit of the federal law, and invites nothing less than the imprimatur (approval) of the state government for institutionalized voter fraud," Kean added in the letter.

Federal lawmakers issued states a number of mandates with HAVA, including issuing money to scale back the use of paper ballot voting machines. So far the state has received \$13 million under HAVA and is awaiting over \$20 million more, de la Cruz said.

Passage of the act followed the defeat by President Bush of then-Vice President Al Gore after senior citizens in Florida said they voted incorrectly because of punch card ballots.

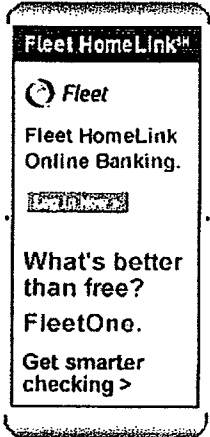
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Fraud Lawsuit Targets Gerson Election

NY



Forged Signatures ON Petitions

By Daryl Kahn
Staff Writer

August 7, 2003, 7:25 PM EDT

According to her death certificate, Elsie Roloan died 9:30 p.m. on June 22, 2001. But her signature appears next to the date June 26, 2003 in an election petition for Manhattan Councilman Alan Gerson and a slate of Democratic judges and party leaders running for office.

This is one of the allegations of election fraud being brought Friday in Supreme Court by a political opponent of the councilman.

The court's decision could determine who will win the race for the 1st District council seat in the heart of the financial district.

The two petitions being challenged, 216 and 219, are, according to court documents, "replete with forged signatures" and note "that it is a travesty for these petitions to have been certified by The Board of Elections."

Among the other allegations made in the court documents are that illegal aliens collected a majority of the signatures, a violation of election law, and that many of the signatures and the witnesses signing them were forged.

Gerson denied the allegations and said that he has no tolerance for "shenanigans" in his campaign. But he added that he and his campaign had nothing to do with the collection of the petitions.

"I have no control or oversight over the petitions in question," he said. "This suit is a total waste of the judiciary's time. It's frivolous."

A candidate is required by law to certify in a cover sheet that the petitions filed with the Board of Elections are valid.

A candidate needs 900 valid signatures to get on the primary ballot. But even if a candidate has enough legitimate signatures, a judge can, if he finds that the petitions are "permeated with fraud," kick a candidate off the ballot.

Norma Ramirez, who filed the suit, said Gerson knew that many of the signatures were fraudulent, including sheet number 126 in petition 219 — where the dead woman's signature shows up.

"Of course he knew," she said.

She said Gerson is part of the city's Democratic Party machine and that these tactics are commonplace.

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"This is about what's been going on for years," she said. "This is about the little people fighting against the machine."

Ramirez was candidate for Female Party Leader in the 64th Assembly District who was knocked off the ballot by a lawsuit brought by Alice Cancel alleging fraud on her petitions. Cancel is also listed on the petition.

The 1st District's borders encompasses one of the most important political regions in the city. Within its borders are the World Trade Center site and the Lower Manhattan Development Corporation steering its future, Wall Street and Chinatown.

The fallout from Friday's decision is crucial because of the party make-up of the district. Like most districts in the city, its voters are overwhelmingly Democrats, at 64 percent. Only 11 percent of the voters are Republican, and the remaining 25 percent are either with smaller parties or unaffiliated.

Political analysts say it is highly likely that the winner of the Sept. 9 Democratic primary will capture the 1st District seat in the November election.

The other names listed on the suit are: John Quinn, candidate for male assembly district leader in the 64th Assembly District, and Shlomo Hagler, Kathryn E. Freed and Marcy Friedman, all Democrats running to fill judge vacancies in Manhattan Civil Court.

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*Informing
Poll workers
NY*

September 20, 2001

Questions Face Elections Board Before Primary

By DIANE CARDWELL

With less than a week to go before a hastily rescheduled primary, the city's Board of Elections is facing a set of serious challenges, from trying to inform poll workers of the new elections schedule, to figuring out whether possible runoffs in some citywide races would have to be held using paper ballots, to a lawsuit filed by a group of voters and candidates seeking to postpone the primary election yet again.

At a meeting of the board yesterday, commissioners were still debating where the board would operate from next Tuesday, since the attack on the World Trade Center disabled their computer system, too.

"I think they have a very daunting challenge to pull off the primary and the runoff and the general election," said Gene Russianoff, staff lawyer at the New York Public Interest Research Group, who was at the meeting.

Mr. Russianoff said that one of the biggest problems was informing poll workers that they would be needed Tuesday. The board has resorted to advertising in the print media, but the advertisements only announce the date of the rescheduled primary and are not addressed directly to poll workers.

Board officials said yesterday that workers would be told by elections officials, but Mr. Russianoff said that he still had concerns, given "the low amount of information about the election" that had been getting out. "The fear is that maybe some poll sites would not be able to open up," he said.

Another problem facing the board is how to get its 6,700 voting machines ready for a general election after a runoff, said Gary Berzansky, the chief custodian of the machines. With a possible runoff now moved to Oct. 11, he told the board, he would not have enough time to retrieve the machines, tabulate the results and then to prepare and truck the machines out again for the general election. Mr. Berzansky suggested that any runoff be conducted with paper ballots. He said his office was down by 17 technicians and described his staff, which has worked "45 straight days with no day off in sight," as irritable, tired and very upset about the attacks.

One commissioner said paper ballots would subject the board to allegations of manipulating the elections.

"I'm not trying to manipulate any election," Mr. Berzansky replied. "I'm trying to be realistic."

In the end, the board rejected the proposal, even as Mr. Berzansky said that he could not guarantee that the machines would be ready.

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One plaintiff in the lawsuit, Shirley Kwan, who is the campaign treasurer for Kwong Hui, one of the nine City Council candidates who are also plaintiffs in the suit, told the board that the city was not ready for the election.

"Like many other residents who live in the downtown area, we all have been victims of the tragedy and we need time to heal," she said later. Many residents are not getting the services they need, she said, and are so focused on finding places to stay or getting health care that they cannot focus on the election. The state passed legislation this week that will allow anyone in the affected area below Canal Street to vote by mail-in or absentee ballot.

Joseph Gentili, deputy director of the board, declined to discuss the lawsuit, but Mr. Russianoff said that it was not inconceivable that a judge would postpone the election, although the board had already addressed some of the issues the suit raises.

The board also received notice yesterday that the Police Department would be able to provide officers at the 1,300-odd polling sites. Mr. Gentili said that instead of having two officers splitting the shifts at each site, one officer would work for the entire day. The board also learned that the Police Department would not be able to provide an early unofficial count as it has in years past on election night because the computer lines linking the department to the elections board no longer exist. The first results, Mr. Gentili said, would therefore be the board's own official count, which would not be available until later in the week.

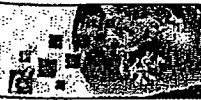
Near the end of the meeting, the commissioners discussed the possibility of making a public service announcement to inform those people who voted on Sept. 11, before the election was scuttled because of the attacks, to return to the polls on Tuesday. Mayor Rudolph W. Giuliani was suggested as the person to make the announcement, but Mr. Gentili nipped that idea in the bud.

"I think the mayor has a lot more things to do," he said.



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Friday, April 25, 2003

4 charged in Knott election Judge-executive, others allegedly paid for votes

Mail this page

By Alan Maimon
amaimon@courier-journal.com
The Courier-Journal

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your door each morning.

Four Knott County men, including two-term Judge-Executive Donnie Newsome, were indicted yesterday on federal charges of vote-buying stemming from the troubled May 1998 primary election.



Donnie Newsome, shown in 1997, is the first Kentucky elected official in at least five years to be charged with buying votes.

Newsome, 52, and Willard Smith, 54, both of Hindman, and Keith Pigman, 45, of Garner were charged by a federal grand jury in London, Ky., with one count of conspiracy to pay voters to cast absentee ballots in the primary election in which Newsome was running for judge-executive.

Newsome, the first Kentucky elected official in at least five years to be indicted on votebuying charges, also is charged in two counts of the six-count indictment with paying and aiding the paying of between \$50 and \$100 to two voters in the primary. Smith is charged with four counts of paying voters.

Pigman is charged with two counts of paying voters and aiding the paying of voters.

In a separate indictment, Newton J. Johnson, 33, of Brinkley, is charged with four counts of paying voters in the 1998 primary. Johnson also was charged with one count of making false statements to the FBI about his involvement in paying voters and two counts of obstructing justice by urging two witnesses to lie to the grand jury investigating the vote-buying allegations.

Newsome, Smith and Pigman each face up to five years in prison and a \$250,000 fine if convicted. Johnson faces up to 10 years in prison and a \$250,000 fine if found guilty.

An arraignment date in U.S. District Court in Pikeville hasn't been scheduled.

Newsome, who defeated three-term incumbent Homer Sawyer in the May 1998 primary and won re-election last November, didn't return phone calls to his home yesterday.

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University Hospital

Reached by phone, Pigman said he wasn't aware of the indictment.

"I have no idea what's going on," he said. "I'm amazed."

A Newton J. Johnson of Brinkley also said he had heard nothing about the indictment.

Smith couldn't be reached for comment yesterday evening.

Assistant U.S. Attorney Thomas L. Self and Richard Pilger, a trial attorney with the U.S. Justice Department, are prosecuting the case. The FBI conducted the investigation.

The May 1998 primary election in Knott County drew widespread notoriety in 1999 after six county residents were charged in a federal indictment with conspiring to buy votes of students at Alice Lloyd College, a small private college in Pippa Passes.

It also attracted the interest of federal and state investigators because of the unusually high number of absentee ballots.

Later, state and federal authorities descended on Knott County amid allegations of election fraud. Five of the six people charged with conspiring to buy the college students' votes were convicted or pleaded guilty to federal charges.

So far this year, federal prosecutors have taken aim at alleged vote-buying, a practice that Greg Van Tatenhove, U.S. Attorney for Kentucky's Eastern District, said jeopardizes democracy. "Representative government is diminished when the worth of honest ballots is diluted by ballots bought by those who seek to corrupt the election process."

In March, a federal grand jury in Lexington charged nine people with conspiring to buy votes under the guise of paying people to transport voters to the polls in lawyer John Doug Hays' unsuccessful race last year for Pike County district judge. Hays, his wife, Brenda Hays, and lawyer and coal operator Ross Harris are among those facing charges.

All nine have pleaded innocent.

Last month in Knott County, six men were indicted on federal charges that they paid people to vote in the 1998 primary election.

Five of the six also are charged with lying to the FBI about alleged vote-buying.

The six are charged in five federal indictments returned by a federal grand jury in London. Indicted were Ronnie Neal Slone, 55, and Brady Warren Slone, 57, both of Pippa Passes; Phillip Slone, 53, and Jimmy Calhoun, 33,

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both of Hindman; Patrick Wayne Madden, 45, of Littcarr; and Jimmy Lee Conley, 33, of Lackey.

All six have entered innocent pleas.

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Saturday, August 16, 2003

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Knott men acquitted of vote-buying charges Credibility of witnesses may have hurt case

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Two brothers were acquitted yesterday of charges that they bought votes in a primary election in Knott County five years ago.

A jury deliberated less than two hours before finding Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, innocent of the charges in U.S. District Court in Pikeville.

"This was a case of mind over matter," Ronnie Slone said. "The FBI knew in their minds that we were innocent, but it didn't matter. They brought scum in here to testify against us."

The key prosecution witnesses were three women, two of whom acknowledged in court that they were hooked on prescription drugs around the time of the 1998 primary election. Each testified that Ronnie Slone, an insurance agent, paid her \$100 to vote for certain candidates. They said Brady Slone, a retired public school principal, stood nearby when the payments were made.

Defense attorneys called a Knott County physician and a pastor as character witnesses who testified that the Slone brothers had unblemished reputations for integrity and truthfulness.

Ned Pillersdorf, attorney for Brady Slone, said he believes the lack of credibility of the

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prosecution's witnesses, coupled with the Slones' record of community service, led to the acquittal.

"Prosecutors shouldn't have selected this case, with the underwhelming credibility of the witnesses," Pillersdorf said. "There are plenty of unsavory characters that bear looking into. My client is a hero who was injured in combat. You don't try to convict a Vietnam veteran with shrapnel in his head on the testimony of noncredible witnesses."

Brady Slone received the Purple Heart for the injury he received in February 1967.

"This government sent me to war as a combat medic and destroyed my life, and now this government treats me like scum," said Brady Slone, who wept after the verdict was read. "I don't like it."

One of the prosecution witnesses, Monica Miller, a former Hindman resident who now lives in Cincinnati, testified that Ronnie Slone paid her for her vote while Brady Slone stood nearby. Prosecutors claimed Brady Slone was acting as a lookout.

Miller and her friends Ann Slone and Jana Slone, who may be distant relatives of the brothers, each testified that they went to the Knott County Courthouse together, voted, then drove to the outskirts of town where they were paid.

All three of the women needed the money, said federal prosecutor Richard C. Pilger from the U.S. Department of Justice in Washington.

"These women were exploited," Pilger said. "They were poor, hard-pressed women. The kind of people susceptible to selling their votes."

FBI Special Agent Tim Johnson said he contacted the three women as part of his investigation. He said they were "very reluctant" to answer his questions.

Johnson, who testified that he had interviewed about 175 people in his investigation, said the U.S. attorney's office had agreed to grant immunity to the women for the crime of selling their votes if they cooperated.

"They didn't want to be here," Pilger told jurors in the Pikeville courthouse. "They didn't want to get these guys in trouble. They had no reason to lie."

However, defense attorney Steve Owens, representing Ronnie Slone, said the women had changed their stories numerous times. He said they even acknowledged that their testimony in court differed from their original statements to the FBI.

The Slones became the second and third Knott County residents acquitted of vote buying charges in Eastern Kentucky since June.

On June 20, a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes in the same primary election.

Conley was the first of about 20 Eastern Kentuckians indicted this year on charges of election fraud to go to trial.

Two other people indicted in the Knott County probe pleaded guilty to vote fraud earlier this month. Phillip Slone, 53, of Hindman, and Newton J. Johnson, 40, of Brinkley, admitted paying voters \$50 to vote in the primary election.

Five other Knott Countians remain under indictment on federal vote fraud charges, stemming from the same primary election. All have entered innocent pleas.

And in Pike County, 10 people, including a former state senator and his wife, are under indictment on charges of vote fraud involving a race last year for district judge. They, too, have entered innocent pleas.

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Election-fraud trial begins in Pikeville Knott County Judge-executive is 1 of 2 charged

By ROGER ALFORD
Associated Press

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PIKEVILLE, Ky. — Defense attorneys wasted no time yesterday attacking the credibility of witnesses who'll testify against Knott County Judge-Executive Donnie Newsome and a campaign worker in their election-fraud trial.

"You're not going to hear from one single credible witness that they are guilty," said Scott C. Cox, a Louisville attorney representing Newsome in the U.S. District Court trial in Pikeville.

Newsome, 52, and Willard Smith, 54, both of Hindman, are accused of buying votes in the 1998 Democratic primary.

Federal prosecutor Richard Pilger told jurors in his opening statement that at least one witness is unable to read, another has mental problems and another is a convicted felon. All were poor and easy prey for unscrupulous candidates, he said.

"We will prove to you that Donnie Newsome picked exactly that kind of people in anticipation of this day," Pilger said.

NEWSOME AND Smith were among several people charged after an FBI investigation into the 1998 primary. U.S. District Judge Danny Reeves said the trial is expected to take several days, perhaps extending into next week.

Pilger said authorities suspected something was amiss in the election when they saw large numbers of absentee votes being cast.

"This was a flag to the FBI," Pilger said. "This was an indication of vote buying."

Pilger and Assistant U.S. Attorney Tom Self, having failed to win convictions in two vote-fraud trials in Pikeville since June, asked that the trial be moved elsewhere.

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Self said he feared publicity and the political influence of the defendants could hurt the chances of a fair trial in Pikeville.

The judge also expressed concerns about pretrial publicity surrounding the case but opted to keep the trial in Pikeville.

In a trial last month, Brady Slone, 57, and Ronnie Slone, 55, both of Pippa Passes, were found innocent of buying votes in the same primary. They became the second and third Knott County residents acquitted of vote-buying charges. In June a federal jury found Jimmy Lee Conley, 33, of Lackey, innocent of buying votes.

Three other people indicted in the Knott County investigation have pleaded guilty to buying votes. Phillip Slone, 53, of Hindman; Newton J. Johnson, 40, of Brinkley; and Jimmy Calhoun, 33, of Hindman, admitted paying voters \$50 each.

The trial of the remaining defendant, Patrick Wayne "Buck" Madden, 45, of Littcarr, is scheduled for Oct. 7.

PILGER TOLD jurors in his opening remarks that Newsome, a former state representative, wanted to be boss of Knott County and bought votes and conspired to buy votes to achieve that position.

"Every citizen is entitled to participate in voting without the taint of vote buying," he said.

Cox said Newsome won the election by working hard. "His campaign strategy was to wear the leather off the soles of three or four pairs of shoes."

The same strategy, Cox said, won Newsome election to two terms in the legislature.

"Believe me," Cox told the jury, "there are two sides to this story."

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KY

Posted on Tue, Feb. 03, 2004

LEXINGTON
HERALD-LEADER

Knott man gets 20 months for vote fraud

HE WAS ONE OF 12 PEOPLE CONVICTED IN VOTE-BUYING SCHEME

ASSOCIATED PRESS

PIKEVILLE - A Knott County man has been sentenced to 20 months in prison for buying votes in the 1998 primary election.

Patrick Wayne Madden, 46, of Littcarr, will serve two years probation when he is released.

U.S. District Judge David Bunning imposed the sentence yesterday, saying he hopes the punishment will deter others from buying votes in eastern Kentucky.

Madden, who was not a candidate in the election, pleaded guilty. He was among a group of Knott County residents charged in an FBI crackdown on election fraud that netted 12 convictions.

Knott County Judge-Executive Donnie Newsome, a former state representative, was among those caught in the crackdown. He was convicted in federal court Oct. 1 of one count of conspiracy to buy votes and two counts of buying votes.

Newsome's sentencing is scheduled for March 16. He faces three to 15 years in prison.

Another Knott County man, Willard Smith, was convicted in the same trial of one count of conspiracy to buy votes and four counts of buying votes. Smith faces five to 25 years in prison at his sentencing on Feb. 17.

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The authors of the study conclude "It would be difficult to imagine a jurisdiction adopting a new technology for voting if it were not satisfied that the proposed innovation was at least as good as the present system on every one of the first ten criteria, and better than the present system on the last seven."

The study urges caution but identified telephone, kiosk, and Internet as three options sufficiently evolved to support testing in a fully functional pilot. Of these, the study said telephone offers the potential for the most significant impact on the largest base of Canadians.

Legislation recently passed by parliament and awaiting royal assent would authorize studies of newer technology and voting.

STUDENT ABSENTEE VOTES

An elementary school physical education teacher and two other Knott County, Ky. residents were convicted April 19 in federal court in Pikesville, Ky. for conspiring to buy absentee ballots from 12 students who attend a small private college. The twelve person federal jury, which deliberated for seven hours over a two-day period, failed to agree on a verdict for two other defendants, one of whom was the brother of the county attorney on the ballot. These two defendants face a retrial in June.

The jury convicted Caney Creek Elementary School physical education teacher Phillip D. Sparkman, of twelve counts of vote fraud and of one count of lying to the FBI. Lola Jean Stone, a sister of one of the candidates on the ballot, was convicted of seven counts and of lying to the FBI. Charlie Maggard was found guilty of three counts of vote fraud. The maximum federal penalty for each offense is five years in prison and a \$250,000 fine. Sentencing will occur later this summer.

After the Alice Lloyd College students were granted immunity, they testified that they were paid \$30 to cast their ballots in 1998 for a slate of local candidates. According to student testimony, they received their payment for votes from Stone after they went to her store where they wore "I Vote" stickers and purchased a peach-flavored "Mr. Fizz" soft drink.

The trial began April 4 but was suspended for a week during Pikesville "Hillbilly Days" celebration. Although all vote buying charges were related to local offices, the federal prosecutors had jurisdiction because federal candidates were on the same ballot.

David Randall Gayheart, the nephew of the County Clerk, was named in a separate indictment for seven counts of paying or offering to pay college students to vote for his uncle, lying to the FBI, and three counts of asking others to lie to the FBI. Gayheart pleaded guilty January 3 to buying votes and co-operated with prosecutors. He is awaiting sentencing.

Kentucky Secretary of State John Y. Brown instituted a "Fraud Busters" program in 1996 to curb vote buying abuses. The state legislature authorized \$10,000 to finance the program which offers a reward of \$1,000 for information leading to a felony indictment for vote fraud. State officials said that the Pikesville convictions, however, were based on complaints made to the FBI, not to state officials.

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CHICAGO SUN-TIMESwww.suntimes.com[Back to regular view](#)<http://www.suntimes.com/output/news/cst-nws-stlouis30.html>[Print this page](#)MO?
SL?**5 in E. St. Louis convicted of vote fraud**

June 30, 2005

BY JIM SUHR

EAST ST. LOUIS, Ill. -- A federal jury Wednesday convicted the head of this city's Democratic Party and four others of scheming to buy votes with cash, cigarettes and liquor last November to get key Democrats elected.

Jurors in the monthlong trial deliberated more than five hours before convicting local Democratic Party chairman Charles Powell Jr., 61, and Kelvin Ellis, 55, the city's former director of regulatory affairs, of felony conspiracy to commit vote fraud. Also convicted were Democratic precinct committee members Sheila Thomas, 31, and Jesse Lewis, 56, and City Hall worker Yvette Johnson, 46.

Ellis, Thomas, Lewis and Johnson also were convicted of one count apiece of election fraud for allegedly paying at least one person to vote -- or offering to do so. Powell was never charged with that count.

Jurors set aside defense claims that the government's case was flimsy because of unreliable witnesses whose testimony often contradicted each other and, at times, was recanted.

Not much direct evidence

"I respect the jury, but I am disappointed," Ellis' attorney, John O'Gara, said after the verdicts. He said the defense would consider asking for a new trial.

A date for sentencing was not immediately set.

"We'll take it one step at a time in terms of where we go from here," said Johnson's attorney, Pearson Bush, who declined to elaborate.

Messages left with attorneys for Powell and Thomas were not immediately returned. Voice mail for Lewis' attorney was full.

Prosecutors provided little evidence directly linking the defendants to the alleged vote-buying, often relying on secretly recorded audiotapes in which they say those accused could be heard talking about paying \$5 per vote in the Nov. 2 election -- and whether that amount would be enough.

A federal prosecutor in the case referred calls to his boss, U.S. Attorney Ron Tenpas, who did not immediately return messages left at his office.

Witnesses called liars

Prosecutors alleged that money flowed from the Belleville-based St. Clair County Democrats to their East St. Louis counterparts in a bid to elect certain Democratic candidates, including Mark Kern as St. Clair County Board chairman.

Kern, who narrowly won the race, has denied the allegations and has not been charged with any wrongdoing.

Powell lost his re-election bid to the City Council in April after his arrest.

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State records showed that tens of thousands of dollars were transferred from the county Democrats to the committeemen days

before the Nov. 2 election. Party leaders said it was for legitimate expenses, including rides to the polls for people without cars.

Defense attorneys called the audiotapes -- the cornerstone of the government's case -- meaningless entrapments by opportunistic informants intent on seizing power for themselves. Defense attorneys called the prosecution's key witnesses liars.

"I would say jurors looked at these tapes and listened to them, and I'm guessing they are using the interpretations these very faulty witnesses gave them to reach their conclusion," O'Gara said after the verdicts. "I would not have trusted the government's presentation."

AP

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Witnesses disagree in vote fraud case

By Michael Shaw
Of the Post-Dispatch
Thursday, Jun. 16 2005

The government's witnesses in the East St. Louis vote fraud trial don't agree on one of the most surprising aspects of the testimony so far: whether St. Clair County Board Chairman Mark Kern knew vote buying was taking place in East St. Louis during the November election.

The first witness testified two weeks ago that during a telephone conference call in October, she heard prominent Democrat Kelvin Ellis solicit funds from Kern, then a candidate for the job, to pay reluctant voters.

Sandra Stith, a Democrat worker during the Nov. 2 election who already has pleaded guilty to buying votes, is the only other government witness to that call.

She took the stand Thursday and said she remembered the Oct. 21 call. But she said she didn't remember the alleged discussion about more money being needed to swing the election in Kern's favor because some residents perceived him as racist.

"Do you recall any comments about money during that conversation?" Assistant U.S. Attorney Mike Carr asked her.

"No," she replied.

Carr ended his questioning of Stith soon after that exchange.

Five East St. Louis Democratic Party workers are on trial in federal court at East St. Louis, accused of a conspiracy to buy votes in the Nov. 2 election to get Kern and other prominent party members elected. Defendants include Ellis and city party Chairman Charles Powell Jr.

Kern, who would have lost the race without the East St. Louis turnout, has not been charged and has denied any wrongdoing.

Other controversial developments on Thursday led U.S. District Judge G. Patrick Murphy to send the jury home for the day to allow lawyers to prepare for today's proceedings.

Today, prosecutors are expected to present witnesses who will testify that Powell directly paid residents to vote, something his lawyer, Bruce Cook, said left him blindsided. Powell is only charged with leading a conspiracy to buy votes, not with purchasing the votes themselves.

Murphy, the judge, said he was surprised, too, but ruled the evidence was admissible. One witness, identified Thursday as Douglas M. Alexander, 45, is expected to testify Powell paid him \$10 to vote.

Two others, Stephen Young and his wife, Terrell Crow-Young, had been expected to testify that Powell's associate paid them to vote Nov. 2, according to a prosecutor's document filed in the case. But they won't be allowed to testify because they accidentally attended a portion of the trial Thursday morning. Any witness is supposed to be barred from hearing another's testimony, so Murphy excluded them.

Authorities have interviewed at least one other man who said that Powell's associate paid him to vote, according to documents. Cook and other lawyers, who previously had questioned the lack of testimony from actual voters, said Thursday that they wanted extra time to prepare a defense in light of these witnesses.

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In another twist, Murphy and the prosecutor, Carr, argued about whether the judge had said in front of the jury that Thursday's testimony by Stith was "damaging" to the government's case.

Carr claimed it happened when jurors were present. Murphy claimed he never said "damaging" in front of the jury. A transcript of the proceedings shows the judge saying "I believe that the witness gave damaging testimony to the government" in front of the jury.

Reporter Michael Shaw:
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Jackson, Mississippi

March 28, 2004

7 hit in voter fraud case

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- Defeated Tippah County sheriff's candidate among persons named

The Associated Press

RIPLEY — Seven people have been charged with voter fraud in Tippah County, according to the attorney general's office.

While specific individuals were named in the indictments as the candidates for which votes were allegedly bought, Randall L. Wilbanks, a defeated candidate for Tippah County sheriff, was the only one named as a defendant.

Attorney General Jim Hood, whose office investigated the case, said the document must contain those names.

Named in three separate indictments were Wilbanks, 60; Joe Daniel Barnes, 52; and James D. Johnson, 66, all of Ripley; and Melba Sue Selmer, age and address unavailable. Each is charged with one count of conspiracy to commit voter fraud and 16 counts of voter fraud.

In a second indictment, Christopher R. Mathis, 40, of Tiplersville, Billy Gene Barnes, 49, of Walnut, were indicted on three counts of bribery.

In the third indictment, Roy Lee Richardson, 40, of Corinth, is charged with one count of attempting to bribe an elector and three counts of bribery for allegedly paying four individuals \$15 each to vote for three candidates.

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Ky. Jury Convicts 2 Men of Election Fraud

Ky. Jury Convicts 2 Men of Election Fraud in 2002 Races; Both Men Face About 2 Years in Prison

The Associated Press

LONDON, Ky. Sept. 16, 2004 — A Kentucky businessman was found guilty Thursday of election fraud for orchestrating a scheme to buy votes from impoverished mountain residents in two races in 2002.

The jury deliberated about four hours before returning the verdict against Ross Harris, a Pikeville coal operator whom prosecutors portrayed as the kingpin of the election fraud conspiracy. An associate was also convicted, and both men face about two years in prison.

The verdicts came after a trial in which various witnesses told of voters gathering in a church parking lot in an Appalachian county to collect \$10 bills after leaving the polls in the 2002 election. Others testified about large contributions to some candidates before the election to be used to buy votes.

In closing arguments Wednesday, federal prosecutor Ken Taylor described Harris as a behind-the-scenes political player who "secretly funds campaigns with illegal contributions."

Defense attorney Larry Mackey said the depiction was false. He said his client was being treated for life-threatening cancer during the period in question and would not have taken time from his hospital bed to help buy votes in the elections.

"We appreciate the jury's attention throughout the trial, but at the end of the day we're disappointed with the verdict," Mackey said, who vowed to appeal.

Harris was convicted on one count of conspiracy to commit mail fraud and to buy votes, three counts of mail fraud and one count of structuring withdrawals from a bank account to avoid federal reporting requirements.

Glen Turner, an executive in Harris' mining company, was convicted of conspiracy to commit mail fraud and two counts of mail fraud. The mail fraud counts involve the sending of bogus campaign finance reports to the state.

Prosecutors claimed Harris illegally contributed some \$40,000 to a former state senator's unsuccessful judicial race, and that Harris and Turner gave an additional \$25,000 to the re-election campaign of a judge. They said the money was used in a scheme disguised as a "get out the vote" effort.

The two men showed no reaction as the verdict was read. Both men declined to comment to reporters afterward.

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Posted on Thu, Sep. 02, 2004

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Imprisoned judge-executive testifies in election fraud trial

ROGER ALFORD
Associated Press

LONDON, Ky. - Imprisoned Knott County Judge-Executive Donnie Newsome testified Thursday that he received \$25,000 in cash from two eastern Kentucky businessmen who are on trial for election fraud.

Newsome, who is serving 26 months in federal prison after being convicted of election fraud last year, agreed to testify against Ross Harris of Pikeville and Glen Turner of Drift in exchange for a lighter sentence. Defense attorneys claim Newsome made up the story about illegal cash contributions in an effort to get leniency.

Prosecutors claim Harris is the kingpin in a scheme to buy votes from impoverished mountain residents. They allege that Harris illegally funneled money into Newsome's 2002 re-election campaign.

Newsome - dressed in white shoes, jeans and a red shirt - said he was given cash contributions on three occasions: One for \$5,000 from Harris; two for \$8,000 and \$12,000 from a man he said he believed to be Turner.

"I used it in my campaign," Newsome said. "When I needed it, I would put it in my account."

Newsome said he received \$60,000 in cash donations for his re-election campaign that year and an additional \$14,000 in checks.

Newsome, who has continued to serve as judge-executive despite his conviction, said he didn't use any of the money to buy votes.

Newsome is expected to be called back to the witness stand when the trial resumes Friday morning in U.S. District Court in London. His brother, Bobby Newsome, also is scheduled to testify. Prosecutors said Bobby Newsome was present when Turner gave the judge-executive money.

Harris also is accused of funneling money into a Pike County campaign in an unsuccessful effort to defeat an incumbent judge, whom he blamed for a sex scandal involving one of his friends. The FBI alleged that Harris conspired to influence the election by providing money for a scheme disguised as a "get out the vote" effort. That involved paying people to haul voters to the polls.

Defense attorneys say the only financial contribution Harris made to the John Doug Hays campaign for Pike County district judge was a legal donation of \$1,000.

A jury of 11 women and five men has been listening to testimony for 1 1/2 weeks.

The charges against Harris and Turner are the latest in a string of federal election fraud cases from the region. Hays and seven others are scheduled for trial in October.

Assistant U.S. Attorney Ken Taylor contends that Harris illegally funneled some \$40,000 into Hays' unsuccessful campaign after a sex scandal resulted in the resignation of Pike County Circuit Judge Charles Lowe Jr. Taylor said Harris and Lowe were close friends.

Lowe resigned last year rather than face possible removal by the Judicial Conduct Commission for a sexual relationship with a woman involved in an adoption and child custody dispute in his courtroom.

Taylor said Harris was so angered by the scandal that he tried to lash out at the woman, Debbi Hylton-Mullins, and her husband, Pike County District Judge Darrel Mullins, who was seeking re-election at the time.

Hays was running against Mullins.



KY



Man charged with offering beer for vote

LUDLOW, Kentucky (AP) -- A man tried to buy a vote with a 12-pack of beer, according to police in northern Kentucky.

Edward Lucas offered the beer to an 18-year-old student at Ludlow High School in exchange for a no vote on a proposed increase in school property taxes, Ludlow police officer James Tucker said in an affidavit.

Lucas was charged Friday with making or receiving expenditures for vote, a class D felony that can land him in prison for one to five years.

Lucas, 40, denied the charge.

"I don't know the boy, and that's not exactly what was said," Lucas said.

"I said, 'I hope it doesn't go through and if it doesn't, I'm going to have a big beer party.'"

Lucas was arrested Friday and released on bond Saturday.

Police dispute his version of the exchange, but declined to give specifics.

The tax increase was on the ballot Tuesday and lost.

It would have generated about \$75,000 a year for school construction projects.

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Appy voting fraud claims probed

The Post

VA
May 11, 2005

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Virginia State Police are investigating allegations of voting fraud during last year's Appalachia town council election, Wise County Commonwealth's Attorney Chad Dotson confirmed Monday.

State police are looking at claims that supporters of an unidentified council candidate offered food, cigarettes and liquor to residents of the Inman Village public housing complex in exchange for letting the supporters fill out their absentee voting ballots, according to a story in Sunday's Roanoke Times.

Voters in the May 2004 election returned incumbent Councilman Ben Cooper to office and chose newcomers Eddie Gollaway and Owen "Andy" Sharrett III for the three open seats on the five-member council.

Cooper, a former mayor and acting town manager, led the polling with 351 votes, followed by Gollaway with 340 and Sharrett with 312.

Falling short were longtime councilman and current Mayor Gary Bush, with 244 votes; incumbent Rick Bowman with 221 votes; and former councilman Debbie Bouton with 212 votes. Also, Ben Surber received 28 votes despite having announced that he dropped out of the race.

The Roanoke Times story reported that of 585 people who voted, 108 cast absentee ballots - an absentee rate of 18 percent, compared with a usual statewide rate of about 5 percent.

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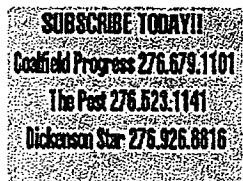
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The story quotes three Inman Village residents as confirming their absentee ballots were filled out by someone other than themselves. The Roanoke Times did not identify the candidate or the candidate's supporters who allegedly bribed the residents, because so far no charges have been filed in the investigation.



Dotson Monday said the investigation is ongoing, but he hopes to receive a state police report in about two weeks. At that time, he said, he will determine if anything in the report merits the filing of criminal charges.




Dotson declined to discuss details of the investigation, but acknowledged he's heard the Inman Village allegations detailed in the Sunday article.

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WSE

Voting fraud not a problem in Madison

Phil Brinkman Wisconsin State Journal
May 10, 2005

John Hill really does exist. So do Katie Katz, Donald Schamun, James Kuehl, Janet Griesel, Sandra Angell, John Amundson and Deb Spees.

Brian Stoll is out there, along with Daniel Jay Lee and David Cimino. Angela Franzke moved; so did Nathan Greenawalt, Scott Lueck, Eric Sherman and Paul Sonntag. But they're real people.

In fact, if you took the time, you'd likely find the vast majority - if not all - of those once thought to be Election Day phantoms in Madison are living, breathing voters.

Authorities continue to investigate voting irregularities in Milwaukee, including more than 100 cases of suspected double voting.

But in Madison, where 1,194 address verification cards sent to voters who registered on Election Day in November were returned as nondeliverable, investigators now say only 16 may be problematic.

"The vast majority of them - almost all of them - on their face appear to be someone who moved between voting day and the time when these were mailed out," Dane County District Attorney Brian Blanchard said.

Most of the others either wrote down the wrong ZIP code on their registration forms, forgot to include their apartment numbers in their address or inadvertently wrote down an old address. The post office likely could find them, but election rules require the cards be returned if the address is incorrect or incomplete.

"It doesn't make me feel good," said John Hill, 59, an Army veteran and longtime Madison resident whose voter registration card was sent back to the Madison city clerk because he wrote his ZIP code as 53704 instead of 53705. "I know I didn't cheat, and I know it was all a big mistake. People just make too big a deal of the little things."

Innocent mistakes Such innocent mistakes, which happened thousands of times around the state, have tended to amplify the far more serious - but much smaller number - of likely fraudulent votes such as those announced Tuesday in Milwaukee. Identification advocates regularly cite the number of returned registration cards as evidence Wisconsin needs to require voters to show photo identification at the polls.

Opponents point out such a requirement would do little to stop most of the problems that have been identified, such as people writing down the

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wrong address or felons voting, and say it could disenfranchise some elderly or poor voters.

Supporters note the current system, in which registered voters need show no identification and new voters need only a utility bill or another registered voter to vouch for them, invites abuse.

The GOP-led Legislature recently passed a bill requiring a photo ID to vote, but Democratic Gov. Jim Doyle vetoed it.

A hearing on a proposed state constitutional amendment requiring such identification (AJR 36) is planned for 10 a.m. Thursday in Room 300 Northeast of the state Capitol.

At first glance, many of the verification cards that were returned suggested possible voter fraud: The addresses didn't exist, or the person on the card didn't live there.

One card, filled out by a John Amundson, gave an address of "6 S. Madison," not an actual residence. But Amundson is very real. The 45-year-old information technology manager actually lives at 6 S. Yellowstone Drive.

"Sounds like I spaced out the 'Yellowstone,'" Amundson said. "It certainly sounds like the kind of thing I could do."

A letter carrier couldn't find Janet Griesel at 710 Wheeler Road. That's because Griesel moved about two years ago to 710 Malvern Hill Drive from 1630 Wheeler Road. Her card mixed the two, creating an address that doesn't exist.

"My husband probably filled it out for me because I have a vision problem," Griesel said. "He was in a hurry to write his and mine, and I bet that's what he did. Unbelievable."

Katheryn Katz put down the address of her sorority house at 103 Langdon St. when she registered to vote Nov. 2 in her first presidential election. The city clerk sought to confirm her address in January, but by then she had moved to Seville, Spain, where the 21-year-old UW-Madison junior is studying Spanish politics and history.

Sandra Angell moved to her new house five years ago, but for reasons she can't explain, she wrote down her old address on Starker Avenue when she went to vote.

Cheating can be risky Kevin Kennedy, executive director of the state Elections Board, wasn't surprised at the low number of potential fraud cases in Madison. Defrauding the current system is easy but chancy, and the payoff of throwing a few votes toward one candidate probably isn't worth the risk of 4 years in prison, he said.

Allegations of massive fraud, such as one person vouching for a busload of potential voters, are probably apocryphal, Kennedy said. Something like that would make an impression on poll workers, who haven't reported any such incidents, he said.

Voters can cheat the system. They can, for example, claim to be someone else. But that can be risky, Kennedy said, since it depends on the cheater knowing that the other person hasn't voted yet and that the poll worker doesn't know the person whose identity is being used.

To register as a fictional voter, the person would need to forge documents, such as utility bills, used to verify the person's address. Beginning in 2006, federal law also will require voters to list their driver's license number or, if they don't have a driver's license, the last four digits of their Social Security number.

State Rep. Jeff Stone, R- Greendale, the lead sponsor of efforts in the Assembly to require photo ID at the polls, said the numbers from Madison suggest "a degree of accuracy in the way the system functioned" unlike in Milwaukee.

But he maintained photo ID would improve the system further by allowing poll workers to make a positive identification of the voter, even if the address is outdated, incorrect or fraudulent.

"I think that's something that would improve the potential for pursuing charges against someone who voted improperly," Stone said.

Charges unlikely In Madison, at least, the odds of such charges look exceedingly slim. If someone wanted to forge an identity and vote fraudulently, finding that person is probably next to impossible, Blanchard said.

Then, too, explanations for the 16 cards investigators have pulled out for further inquiry may prove to be as benign as the other 1,178.

On Tuesday, the Wisconsin State Journal found one of those voters, Brian Stoll. He and his wife live where they said they lived on their registration card, at 9921 Soaring Sky Run. But, while the property was recently annexed by Madison, the post office still considers it a Verona address and returned the card.

Stoll, 38, said he's used to such confusion over his address and was willing to overlook his brief tenure as a criminal suspect.

"As long as I didn't end up in jail and I can explain the circumstances, I guess it's OK," he said.

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FBI's Sham Candidate Crawled Under W.Va.'s Political Rock

By Michael E. Ruane
Washington Post Staff Writer
Friday, December 2, 2005; A01

The three men were sitting in a car outside a rural elementary school in West Virginia when the candidate handed over \$2,000 in cash and said, "Buy all the votes you can."

In the hamlets and hollows of Logan County, where political shenanigans are legendary and it's said that a vote can be bought for a pint of whiskey or a \$10 bill, some say there was nothing extraordinary about the transaction.

Here's what made it unusual: Although Thomas E. Esposito was on the ballot as a candidate for the state House of Delegates, he wasn't really running for office.

The small-town lawyer and former mayor was just bait. And when the FBI lowered him into the murky waters of southern West Virginia politics last year, it dangled him like a shiny lure.

The whole affair landed yesterday in a Charleston courtroom, where a defense attorney cried foul, accusing the government of "outrageous" conduct and of violating the sanctity of the election process. He said the charade robbed 2,175 citizens who voted for Esposito -- unaware he wasn't for real -- of a constitutional right.

But a federal judge sided with the government, ruling after a 30-minute hearing that corruption in Logan County had been endemic "for longer than living memory" and that the bogus election campaign might have been the only way to root it out.

In Logan County, which is about an hour south and a world removed from Charleston, there are people who agree. "This stuff has been going on since I was a kid," Kenneth McCoy, 54, a disabled miner, said this week. "They had to come up with some way to stop it. Personally, I have no problem with it."


Political corruption in southern West Virginia goes back generations, residents and observers say.

"Federal authorities have been intervening in southern West Virginia for 80 years, at least," said Topper Sherwood, co-author of a 1994 book on longtime Logan County political chieftain Raymond Chafin. "More often than not, their role is to come in and remove power from those who have acquired it illegally."

Moss Burgess, 62, a retired Logan County high school chemistry teacher who has run unsuccessfully for local office, said: "I'm glad that somebody's trying to clean up the system in this county. Most people, they've more or less accepted it as common."

U.S. District Judge David A. Faber, chief judge for the Southern District of West Virginia, asserted in yesterday's ruling: "It has been nearly impossible to prosecute corruption in Logan County because persons with knowledge of it are reluctant to testify against others in their community."

Advertisement



The advertisement is a black and white image. On the left, the Sprint logo is visible with the tagline "Together with heart." and "Yes you can:" next to it. On the right, there is a small inset photo of a man in a suit talking on a mobile phone. Below the photo, a dark rectangular box contains the text "With Sprint, yes you can." in a light-colored font.

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The current case began in 2003, when Esposito, a lawyer who had been mayor of the City of Logan for 16 years, entered a plea agreement with the government in a corruption case, according to court papers. He had been accused of paying the \$6,500 bar tab of a local magistrate for reasons not specified and then paying the magistrate to keep quiet about the arrangement. The magistrate was later indicted on an extortion charge.

Under the plea agreement, Esposito began helping the Justice Department in its investigation of county political corruption, which the department described as "commonplace and widespread."

Assistant U.S. Attorney R. Booth Goodwin II, in a court filing last month, said that as Esposito met under cover with people about vote buying in the run-up to the 2004 primaries, investigators concluded that a campaign sting could provide a "virtual treasure trove of evidence."

"Without that step, it was feared, the undercover operation would dissolve, and a valuable opportunity to catch a number of persons in the act . . . would be lost," Goodwin wrote. So the government had Esposito run. He entered the race Jan. 30, 2004, filing the appropriate papers with the West Virginia secretary of state. He was one of 10 Democratic candidates for four seats in House District 19, which includes Logan County.

"He had signs; he had stickers; he showed up at campaign events," said Chris Stratton, a reporter for the Logan Banner newspaper. "All that stuff was for show. It was there to make him look like a legitimate candidate."

Gregory J. Campbell, the attorney for Perry French Harvey Jr., 56, the defendant in the case, said: "The government knew that all this was false. [Esposito] was bait. Nothing more, nothing less. They tossed him out there, and they were seeing who'd come packing. And he was live bait. He was out there, and he was active."

According to court papers, on April 12, 2004, Esposito met with Harvey, a retired coal miner, and another man, Ernie Ray Mangus, at a political rally at the elementary school. They sat in Esposito's car, and Esposito gave Mangus the \$2,000. Mangus, who Campbell said has been granted government immunity, gave half the money to Harvey.

"The other guy gives my guy 1,000 bucks, and that was as far as it goes," Campbell said in a telephone interview Tuesday. "The other guy has been given immunity and will testify that my client knew that the money was to buy votes. . . . [Harvey] was told by the guy that had the money, 'Esposito gave me this and said buy all the votes you can.' My guy said, 'I ain't buying any votes,' and didn't."

Harvey, who voted for Esposito, was indicted Aug. 17 on one count of conspiracy to buy votes. He is scheduled to go on trial Dec. 14. Yesterday's ruling was on his attorney's October motion to have the charges dismissed. Esposito, reached at his law office in Logan County, declined to comment yesterday.

The FBI withdrew Esposito from the race two days after the meeting with Harvey and Mangus, and the Justice Department has said it took great pains to alert the public by way of the media. But his name remained on the ballot, and on primary day -- May 11, 2004 -- he got more than 2,000 votes, placing last in the field.

"By placing a false candidate in the election, a sham candidate, one [the government] knew could not take office, every vote that was cast for Esposito was a vote that an honest voter could have cast for an honest candidate," Campbell wrote in his motion to have the charges dismissed.

But Goodwin, the government attorney, countered in a filing that the decision to have Esposito run was approved by his office, the local FBI special agent in charge and the agency's Criminal Undercover Operations Review Committee in Washington, whose approval is required for all sensitive FBI undercover operations.

"Esposito did not engage in any unlawful conduct by becoming a candidate for the House of Delegates," Goodwin wrote. "Rather, his candidacy merely provided the stage on which defendant acted."

"The conduct of the United States in carrying out the undercover investigation was necessary and proper to root out

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systemic corruption," he wrote.

Judge Faber noted yesterday that previous rulings have held that for a government investigative action to be improper it "must be so outrageous as to shock the conscience of the court."

"Here, in looking at the totality of the circumstances," he wrote, "the court's conscience is not shocked in the slightest."

During the hearing, Campbell said, the judge asked him: What else could the Justice Department have done?

"Not violate the constitutional rights of the voters of Logan County," he said he replied.

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Logan Clerk to Plead Guilty in Election Fraud Case

Posted 11/29/2005 06:08 PM

Voter Fraud in West Virginia

Story by The Associated Press

Logan County Clerk Glen Dale Adkins plans to plead guilty in the ongoing probe of election fraud in southern West Virginia.

Federal prosecutors Tuesday requested a plea hearing date for the 57-year-old. His defense lawyer disclosed plea negotiations earlier this month when his scheduled U-S District Court trial was postponed.

A federal grand jury indicted Adkins, also known as "Hound Dog," in July on charges alleging he conspired with others to bribe voters in elections between 1992 and 2002.

As part of their vote-buying probe, prosecutors previously landed guilty pleas by Logan County's sheriff and the city of Logan's police chief, prompting both to resign.

Like those former officials, Adkins is a Democrat. That party dominates both counties, and the election fraud charges largely focus on Democratic Party primaries.

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West Virginia Democrats on Defensive After Fraud Probe

WV

CHARLESTON (AP) - West Virginia Democrats are on the defensive after the latest wave of election fraud charges again involve the Mountain State's dominant political party.

A federal magistrate last week arraigned and set July 11 trial dates for five men charged in an investigation into vote-buying in southern West Virginia.

Like five other area residents previously charged in the probe, the Lincoln County men are accused of aiding Democratic candidates with an alleged scheme to exchange cash or liquor for votes.

And like the 2004 round of criminal charges, the most recent indictment targets a Democratic officeholder: Lincoln County Circuit Clerk Greg Stowers. The then-sheriff of neighboring Logan County, Johnny "Big John" Mendez, was charged with vote-buying last year. Mendez resigned, pleaded guilty and was sentenced to home confinement and probation.

Stowers, 48, has vowed to fight the conspiracy count facing him. Though a lawyer, Stowers declined to comment on the pending case last week.

Gov. Joe Manchin considers the Stowers family to be political allies. Greg Stowers' brother, Lyle, volunteered for his campaign and was a "big supporter," Manchin spokeswoman Lara Ramsburg said.

Though no Republican has been named in the election fraud case, the state GOP has not been immune to criminal charges. A Republican state Senate candidate, Mark Anthony Reynolds of Fairmont, was convicted on federal wire fraud and obstruction of justice charges last year and sentenced to 10 years in prison. Reynolds had posed as a Republican Party insider as part of a shakedown scheme, prosecutors said.

And a pending Federal Election Commission complaint alleges former state GOP Chairman Kris Warner violated the law by pairing his brother's name with President Bush's on yard signs during Monty Warner's unsuccessful run for governor. The signs drew complaints from the Bush campaign before the election, and helped fuel the push to remove Kris Warner as chairman. He resigned last week.

The investigations are not a Democrat or Republican issue, Ramsburg said. "This is a law enforcement issue, just as the Republican Party leadership, specifically the Warners, are currently under federal investigation for things that happened during the campaign."

Political corruption is not new in West Virginia. Convictions have been numerous and both parties have a former governor sent to federal prison.

Republican Gov. Arch Moore pleaded guilty to five corruption-related felonies 15 years ago. Among his crimes, the three-term governor passed around \$100,000 in unreported campaign cash "to influence, secure, and retain the votes and influence of voters" during his successful 1984 campaign.

Democrat Wally Barron was cleared of a 1968 bribery indictment but in 1971 was indicted again on jury tampering charges stemming from his 1968 trial. He spent four years in prison.

The latest federal indictment alleges the Lincoln County defendants aimed to maintain power over county jobs, road gravel and paving materials, and property tax assessments, among other areas. Toward that end, the conspiracy sought to buy votes to secure the election of certain candidates, including Stowers, "to countywide office," the charges allege.

That has not prevented state Republicans from raising the question of wrongdoing by other Democratic candidates on the "slates" allegedly passed out by the conspirators. Several of the charges focus on the 2004

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primary, when Gov. Joe Manchin, U.S. Rep. Nick Rahall and even Sen. John Kerry, D-Mass., the Democrat's eventual nominee for president, were on the ballot.

Raleigh County businessman Rick Snuffer, for instance, offered Friday to seek Rahall's seat "if Rahall is forced to leave office due to the expanding level of indictments and investigations into voter fraud."

Snuffer, who ran unsuccessfully for the 3rd District seat last year, noted that "I understand no one has publicly tied the Congressman to vote buying and other voting improprieties."

Republican U.S. Attorney Kasey Warner's office filed the vote-buying charges. The cases are being handled by two assistant prosecutors whose tenure in that office precedes that of Kasey Warner, a Bush appointee.

Kasey Warner has repeatedly said he has erected an "incredibly high wall" to separate the activities of his office from the political activities of his brothers, Monty and Kris.



NY

Free beer if you register to vote

Joseph Spector and Enid Arbelo
Staff Writers

(June 18, 2004) — Here's a way to get young people registered to vote: Give them free beer.

That's the plan at today's East End Festival. Monroe County Democrats have teamed up with High Falls Brewery to offer two free 2-ounce beers to those who register to vote at the festival.

Then the new voter can go into a real voting booth and pick the brew they liked the most. The promotion is called "Register Your Taste."

The goal is to encourage people older than 21 to register to vote and to simulate the experience of voting. But alcohol treatment counselors fizzled on the idea, saying organizers shouldn't link drinking with the civic duty of voting.

"I think there are other ways to motivate people to vote other than give them alcohol," said Elaine Milton, director of the chemical dependency clinic at the Family Service of Rochester Inc.

Molly Clifford, head of the Monroe County Democrats, stressed that the event is not aimed at encouraging alcohol consumption and that the samples are small.

The initiative, backed by High Falls CEO Tom Hubbard and Moe Alaimo, president of the East End Business District, will also take place at two other East End festivals later this summer and at two Red Wings games.

The booth will be open from 6 to 8 tonight at Alaimo's store, Havana Moe's, 200 East Ave.

Voting for Beer

Question: What do you think about the plan to register people over age 21 to vote with free beer?

- It's a good idea to encourage the democratic process.
- This is a disgrace because it encourages the consumption of alcohol.
- This is a cheap ploy to get votes.
- This is my type of political party!
- How many times can I register?

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"It's just a fun way to get young people interested in voting," Clifford said.

The festival is a great place to promote voting because of the captive audience, said Christopher Burns, co-founder of the Rochester Young Professionals.

"Young people like to drink and politics is not something they usually think about," said Burns, 29.

"I hope people won't be inebriated when they vote, but it seems like a fun way to get people involved in the voting process."

Participants will vote between High Falls' two new beers, Dundee's Amber Lager and Pale Ale, both to be introduced this fall. Hubbard said the event is a good marketing opportunity for the local company and a way to help a good cause. About 20,000 people, largely those in their 20s, attend each East End festival.

Clifford said she and Hubbard developed the idea, a nonpartisan affair, because locally and nationally it's difficult to get young people to vote.

Statistics show that the 18-to-24 age group has the lowest percentage of registered voters and number of people who come to the polls.

Since 1972, the young voter participation rate has declined by about 13 percent overall — the largest drop of any age group, according to the National Association of Secretaries of State. In Monroe County, less than 8 percent of registered voters are ages 18 to 24, also the lowest of any age group.

Jennifer Kunselman, 27, of Rochester said festival attendees could benefit from being able to register to vote there. Yet she said having the option at a Red Wings game would be even better.

"I think it's important to target a younger audience," Kunselman said. "But there is a whole other population that won't be frequenting the festival."

David Mammano, president of the local chapter of the Young Entrepreneurs Organization, said the idea is good because it promotes voting, but he doubts it will help. He said people will vote if they want to, not because of free beers.

"Maybe they will have better luck if they have beer on Election Day."

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The Monitor

<http://www.themonitor.com/>



TX

Defendant in voting scandal to tell side

August 20, 2005

Marc B. Geller

The Monitor

McALLEN — One of the people at the center of a purported votes-for-money scheme in the McAllen city elections expects to testify before the grand jury next week.

"I contacted (assistant criminal district attorney) Paul Tarlow and I said that I wanted to go before the grand jury; I wanted to tell them my side of the story," said Jose "Joey" Lopez, 22, of McAllen, on Friday. "I don't know if anybody is going to hear me, but I'm going to be able to go over there and tell them what truly happened."

The grand jury is investigating allegations that politiqueras, or paid political operatives, violated laws governing early voting via mail.

Hidalgo County District Attorney Rene Guerra also has said grand jurors would be reviewing surveillance recordings in which Lopez is heard offering Othal Brand Jr. 400 mail-in ballots in exchange for \$4,000. Brand is the son of former mayor Othal Brand Sr., and manager of the elder Brand's recent mayoral campaign.

Brand Jr. has said he called the FBI immediately after his first meeting with Lopez and was referred to the Texas Rangers. Sgt. Israel Pacheco, a Texas Ranger who conducted his own investigation, has said that he directed Brand to make the recordings.

Grand jurors are likely to hear a much different account of what happened from Lopez than the account they heard from Brand Jr. in earlier testimony.

Lopez acknowledges that he accepted money from Brand Jr., but maintains that he never had access to any ballots and denies he had any intention of actually delivering any. Lopez also asserts that Brand Sr. initiated the negotiations for the mail-in ballots and that Brand Jr. contacted law enforcement only after Lopez failed to deliver them.

"This guy wanted to get his dad elected by all means necessary, including getting a kid like me to try to get him votes," Lopez said. "I couldn't do it for him, so I kept on making excuses, and he kept on giving me money."

Brand Jr. disputes Lopez's account and doesn't think the grand jury will buy it.

"I've got nothing to hide," the younger Brand said. "I have no worries about anything that he would want to say to them."

Brand Jr. declined to discuss his own testimony before the grand jury, citing instructions from the District Attorney's Office.

State law prohibits disclosure of the proceedings of a grand jury.

"I cannot tell you who is or who is not going to testify before the grand jury," Tarlow, the assistant criminal DA, said. "What goes on in the grand jury room is secret, as a matter of law."

Guerra, the DA, said Wednesday that the grand jury continues to investigate the McAllen election scandal and could issue indictments as early as next week.

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Brand Jr. said he was optimistic the outcome will help bring integrity to future elections in the Rio Grande Valley.

"I'm just hoping that the grand jury has some impact on cleaning up the voting system," he said. "I certainly hope that will have some impact in deterring anybody attempting to do any voter fraud of any type in any election."

His optimism is guarded, however, in the event the grand jury indicts voters but not politiqueras.

"It will not deter politiqueras at all," he said. "If they think they're going to curb the activity by going after voters in the 75- to 100-year range, that's not going to accomplish anything."

Earlier this week, the grand jury investigating the McAllen elections indicted two women for voting twice in the San Juan city election. Maria Louisa Rodriguez and her daughter of the same name were charged with illegal voting, a third-degree felony that carries a two- to 10-year prison sentence and a maximum \$10,000 fine.

The politiqueras who brought the mother and daughter to vote for a second time on Election Day were identified in an internal city memorandum, but Guerra said neither of the women — Cindy Rodriguez, wife of City Commissioner Bobby Rodriguez, and Vicki Loreda, wife of ex-mayor Robert Loreda — would face charges.

Lopez, for his part, said he's prepared to face the consequences of accepting more than \$1,000 from Brand Jr. and breaching their verbal agreement, but added that he plans to fight any charges that he violated election laws.

"I feel like I'm part victim," he said. "It's like I'm being accused of something that I didn't do. I should have never gotten into it or even messed around with it, but I felt that I needed the cash. ..."

"I just want to make sure that they get my side of the story and they get what I feel is the true side of the story."

Marc B. Geller covers McAllen and general assignments for The Monitor. You can reach him at (956) 683-4445.

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DA INVESTIGATES ALLEGED BRIBES FOR EARLY VOTES

TX

STAFF & WIRE REPORTS

September 09, 2003

LONGVIEW - Gregg County District Attorney William Jennings is investigating a Gregg County-area employer who allegedly gave a handful of \$10 Neal McCoy concert tickets to workers who cast early ballots in the constitutional amendments election.

Jennings said he is choosing not to identify the employer yet.

He said he began his investigation Friday afternoon after he was contacted by the county elections administrator who had received phone calls from media.

"An employer in Gregg County had given concert tickets in exchange for people voting," he said. "I've got no indication that there was an exchange of a ticket to vote a certain way. Obviously, there would be no way an employer would know how that person voted under our system."

He said that a half a dozen to two dozen people received tickets to the concert, performed last week.

"The concern is not with the voter. It is whether the employer went too far in encouraging the employee to vote," Jennings said.

The most serious allegation possible in this incident is a state bribery law, that, if violated, is a second-degree felony, punishable by two to 20 years in prison, Jennings said.

"I'm not sure that's the offense that's been committed just yet," he said. "I'll get the facts and apply the facts to the law and see where we go from there."

There may be other election code issues he will also look at, not quite as serious as the state bribery law, he said.

The high-profile amendment on the ballot is Proposition 12, which would ratify limits on non-economic damages in medical malpractice lawsuits and clear the way for future Legislatures to set similar caps in other civil suits as well.

There are 22 proposed amendments on Saturday's election ballot. Early voting ended Tuesday.

Doctors, hospitals and other health care providers are waging a strong campaign for Prop. 12, while plaintiffs' lawyers and some consumer groups are fighting it.

The proposal has attracted a larger-than-normal early voting turnout in Gregg County for a constitutional amendments election, the county's elections administrator, Hattie Owen, told the Houston Chronicle in Tuesday's editions.

Meanwhile, Kathy Allbright, a paralegal at a Longview law firm, said she was puzzled when on the

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second day of early voting she went to cast her ballot at the Gregg County courthouse and was asked by an elections official if she were "legal or medical."

"She (the elections official) said the medical people were asking for receipts showing that they had voted because they were getting bonuses," Allbright said.

But Owen said rumors that health-care providers had offered their employees bonuses for voting were unsubstantiated.

Jennings also said in his investigation he had not found any of these other rumors to be substantiated.

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KansasCity.com

Posted on Mon, Mar. 28, 2005

KS/MO

Lawyer admits voting twice in four elections

A Kansas City, Kan., lawyer admitted today to illegally voting in both Kansas and Missouri.

James D. Scherzer, 68, pleaded guilty in federal court in Kansas City to four counts. He cast double votes in two elections in 2000 and two elections in 2002. He will be sentenced later to a maximum on each count of one year in prison, one year of probation and a fine of up to \$100,000.

Scherzer was charged after an investigation by *The Kansas City Star* found thousands of double-registered voters in the area and several hundred cases of possible double voting. Scherzer declined comment Monday.

Previously, he told a reporter that he acted on his own with no particular motive.

"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe

See The Kansas City Star tomorrow for more local news.



KS/mo

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Man Pleads Guilty To Voting In Kansas, Missouri



Mon Mar 28, 3:41 PM ET

A Kansas man pleaded guilty in federal court Monday to voting in federal elections in both Kansas and Missouri.



James D. Scherzer, 68, of Kansas City, Kan., pleaded guilty to a federal charge accusing him of four counts of voting fraud, which is a misdemeanor civil rights violation. The information, which was filed on Dec. 13, 2004, replaces a criminal complaint filed against Scherzer on Oct. 21, 2004.

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- [Get A Great Deal On Your Next Car](#)

Federal investigators said that Scherzer voted twice, in both Wyandotte County, Kan., and Kansas City, Mo., in the primary and general elections in 2000 and in the primary and general elections in 2002. As a resident of Kansas, Scherzer was not qualified to vote in Missouri.

"We take vote fraud seriously because it diminishes the value of legitimate votes cast by qualified voters. The Equal Protection Clause of the Fourteenth Amendment guarantees qualified voters the right to have their votes counted without being diluted by spurious ballots cast by unqualified voters," U.S. Attorney Todd P. Graves said a news release.

Scherzer could face a maximum of one year in jail and a \$100,000 fine.

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KansasCity.com

KS/aw

Posted on Tue, Mar. 29, 2005

P.S.: Lawyer pleads guilty to double voting

A Kansas City, Kan., lawyer admitted Monday that he had voted illegally in Kansas and Missouri.

James D. Scherzer, 68, pleaded guilty in federal court in Kansas City to four counts. He cast double votes in two elections in 2000 and two elections in 2002. He will be sentenced later to a maximum on each count of one year in prison, one year of probation and a fine of up to \$100,000.

Scherzer was charged after an investigation by *The Kansas City Star* found thousands of double-registered voters in the area and several hundred cases of possible double voting. Scherzer declined to comment Monday.

Previously, he told a reporter that he acted on his own with no particular motive.

"I don't have some rationale, or a highfalutin story," he said.

No sentencing date has been set.

— Joe Lambe/The Star

Online archives from The Sun Chronicle.

November 18, 2000

Recounts serious matter

BY RICK THURMOND / SUN CHRONICLE STAFF

Eleanor Ruest, a longtime North Attleboro election commissioner, is not amused.

For days on end, jokes and gibes have been directed at Florida election officials who, for just as long, have been squinting through pinpricks in stacks of punch card ballots, trying to divine each voter's intent in the closest presidential election in more than a century. "What else would you expect to see," Ruest huffed. "Anyone who thinks that's funny obviously has never been through a recount."

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While the eyes of a nation look south to Florida and what seems an electoral train wreck, Ruest and others who have been through recounts say what's going on now in Florida has happened here, and can happen almost anywhere a voter walks up to a ballot box.

Messy litigation in a high-profile election? Massachusetts has been there, done that.

Four years ago, after a recount, it came down to the courts to decide who would be the Democratic nominee to represent Massachusetts' 10th Congressional District. That Democrat still holds the seat.

Voter fraud?

While election officials say outright fraud is so rare these days it's inconsequential, an Attleboro man came forward after the April 1996 primary to say he voted three times -- in North Attleboro -- just to prove it could be done.

Cliffhangers?

An Attleboro city council race in 1985 hung by a single chad, those pesky bits of paper that can dangle from a ballot when a vote is cast. After a recount, the victor suddenly was the loser -- again, by a single chad hanging from one of those punch card ballots.

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"No election is perfect. They can't be," Ruest said. "You've got humans and you've got machines. Both make mistakes."

Part of the system

Like it not, mistakes are part of the system. Mistakes usually don't matter, the reasoning goes, because they are random and are spread across the ballot.

"This goes on all over the country," said Rebecca Mercuri, a visiting professor of computer science at Bryn Mawr College in Pennsylvania and a frequent expert witness on computer security and voting systems.

"Voting anomalies happen all over the country, in most states," she said. "Most voting systems have an error rate of between 2 and 5 percent. Most election officials will admit to that."

The problem in Florida, and with this presidential election in general, is the margin of victory seems to be far less than the accepted margin of error.

"Flaws don't matter if the vote is 60-40," said Victor DeSantis, a political science professor at Bridgewater State College. "Those flaws show up when the vote is 50-50."

In Florida, much of the blame has been leveled at the now-infamous punch card ballot, a voting system that has been outlawed in Massachusetts since September 1998.

Massachusetts Secretary of State William Galvin threw out that type of ballot because of the havoc it caused in the 1996 Democratic primary for Massachusetts' 10th congressional seat.

The primary night count gave Philip Johnston a 266-vote lead over William Delahunt out of more than 35,000 votes cast. A subsequent recount whittled Johnston's lead to 181 votes, but still he prevailed.

Delahunt, dissatisfied with the outcome of the recount, took the matter to Superior Court where Judge Elizabeth Donovan re-examined the ballots by hand.

In question were almost 1,000 punch cards that had been blanked by voting machines and tossed out, mostly at polls in Weymouth, Abington and Orleans.

The judge determined in many cases that electronic scanners read ballots as blank only because they had not been punched

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cleanly through. She gave the election to Delahunt by 108 votes.

Johnston was campaigning with First Lady Hillary Clinton at a Democratic unity rally when that thunderbolt struck. He promptly filed an appeal with the Supreme Judicial Court, arguing that if ballots were left blank or were only slightly indented, it was because voters hadn't made up their minds.

But that would have meant, in Weymouth alone, almost 23 percent of voters had intentionally cast blanks and, Delahunt argued, they turned out on a stormy night to do it.

The Supreme Judicial Court affirmed Judge Donovan's ruling.

Galvin said he knew of nothing like that happening before in voting for such a high state office, and ordered state monitors to the polls for the Nov. 5 presidential election in cities and towns that used the punch card ballot.

The problem with punch cards is that votes aren't always cleanly punched through, and when they are, chad can then shift around, jamming other holes so that those votes are misread.

Attleboro area election officials had long been aware of the pitfalls of punch card ballots, and for the most part had junked them before the statewide ban was imposed.

"You could run the ballots through three times and get three different results because those chad would fall off," said North Attleboro Elections Chairwoman Diane Szpila.

North Attleboro discarded punch cards after an acrimonious election to build a new middle school in January 1995. A recount was held when the new school was approved by a 158-vote margin out of 5,290 votes cast. The school lost eight votes in the recount, but overall the project prevailed.

"A lot of the chad were still hanging on when we did the recount," Szpila said.

Ruest, who was elections chairwoman at that time, called that election, "the straw that broke the camel's back."

"Hardly any of them went through the first time," she said.

Election officials are told to keep punch card ballots away from moisture, lest they become even more difficult to punch through. So where were those ballots stored for years in

Attleboro? On the basement floor of city hall, said Jessie Joubert, who worked for more than two decades in the city elections office.

Problems can also occur when the ballots are misaligned.

"We found a lot of ballots where the punches weren't where they should have been," Joubert said. "There was nothing we could do. The machine automatically canceled them out. We had a lot of those, I'll tell you."

In 1985, Tony Viveiros beat incumbent Thomas Dudson by one vote in the initial count for the Ward 2 city council seat. He lost by one vote in a recount.

"It was just like what you're seeing on TV now in Florida," he said. "Election people looking up at a ballot, trying to figure out what was the voter's intent. If there was a hanging chad, it had to be more than half-way through."

"I broke into tears when it was all over," Viveiros said.

And what of punch card ballots?

"I hate 'em with a passion," he said.

Bill Crowley, an Attleboro election commissioner, is more blunt. "They're a bitch," he said.

"We would have disagreements every election because the count was off all the time," Crowley said. "If we had 1,000 ballots, maybe the count would come out 995. On occasion, we'd run them through two or three times until the count came close to what it was supposed to be.

"That's sad, but that's the way it worked," he said. "Those machines just weren't 100 percent."

Punch card ballots are still widely used across the United States, despite their drawbacks, experts say.

In Massachusetts, four types of voting systems are used.

By far the most common is an optical scanning system which reads marks a voter makes on a ballot. It's in use throughout the Attleboro area and in 908 precincts in 147 cities and towns.

Old-style lever machines, which aren't manufactured anymore, are used in 434 precincts in 23 communities.

Paper ballots are still used in 79 towns.

Four communities, Dighton, Franklin, Lawrence and Milton, still use a variation of the punch card ballot, although unlike in Florida, the names of candidates are printed on the card.

But even those systems can stumble.

"In any system, people can make mistakes," said Brian McNiff, spokesman for the secretary of state's office. "They can make mistakes with an opti-scan."

"I'm not sure the secretary would ever get into the acceptance rate of errors," he added.

Crowley said optical scanners are far better than the old punch card system, although "they're still subject to error."

"We have people who still try to punch holes through the ballot, or make an X or they circle the little oval they're supposed to fill in," he said.

And, sometimes optical scanners misread marks even when the marks are penciled in correctly.

"Readers, anything that scans things optically, have an error rate," Mercuri said.

"Even the SAT people will admit to an error rate," she said, referring to college entrance tests which for years have relied on optical scanners.

With the electoral mess in Florida flickering on television sets 24 hours a day, there have been rumblings in Congress to devise some kind of unified voting system.

It'll never happen, said Bruce Schulman, a history professor at Boston University.

"It's one of those things like the Electoral College," he said. "Legislation will be filed to reform it, but it won't get very far.

"Technologically, it's possible and it should be done," Schulman said. "But it won't be done for two reasons. First, it's too expensive. That's why so many cities are still using this ancient stuff. Then, there's the political side. Laws and established tradition say that states and local governments administer elections."

A statewide unified voting system hasn't even been discussed

in Massachusetts, McNiff said.

A unified system is, so far, unworkable and unnecessary, Mercuri said.

"As long as you have a system that allows a manual recount, then you have the possibility of a recount," she said. "That's what most municipalities do.

"As long as you're willing to accept that, then every vote does count.

"Even a punch card you can hold in your hand; you can see the chad," she said. "You don't get that with an Internet system or a computer system where you touch the screen. There's no audit trail."

Besides, Mercuri said, "As a programmer, I could write an interface that would send 10 percent of Gore's vote to Buchanan. Even some high school students could do that."

And what of voter fraud?

So far, there have been no substantial charges of outright fraud in this election, although some college students in Wisconsin have admitted to casting multiple votes as a prank.

Those reports brought memories flooding back to Edmund Morrison, a South Attleboro man who said he cast three votes in North Attleboro during an April 1996 primary, just to prove it could be done.

Morrison said he did so because he had overheard a group of women in a North Attleboro restaurant talking about how they had voted more than once in the middle school election a year earlier.

Morrison had just moved from North Attleboro at that time, and still was listed on the town's voter registration rolls. He said he cast one vote as himself then used the names of two friends to cast opposing votes that canceled each other out.

"I didn't do any malice," he said. "I just wanted to show how easy it was to do, and that voters should be required to show some form of identification."

That little act could have cost Morrison a \$10,000 fine and up to five years in prison, but the court declined to prosecute because, other than his own word, there was no proof he had committed fraud.

To this day, Morrison is unapologetic.

“Those college kids proved, again, how easy it is,” he said.
“I think it smells to high heaven.”

And North Attleboro election officials are still unsure
Morrison really did what he said he did.

“I think it was wishful thinking on his part,” Ruest said. “He
was all too anxious to call the Boston Globe.

“I looked over the voting list a long time, but I couldn't find
anything.”

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10-23-02

Dems blast GOP efforts on voter fraud

By Jim Drinkard, USA TODAY

Mixed

WASHINGTON — Efforts by the Justice Department and the Republican Party to guard against voter fraud have ignited a long-smoldering dispute that could have an impact on close national elections less than two weeks away.

The Republican Party has compiled a national database of 3,273 names of people who it says apparently voted more than once in the 2000 elections. It is turning the list over to local authorities for investigation and possible prosecution.

But early looks at the data by state officials have found little evidence of multiple voting.

At the same time, the Justice Department is mounting what it calls an unprecedented effort to police voter discrimination at polling places and prosecute voting fraud. Attorney General John Ashcroft held a daylong "Voting Integrity Symposium" this month to train more than 300 representatives of FBI and U.S. attorney's offices across the nation "to prevent election offenses and to bring violators to justice."

Some Democrats accuse the GOP of aiming to intimidate voters — particularly minorities and new immigrants, who they believe lean Democratic.

"The last thing we need are partisan efforts that could make it harder for law-abiding citizens to vote on Election Day," said Sen. Chris Dodd, D-Conn., chairman of the committee that oversees elections.

The stakes are immense. Majorities in the House and Senate hang on a handful of races scattered across the country. Both parties say the outcome will hinge on which side does the best job getting its supporters to the polls.

The skirmish is emblematic of longstanding tension between the Republicans and Democrats. It was evident most recently in the struggle over legislation in Congress to fix the election process after ballot problems in 2000. That legislation was stalled for months while Democrats and Republicans argued over whether to include anti-fraud provisions, including identification requirements for new voters, that had been sought by Republicans.

Connecticut, the first state to check the GOP's multiple-voting data, found it "highly flawed."

Officials said that at least 51 of 54 names listed as voting both in Connecticut and elsewhere were erroneous.

Secretary of State Susan Bysiewicz, a Democrat, called the list "a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation."

In North Carolina, officials found that the first name on the double-voting list was that of state Rep. Martha Alexander, a Democrat who chairs the General Assembly's panel on election laws. "It's got to be two people with the same name and birth date," said Gary Bartlett, director of the state Board of Elections.

Shad Balch, a spokesman for California Secretary of State Bill Jones, a Republican, said, "It looks like we're going to be able to refute their claims."

- Voting more than once

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Party spokesman Kevin Sheridan said the project was carefully done using publicly available voting records and other material.

"The intent was to provide it to authorities interested in our research ... and to take any action they deem necessary to clean up the process or to bring legal action against people involved," he said. Although the GOP knows in some cases the political affiliation of the voters on its list, "we're not making that available," he said.

Regarding the Justice Department's anti-fraud effort, Wade Henderson of the Leadership Conference on Civil Rights called it "a solution in search of a problem" and "a warmed-over plan for voter intimidation."

There is concern among civil rights advocates that Justice's investigation of alleged fraudulent voter registrations in South Dakota on and near Indian reservations is scaring off potential voters.


Ashcroft spokesman Mark Corallo dismissed the concerns: "The only people intimidated are the people who were going to cast fraudulent ballots, and that's the point here." Even so, the issue has flared in other places, as well:

- Party officials in Arkansas are trading charges of fraud and voter intimidation. Republicans say Democrats have generated bogus voter registrations; Democrats say Republicans have tried to photograph and intimidate minority voters waiting in line to cast early ballots in Pine Bluff.
- The Texas GOP on Oct. 10 announced a "ballot integrity" program to guard against voter fraud by "our less ethical opponents." The effort, detailed on the state party's Web site, calls for recruiting poll watchers who will look for irregularities on Election Day.

Find this article at:

http://www.usatoday.com/news/politicselections/2002-10-23-voterfraud_x.htm

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Bysiewicz defends state voting rolls

Lolita C. Baldor, Register Washington Bureau October 22, 2002

WASHINGTON — Recent suggestions that up to 54 Connecticut voters may have cast ballots in two different states in 2002 are not true, Secretary of the State Susan Bysiewicz said Monday after a weeklong investigation.

Bysiewicz said the data provided by the Republican National Committee was "highly flawed" since more than half of the people named never even voted in Connecticut in 2000.

"It appears that the RNC has made allegations that were completely unfounded," she said. "And I hope this was not an attempt to distract voting officials or discourage voters from participating on Election Day."

Of the 54 voters listed by the RNC as possibly voting in two states, 15 voted only in Connecticut; 29 voted only in a state other than Connecticut; three were only registered in Connecticut and four names were discounted because they had different dates of birth.

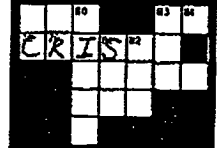
Ultimately, she said, the names of three voters have been referred to the FBI and U.S. Attorney because Bysiewicz has been unable to get the necessary voting information from the other state.

RNC spokesman Dan Ronayne made it clear when the initial documents were released Oct. 8 that Republican officials were not charging anyone with wrongdoing or election fraud. Instead, he said the RNC had analyzed its voter lists, compared records, found the discrepancies and released them to state authorities to point out possible problems.

"To say this was an attempt to take time away from the election is patent nonsense," he said, adding that RNC officials were

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"very disciplined" in their research.

Bysiewicz acknowledged that state officials found that some of the problems were caused by errors by local voting officials who entered the wrong names into the computer.

When voters cast their ballots on Election Day, the poll workers check off their names on large sheets.

That information is later transferred into the computer - which is where some of the errors occurred, Bysiewicz said.

She added that the problems with the 51 voters already cleared lead her to believe that the three names still being investigated also may simply be a case of human error.

Ronayne said Bysiewicz should examine and correct the problems, "instead of engaging in partisan accusations - after all, we all share the same goal: clean and fair elections."

"Our only motivation is to promote clean and fair elections, and the Secretary of the State has apparently found problems in the record-keeping in Connecticut as a result of an investigation brought on by our research," he said.

The RNC also turned over the names of about 7,700 voters who may be registered in Connecticut and one other state. Bysiewicz said she has referred those names to local voting officials in the various towns.

The officials have until the end of the year to research the voters and determine if the records are correct.

Lolita C. Baldor can be reached at lbaldor@nhregister.com and (202)737-5654.

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Despite Crackdown, Some Double Voting

Worst Problems Cited Involve D.C., Md.

DC / MD / VA

By Dan Keating
Washington Post Staff Writer
Thursday, October 31, 2002; Page B08

Double voting in the District and Maryland has persisted despite a 1998 effort to crack down on the practice, according to election records, and local officials say that an election reform law signed this week by President Bush will not fully address the problem.

Records indicate that two dozen voters cast ballots in both the District and Maryland in the Sept. 10 primary and that 90 voters did so in the November 2000 election. Double voting in the District and Virginia appears to be far less common -- the records show only six people voting in both the District and Northern Virginia in November 2000.

A provision in the new federal law requires states to create centralized, computerized voter rolls to prevent multiple voting by people registered in more than one place. The District and Maryland already have such records, however. The problem is that different jurisdictions seldom compare registration lists or voting records to spot duplicate names, Washington area elections officials said.

The last time such a review was done was in 1998, when D.C. elections officials looked at voting records and gave the U.S. attorney's office the names of 261 people who appeared to have double-voted in the District and Prince George's County during the previous three years.

But that investigation did not lead to any prosecutions, said Channing Phillips, a spokesman for the U.S. attorney in the District. Phillips said yesterday that officials could not find the paperwork explaining why no one was prosecuted, and Alice P. Miller, executive director of the D.C. Board of Elections and Ethics, said her office could not locate those records either.

Miller said the District has not made a more recent attempt to find double-voters, in part because the city's drive to obtain and install new voting equipment was a higher priority.

A review by The Washington Post found that more than 10,000 people are registered to vote in both the District and either Prince George's or Montgomery counties. The Post found people listed as having cast ballots in the District and Maryland on the same day by studying voter histories that were based on signatures collected when voters checked in at the polls.

When contacted by a reporter, the voters said that they had cast a ballot only once and that the records must be wrong.

"That must be a mistake," said Denise Daniels, 33, listed as voting in both Prince George's and the District in 2000 and 2002. "I'm going. I have to go. I don't know what this is about."

Harold Bobbitt Jr. also is listed as a double-voter.

"I moved to College Park," he said. "I'm no longer a District voter. I started voting in College Park in 2000, but I didn't vote in D.C. That might be a mistake in the D.C. computer."

Bobbitt noted that he has the same name as his father, Harold Nathaniel Bobbitt Sr. The voting records,

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however, indicate that ballots were cast in the District and Maryland in 2000 and 2002 by Harold Nathaniel Bobbitt Jr., age 46. And Bobbitt and his father are listed as having voted in last month's D.C. primary.

The most prolific repeat voter, according to the records, is Betty J. Johns, 69, listed as casting ballots in both Maryland and the District in the 1996 and 2000 presidential elections, as well as in the Democratic primaries in the District and Prince George's on Sept. 10. A woman who answered the phone at her residence said no one there would talk to a reporter.

Larry Poteat Jr., 22, moved to Prince George's County this year from the District but was listed as voting in both places in September. His father, Larry Poteat Sr., said that he voted in the primary in the District, yet there is no record of the father's vote.

"If they don't have me down as voting, something's crazy," the father said. "They gave both of the votes to [my son], in Prince George's and D.C."

Election officials said it is possible for precinct workers to make mistakes when recording who voted. Such errors also would be a serious problem, voting reform activists say, because they could make it impossible to compare the number of ballots counted with the number of people listed as voting. Matching those two figures is a first step in making sure that ballots were not discarded and that phony ballots were not counted.

In the District, vote fraud is a felony punishable by five years in prison or a \$10,000 fine. In Maryland, the punishment is a fine of up to \$2,500 and up to five years in prison.

When registering to vote, people are asked on a form where they were previously registered, but some don't fill it out. The form is then sent directly to the previous jurisdiction if it is in the same state. But if it is not in the same state, the form goes to the capital of the state where they used to live, which slows down the process, election officials said.

Officials said the best way to weed out such names is to compare lists of all registered voters, which the District initiated in 1998. Election supervisors in Prince George's and Montgomery said it would be up to the state to launch such an effort.

Reform advocates said cleansing registration lists of old names and maintaining accurate voting records are crucial steps in ensuring clean elections.

"It doesn't matter what kind of voting equipment you have if you have dirty voter rolls and you don't have the people to keep them clean," said Deborah Phillips of Arlington, former head of the Voting Integrity Project.

Posted on Sun, Jul. 31, 2005

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No fraud found in Duval vote

FBI probe finds no double ballots cast THE ASSOCIATED PRESS

JACKSONVILLE - Investigators found no evidence that anyone cast more than one ballot in the November election in Duval County, although an investigation into fraud allegations from early voting in the county continues.

County Elections Supervisor Jerry Holland said the FBI investigation didn't turn up any evidence that voters cast more than one ballot in the county either on Nov. 2 or in absentee voting.

Officials said in January that a review of voting records uncovered more than 50 cases in which it seemed the same person had cast an absentee ballot and voted on Election Day or otherwise voted twice in some way, such as voting in two places, leading U.S. Attorney Paul Perez to launch a federal investigation.

But Holland said each apparent case of double voting was attributed to a clerical error, such as someone signing the voter rolls at one polling place before being told they had to go to another location to vote. One case involved a father and son with the same name who signed in the wrong place.

About 380,000 people voted in the November election in Duval County, so the votes in question represented less than one-50th of 1 percent.

"These results show voters that they can have confidence in the elections office," Holland said.

Double voting is punishable by up to five years in prison and a \$10,000 fine.

The FBI will continue to look into some allegations of potential voter fraud that stemmed from early voting in the county, Holland said.

"These results show voters that they can have confidence in the elections office."

hhhhhhhhh
Jerry Holland
county elections supervisor

FL Sun-Sentinel – October 25, 2002

FL

Florida has more double voters than any other state

By Sam Trantum
Staff Writer

More than 361,100 people were registered to vote in multiple states during the 2000 elections, and 1,636 of those apparently cast more than one ballot, according to the Republican National Committee.

Florida was the worst offender in both categories, with 67,065 duplicate registrants and 307 double-voters, according to the committee's report.

While the Republicans insist they released the report in an attempt to help state officials run clean elections, Democrats say it is a partisan ploy – part of the GOP's national strategy for Nov. 5.

Florida elections officials say have not looked into the Republicans' claims but at least two other states have investigated.

Connecticut Secretary of State Susan Bysiewicz, a Democrat, said her office found that 53 of 54 supposed Connecticut double-voters -- including six who allegedly had cast ballots in both Connecticut and Florida -- had not cast ballots in more than one state. The office did not investigate the claims of duplicate registration.

"We have highly flawed data and not one shred of evidence to support the very serious allegation of double-voting," Bysiewicz said.

She said her office had been unable to get the information it needed to figure out whether the 54th person on the list had voted in Virginia as well as Connecticut, so it referred the case to the FBI.

"Of course she's going to say that there's no cases of this happening," RNC spokesman Kevin Sheridan said. "The secretary of state is in an election fight, and she's defending her own record."

New York City elections officials also are investigating the Republicans' claims of voting fraud. There has been no resolution of the issue so far, spokeswoman Naomi Bernstein said.

Registering in more than one place is easy to do and isn't illegal if it isn't intentional.

"I think it's something that people do once. They move someplace and do it again," National League of Women Voters spokeswoman Kelly Ceballos said. "They might not be aware of it."

The problem is there's no good way to make sure someone doesn't vote in more than one state.

There's no official national voter database, and in many states there isn't even a statewide voter database. The RNC pieced together its national database by buying voter lists state by state, county by county.

Voting twice in the same election wouldn't be too hard, either. A voter could cast an absentee ballot in one state and vote in person in another, for example. Such double-voting

has long been rumored to be practiced by part-time residents of Florida.

"I'm sure that a lot of people that winter down here are registered down here just like they are up north," Boynton Beach resident Dan Winters said.

Casting multiple votes in one election is a felony, elections officials say.

By releasing the report on double-voting, the RNC was just trying to help ensure clean elections, Sheridan said.

"We tried to do nothing but be helpful to the authorities," Sheridan said.

But Bysiewicz said she did not think the RNC's intentions are so innocent.

"I believe this is a deliberate attempt to distract election officials across the country from their responsibility to encourage voter participation and administer fair elections," she said.

Republicans shouldn't spend so much time trying to keep people who shouldn't be voting from casting ballots, said Kevin Jefferson, president of the Democratic National Committee's Voting Rights Institute.

"What they should be doing is making sure that people are going to the polls, that they have the right to cast the ballot and have that ballot counted across Florida," Jefferson said.

Sam Tranum can be reached at stranum@sun-sentinel.com or 561-243-6522
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Voter names found twice

By Keith Ervin and Justin Mayo
Seattle Times staff reporters

Just one month before voters decide the future of King County's Democratic executive, Ron Sims, Republican Party leaders yesterday accused his administration of failing to remove thousands of duplicate registrations from the voter rolls.

GOP officials and Republican members of the Metropolitan King County Council said they officially will challenge the registrations of about 2,050 voters Monday.

In all, they said they found nearly 3,400 voters they suspect are registered twice with the county's Elections Office. They say they are challenging only those they can fully document.

Duplicate registrations can occur when voters re-register with new addresses or name changes if their old registrations aren't deleted from the voter database. The duplications alleged by the Republicans represent less than half a percent of King County's more than 1 million registered voters.

If duplicate registrations are not purged from the rolls, those voters could cast more than one ballot in an election, which is illegal. Republicans yesterday released the names of 16 voters they say voted twice in the contested 2004 governor's race.

Illegal votes, accounting errors and mishandled ballots in King County played a prominent role in Republican Dino Rossi's lawsuit challenging the election of Democrat Christine Gregoire as governor last year. Chelan County Superior Court Judge John Bridges ruled in June that he did not find a basis for overturning the election.

Election officials and Sims quickly said yesterday that at least one name on the GOP's duplicate-voters list appeared to be a mistake — and they questioned the Republicans' motives in making a media splash.

Elections Office spokeswoman Bobbie Egan said a woman singled out by the Republican Party as having voted twice in the 2004 general election and again in the 2005 primary actually appears to be two women with the same name but different birthdates.

At least two other names on the list of suspected double voters have been referred to the county Prosecutor's Office, and criminal charges have been filed against one person.

Elections Director Dean Logan said the Republicans seemed more interested in scoring partisan political points than in solving problems.

But Republican County Councilman David Irons, who is running against Sims for county executive, said his party's analysis of the voting list shows that Sims and Logan aren't doing their jobs.

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Irons has repeatedly called for Logan's dismissal and has proposed a county charter amendment that would put elections in the hands of an elected auditor.

"It's a sad day that we're here again talking about election flaws from this election and past elections," Irons said. "Dean Logan, why didn't you do the data search that, quite frankly, any high-school computer student could do?"

Logan took the unusual step of meeting with reporters before the Republican news conference to defend his record and attack his critics. About 40 election workers attended the meeting to show support for their boss.

"This has gone beyond interest in the elections and election integrity. In essence, this is a witch hunt trying to make this a top-tier campaign issue," Logan said later.

Logan said his office, as part of routine list maintenance, has purged the voter list of 9,100 voters' duplicate registrations and has dropped the names of 8,900 dead voters this year.

He said County Councilwoman Kathy Lambert, R-Woodinville, asked him several weeks ago to look at a Republican Party list of apparent duplicate voters and he agreed to do so. But instead of bringing him the list so he could check those registrations, Logan said, he learned yesterday morning the Republicans were preparing to release their findings directly to news media.

When Logan reminded her of that conversation yesterday, Lambert said, she told him that Republicans would give Logan their list and any future lists so errors in the voter rolls could be corrected.

The voter challenges being prepared by the Republicans will address two categories of suspected double registrations: voters who have exact matches of birthdate, address, and first, middle and last names; and women with matching first names, addresses and birthdates. The second group, numbering 3,702, are believed to have changed their last names because of marriage or divorce.

The Republicans are not at this time challenging 2,650 registrations of voters who they believe moved to new addresses but whose previous registrations were not purged. They will continue to investigate those voters, said party vice chairwoman Lori Sotelo.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Friday, October 14, 2005 - 12:00 AM

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Election 2005

Woman allegedly voted twice in elections

By Keith Ervin

Seattle Times staff reporter

A woman accused by the King County Republican Party of voting twice in the November 2004 election and again in last month's primary is under a criminal investigation for double voting, a county election official said yesterday.

The Elections Section referred the case to the county prosecutor's office Aug. 31 to investigate whether she voted twice in 2004, election spokeswoman Bobbie Egan said.

The woman, who lives in a downtown Seattle apartment building, has not been charged with a crime. The Seattle Times does not generally name suspects until they are charged.

She was on a list of 16 voters identified by the Republican Party as having voted twice in the 2004 election. The Seattle woman was the only person on the list accused of voting twice in each of two recent elections.

Egan said Wednesday the woman's name appeared twice in the voter-registration database with two different dates of birth, so it seemed there might be two voters with the same name.

Egan didn't realize on Wednesday that the woman's name had been forwarded to prosecutors, she said yesterday. She said she didn't know how election officials learned she might have cast extra ballots.

The woman apparently has had two registrations since 2004, but routine computer checks for duplicate registrations didn't bring up her name because she was registered under two different birth dates, Egan said.

Republican leaders said Wednesday they had found more than 3,000 voters who appear to be registered more than once, allowing the possibility of double voting. Their investigation of voter records is continuing.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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Wednesday, June 22, 2005, 12:00 A.M. Pacific

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6 accused of casting multiple votes

By Keith Ervin

Seattle Times staff reporter

Criminal charges have been filed against six more King County voters for allegedly casting more than one ballot under a variety of circumstances in last November's election, prosecutors said yesterday.

Two defendants, William A. Davis of Federal Way and Grace E. Martin of Enumclaw, were accused of casting absentee ballots in the names of their recently deceased spouses, Sonoko Davis and Lawrence Martin, respectively.

A mother and daughter were also charged with casting a ballot in the name of the mother's dead husband. The mother, Harline H.L. Ng, and her daughter, Winnie W.Y. Ng, both of Seattle, signed their names as witnesses to the "X" marked on the ballot of Jacob Ng, who had died in February 2004.

Jared R. Hoadley of Seattle was accused of casting a ballot in the name of Hans Pitzen, who had lived at the same Seattle address as Hoadley and who died last May.

Dustin S. Collings, identified as a homeless Seattle resident, was charged with casting two ballots, both using the alias of Dustin Ocoilain, a name that was listed twice on the voter-registration rolls.

The defendants are charged with repeat voting, a gross misdemeanor that carries possible jail time of up to one year and a fine of up to \$5,000.

Election officials asked prosecutors to investigate the voters after news reporters and a blogger reported that they may have voted twice. The voters will be arraigned July 5 in King County District Court.

Two other voters previously received deferred sentences — and avoided jail time — after they pleaded guilty to charges of repeat voting.

The King County Sheriff's Office is investigating several other cases, prosecutors reported yesterday. The investigations resulted from the intense scrutiny surrounding the governor's election in which Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes after he narrowly won two earlier vote counts.

After the November election, prosecutors also successfully challenged the voter registrations of 648 felons whose right to vote had not been restored.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

WI

Original URL: <http://www.jsonline.com/news/metro/sep05/357575.asp>

Man charged with voting twice says he filled out extra card by mistake

By **GEORGIA PABST**
gpabst@journalsentinel.com

Posted: Sept. 21, 2005

A 25-year-old Milwaukee man charged with voting twice in the Nov. 2 presidential election said Wednesday he filled out two on-site voter registration cards that day by mistake, but only voted once.

Testifying in his own defense, Enrique Sanders said he couldn't remember for whom he voted, though he knew it wasn't President Bush.

After irregularities appeared in Milwaukee's vote, a joint state and federal investigation led to illegal voting charges against more than a dozen people. Sanders is one of the first to go to trial.

"There's no evidence he was paid to vote and he's not even sure who he voted for," his attorney, Brian Mullins, told jurors during closing arguments. He said Sanders has a learning disability and has trouble reading and remembering.

But Assistant U.S. Attorney Richard Frohling asked jurors, if Sanders didn't care about the election, why did he wait in line at the Franklin Pierce School polling place for more than 1 1/2 hours to cast his ballot?

"He wanted to make sure his vote counted and it was important enough to make his vote count twice," he said.

Frohling said Sanders' two registration cards each show different numbers. Election officials testified that a number means a person was issued a ballot.

But Sanders insisted he did not vote twice. He said he went to the poll with his girlfriend, but the line was long so he took her home and returned alone.

Tiffany Harrell testified that she and Sanders got registration cards, and she said she thought Sanders put the card in the visor or door of his car.

Sanders said when he returned, he filled out one registration form in line with the address 1133 W. Highland. But there is no address and he actually had lived at 1133 N. 18th St.

He said when he gets rushed or is in a crowd, he tends to make mistakes. At the desk, he said, he told the poll worker he made a mistake and filled out another card. He said he didn't know what the worker did with the other card and said it might not have been destroyed as it should have been.

But Milwaukee police officers on said voting cards indicated that Sanders had been given two ballots.



Frohling said Sanders originally told police he couldn't explain why there were two registration cards. Milwaukee Police Officer Neil Saxton testified that Sanders' demeanor was different, too: "He spoke more clearly and concisely and didn't act like he didn't understand."

The jury is expected to decide the case today. Sanders faces up to five years in prison and a \$10,000 fine if convicted.



Earlier in the day, Kimberly Prude was convicted by a different federal jury of voting in the election. She was an ineligible felon at the time.

Elections Investigation




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WJ

Nothing points to fraud in 9 double voting cases

But U.S. attorney expects other charges in election investigation

By **GREG J. BOROWSKI**
gborowski@journalsentinel.com

Posted: Aug. 22, 2005

Investigators found no evidence of fraud in nine cases of potential double voting cited this month by the state GOP, but U.S. Attorney Steven Biskupic indicated Monday the ongoing investigation will likely lead to more charges.

The state Republican Party used U.S. Postal Service change of address records to track voters from city to city.

At an Aug. 9 news conference, party officials said that they had found nine cases where people were listed as having voted in the November presidential election in Milwaukee while also casting ballots in Chicago, Madison or Minneapolis.

Biskupic said investigators reviewed each case cited and found assorted clerical errors and other inconsistencies, but no fraud.

He is leading the ongoing investigation with Milwaukee County District Attorney E. Michael McCann. They launched the probe after the Journal Sentinel found widespread irregularities in the vote, including thousands more votes tallied in Milwaukee than people recorded as having voted.

Biskupic and McCann have said more than 200 felons illegally voted in the city while still on probation or parole. At least another 100 people voted fraudulently, including voting twice, from non-existent addresses or voting in the name of a dead person.

So far, 10 felons have been charged with voting illegally. Two others have been charged with double voting. In addition to those federal cases, two were charged in Milwaukee County Circuit Court with falsifying voter registration cards. None of the cases has gone to trial.

"There still is no evidence of a widespread conspiracy," Biskupic said. "But there still is plenty of evidence of double voting and the like."

The GOP highlighted its allegations on the same day Republican lawmakers sent to Gov. Jim Doyle a bill that would have required voters to show a photo ID at the polls. Doyle quickly vetoed the bill, as he had done with two previous versions of the measure.

Doyle spokeswoman Melanie Fonder said Monday that the Republicans were grandstanding with their allegations of fraud.

"It's very clear this was just politics and not about real election reform," she said.

Amendment possible

After Doyle's veto, Republican lawmakers said they are now considering working to put a photo ID requirement on the ballot as a proposed constitutional amendment, which would bypass the governor. Such an amendment would require passage in two sessions of the Legislature and then be approved in a statewide vote. Backers say it is needed to help curb fraud and tighten up a system that is among the most open in the nation. Critics say the bill would disenfranchise the elderly and the poor.

Doyle has indicated he would back a requirement that voters show an ID, such as a utility bill, but has balked at the GOP demand that it be a

Election Investigation



Quotable

“ There still is no evidence of a widespread conspiracy. ”

- U.S. Attorney Steve Biskupic (left), at a news conference in May with District Attorney E. Michael McCann

Archived Coverage

Archive: Previous coverage of the investigation into Milwaukee's Nov. 2, 2004 election

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photo ID.

At its news conference, the GOP said it had nine cases of apparent double voting but refused to provide details to the media. The party's news conference was held outside a home on Milwaukee's east side.

The Journal Sentinel reviewed voting records at that address and found three people recorded as voting: Stuart and Gayle Schenk and their son, Joseph. The Schenks told the newspaper that Joseph had moved to Chicago to join the Franciscan order of the Roman Catholic Church and did not vote here.

They could not be reached for comment Monday.

Poor recordkeeping

In a letter issued Monday, Biskupic's office outlines what it found in each of the nine cases.

Six of the names were incorrectly included in the city Election Commission's database of Nov. 2 voters because of clerical errors.

For instance, names were not recorded correctly in polling place logbooks. Or the wrong name was recorded when names from the books were later scanned into a computer.

In the other three cases, the letter says, the individuals voted only in Milwaukee. For instance, someone with a similar name but different birth date voted in the other city.

The letter underscores the level of recordkeeping problems in the Election Commission office.

During its investigation, the newspaper found hundreds of cases where people were listed in the database as voting twice, something city officials blamed on a computer glitch. The newspaper also found dozens of cases where the number of voters recorded in logbooks was different from the votes counted in the precinct.

"These raised a flag with us because of everything that has gone on over there," said Rick Wiley, executive director of the state Republican Party. "We're going to continue our investigation into what we consider a mess over there."

Wiley said the party last week sent 10 more names of potential double voters to investigators.

He also said before holding its news conference, the party had sent 49 cases of potential double voting within the city of Milwaukee to investigators. Of those, Wiley said, investigators had indicated 48 of the cases were not cases of fraud, while the other is being looked at as a fraudulent vote.

"The governor continues to blame this on clerical errors," Wiley said. "But the investigation has made it clear. People have been charged with voting fraudulently in this election."

Sue Edman, the new executive director of the city Election Commission, said she is working to clean up the system to cut down on clerical problems.

From the Aug. 23, 2005, editions of the Milwaukee Journal Sentinel
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LOCAL NEWS

Posted Jan. 11, 2005

Charge reduced in voter fraud

WF

College student gets probation for casting 2 ballots

By Dan Wilson
Post-Crescent staff writer

APPLETON — A college student who voted in two cities last spring received probation Monday after a felony charge was reduced to a misdemeanor in a plea agreement.

Outagamie County Circuit Judge Dee Dyer placed Michael R. Howard of Appleton on probation for one year and ordered him to perform 150 hours of community service. Dyer also ordered the record of Howard's conviction expunged after he successfully completes probation.

Howard, 20, 1036 E. Moorpark Ave., was charged with felony voter fraud, but Assistant Dist. Atty. John Daniels told Dyer the facts justified amending the charge to making a false statement on a voter registration form, a misdemeanor.

Howard voted in the nonpartisan election last April by absentee ballot in Appleton and in person in Eau Claire, where he attends college.

"He did not vote twice for the same individuals," said Daniels. "Therefore, the state does not believe at his young age he should be labeled a felon for the rest of his life."

According to Daniels, the elections in both cities were local, and there were no state or national issues on the ballot.

Dyer asked Howard, who has good grades, how he could contemplate voting twice in the same election.

"I became aware of the city council elections and not thinking, I did it," Howard said.

Dan Wilson can be reached at 920-993-1000, ext. 304, or by e-mail at dwilson@postcrescent.com

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Ex-Candidate Accused of Voting Twice in Elections

NY

By Karen Freifeld
STAFF WRITER

October 23, 2002

The former Conservative party candidate for lieutenant governor was arraigned yesterday on an indictment charging him with illegal voting.

Daniel Mahony, who was once Tom Golisano's running mate, allegedly voted twice in two general elections. In November 2000 and November 2001, he voted with both an East 14th Street address and an East 55th Street address, according to the Manhattan District Attorney's office. Mahony has denied that charge.

The politician was removed from this year's ballot because he said that, as of Aug. 14, he was no longer a resident of New York State. But prosecutors said a check of records show he is still listed as a tenant at the East 14th Street address.

Additionally, prosecutors in District Attorney Robert Morgenthau's office said their investigation uncovered evidence that Mahony faked a photo that he used as evidence in trying to get a parking fine reduced.

For that, Mahony was charged with a felony count of offering a false instrument for filing. Like the felony illegal voting charge, it is punishable by up to four years in prison.

Mahony, who was led to a Manhattan State Supreme Court courtroom yesterday in handcuffs but released on his own recognizance, pleaded not guilty.

Alan Futerfas, his attorney, later said he thought the charges were "unwarranted," and was disappointed they were brought. He also said he had never before seen a felony charge for a parking ticket.

The attorney said Mahony was an official resident of Connecticut.

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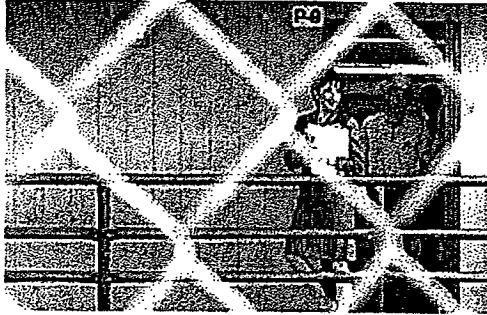


County Probes Voter Fraud

May 12, 2005
James Osborne
The Monitor

San Juan mayor's victory upheld

SAN JUAN — Mayor-elect San Juanita Sanchez's three-vote victory stood up in a recount Wednesday, but the city election will undergo further scrutiny when a county investigation into voter fraud begins later this week.



Hidalgo County Elections Administrator Teresa Navarro emerges from behind closed doors Wednesday at Austin Middle School in San Juan after a ballot recount from Saturday's mayoral race.

Hidalgo County Elections Administrator Teresa Navarro said she could go to a grand jury as early as next week, once she reviews election records to determine just how many people voted more than once in the city election.

On Monday two women admitted to having voted twice after being pressured to do so by politiqueras.

"It's under review until next week. From there it could go to the grand jury and then it could be investigated by the District Attorney's office," Navarro said.

"Depending on what we're able to get, if we feel something was orchestrated we proceed with the case ... a lot of the time a voter will say an election worker coerced them, but it depends on the individual."

Illegal voting is a Class A misdemeanor, carrying a possible \$4,000 fine and one-year jail sentence, according to the Texas Election Code.

Suspicion first arose Monday morning when three uncounted ballots were found under a box in the vote counting room by City Secretary Vicki Ramirez. All three votes for mayor were cast for veteran City Commissioner Eleazar Romero. Two of the voters admitted they voted during the early voting period before being taken by the politiqueras to vote "curbside" Saturday.

Curbside voting allows an elderly or disabled voter to cast their ballot from a vehicle without having to enter a polling station. The election official outside — in this case Ramirez — is supposed to make sure the individual is in fact elderly or disabled and cross-reference their name against a voter list before allowing them to cast a ballot.

"From what I understand, that didn't happen," Navarro said.

Ramirez declined to comment.

Romero said again he has no knowledge of any wrongdoing within his campaign.

"That's the county's deal, and I don't really have anything to say about that," he said.

"I played no part in that. If something did take place, I had no knowledge of that."

Both Sanchez and Romero accompanied county election officials around the city's polling stations Wednesday morning, as they checked the voting machine tallies against those recorded by city election officials. In tow were around 25 of Sanchez's friends and family, who waited anxiously for word Monday's election result would hold up.

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After officials counted up the paper mail-in and curbside ballots, the final tally was announced as 1,126 to 1,123 in favor of Sanchez.

For Sanchez, who lost to outgoing Mayor Robert Loredó in 2003, the news ended a difficult few days in which she had to sit in on a meeting concerning the three uncounted votes only hours after the funeral of her father, who died in a household accident Friday.

"It was a sigh of relief in that I'm finally on the different end of this," Sanchez said.

"But I had faith. I've been through so much this week, with the passing of my father, it puts everything in perspective."

Romero said he would not contest the election result in court.

"I'm going to let this one go by; she won fairly," he said.

"I wish Ms. Sanchez all the luck in the world."

Sanchez will be sworn in as mayor at a special meeting Tuesday evening. Asked if she expected any difficulties in serving alongside commissioners whom she has openly criticized for years, the 41-year-old attorney was optimistic.

"I'm anxious to get started and work with everyone who's there," she said.

"If they're willing to do the things they said they wanted to do for the city, which are a lot of the same things I want, then I think we can work together."

James Osborne covers PSJA and general assignments for The Monitor. You can reach him at (956) 683-4428.

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Five local voters cast two ballots each in primary

By: Lauren Hutton, Courier Staff

March 25, 2004

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CTIC

A handful of Montgomery County voters tried to get more bang for their ballot during the March 9 primary elections.

According to Montgomery County Elections Administrator Carol Chedsey Gaultney, five of the county's registered voters cast a ballot in both the Republican and Democratic primaries, which violates the election code. None of the races was affected by the discovery.

"It came to my attention late last week when entering voter history into the computer," Gaultney said. "Most people don't understand the primary system in Texas."

That was the case for Jay Marshall Smith, 22, of Conroe, who said it was his first time to vote.

"When I went to vote, I did not see a sign that (the poll) was only for Republican voters," he said Wednesday. "By the time I figured it out, it was already too late."

Smith, who then went to vote in the Democratic primary, said he hopes to see better signs next election.

Gaultney has passed the voter information to District Attorney Michael McDougal, who can decide whether to prosecute the Class C misdemeanor violation, punishable by a fine of up to \$500 fine.

Montgomery County Republican Party Chairman Dr. Walter Wilkerson said the District Attorney's office at least should interview the voters to learn their motives.

In these cases, according to Montgomery County Democratic Party Chairman Raymond McNeel, district attorneys usually do not prosecute because they have larger fish to fry.

McDougal did not return calls Wednesday.

"The larger concern is making the public aware of this problem," McNeel said. "What I care about is that the public know they can't do this."

Another person who learned his lesson was Dieter Hellerbach, 70, of The Woodlands.

His wife Edda said her husband was new to voting in America, since he was from Germany.

"He did not understand what the primary was about," she said.

When voters go to the primary polls, they must sign the polling book, which is a "voter's affidavit."

This says that the voter understands that it is a criminal offense to knowingly vote in a primary election or participate in a convention of another party during the same voting year.

Gaultney said this also means county residents who voted in either primary

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cannot lawfully sign a petition to get Ralph Nader, who intends to run for president, on the ballot. Additionally, voters cannot vote in a different party's runoff election, such as the April 15 runoff for Railroad Commissioner. To learn more about the primary system and voting rights, visit the Montgomery County Elections Central Web site at www.pleasevote.us. Visitors can sign up to receive a newsletter with updates on voting in the county.

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Reader Opinions

Post your opinion and share your thoughts with other readers!

▶ Name: Don Reynolds

Date: Mar, 26 2004

Hello,
 Well, here's my recent voting experience. Like any good voter, I showed up at BB Rice, the sign at the door confused me a little...it said that Democrats had to vote elsewhere, I forget the exact wording and rationalization, but since I had decided to vote Republican, I turned right and walked down the hall. I was the only voter in the building, what's going on there? Showed them my card and they informed me I was at the wrong place, and gave me directions to the right one. I backtracked, down Loop 336 to the Conroe YMCA. Parked, and did a walking tour of the facility. I'd never been there before. After walking a mile or so, and was about to give up, I spotted some movement in a small building out back and despite having to walk another mile, decided to check it out. Turned out it was the polling place. Again, I was the only voter there. The poll people told me how they were starving, seems like someone forgot to pick up there order of food at Vernon's. I offered to help, but they assured me they were ok and could stick it out. Like a good MC Democrat, I cast my vote for Jenkins, Dean, and left. The whole experience leaves me wondering if some "powers that be" are trying their best to keep MC citizens from voting.

dr

▶ Name: Sam Brandon

Date: Mar, 25 2004

It is true that something needs to be done to prevent something like this to happen again. However, it appears to me that on the Republican side they rubber stamp the voters card. Does the Demos do the same? If, so how come the second voting table didn't see it? Maybe, the both election judges need to determine how that system failed. It shouldn't cost a lot of time or money as a volunteer.

Someone dropped the ball. If, this would have been the general election I'm affraid you would probably see Demos screaming to recount. This may not be a big issue, but it does say that our penciling in process is a little out dated. Does anyone agree with that?

Number of Opinions: 2

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Oct. 18, 2003, 2:47PM

TX

Hearne man sentenced in illegal voting case

Associated Press

COLLEGE STATION -- A man has been fined \$2,500 and sentenced to five years probation after he pleaded guilty to illegal voting for casting 34 ballots during the May municipal elections in nearby Hearne.

Charles Workman did not cast a vote in his own name during the election, in which incumbent Mayor Ruben Gomez was re-elected.

But authorities said he did vote for nearly three dozen other residents using absentee ballots. He also forged forms saying some people had moved from one home to another.

Workman will not be allowed to campaign or collect absentee ballots during his probation, Robertson County District Attorney John Paschall told the Bryan-College Station Eagle for today's editions.

The district attorney said Workman is the fifth person to plead guilty to similar charges brought by a grand jury in August. At least one person will serve jail time for his role, he said.

Paschall could not immediately recall the names of the other four individuals.

Workman was one of 17 people indicted in the voting fraud case in August. Another Hearne resident, Corona Williams, was indicted on seven counts of illegal voting Wednesday.

Allegations of voter fraud surfaced shortly after the May 3 election. The election had a 45 percent voter turnout, which is high for Hearne, and nearly 50 percent of the votes were absentee ballots, mailed in by people who claimed to be disabled.

Illegal voting is a third-degree felony punishable by two to 10 years in prison and a fine of up to \$10,000.

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Absentee Votes Worry Officials As November 2, 2004, Nears by Michael Moss

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September 13, 2004 — As both major political parties intensify their efforts to promote absentee balloting as a way to lock up votes in the presidential race, election officials say they are struggling to cope with coercive tactics and fraudulent vote-gathering involving absentee ballots that have undermined local races across the country.

Some of those officials say they are worried that the brashness of the schemes and the extent to which critical swing states have allowed party operatives to involve themselves in absentee voting — from handling ballot applications to helping voters fill out their ballots — could taint the general election in November.

In the four years since the last presidential election, prosecutors have brought criminal cases in at least 15 states for fraud in absentee voting. One case resulted in the conviction of a voting-rights activist this year for forging absentee ballots in a Wisconsin county race. In another case, a Republican election worker in Ohio was charged with switching the votes of nursing-home residents in the 2000 presidential race. And last year in Michigan, three city council members pleaded guilty in a vote-tampering case that included forged signatures and ballots altered by white-out.

The increasing popularity of absentee voting is reshaping how and when the country votes. Since the last presidential election, a growing number of election officials and party operatives have been promoting absentee balloting as a way to make it easier for people to vote and alleviate the crush of Election Day. At least 26 states now let residents cast absentee ballots without needing the traditional excuse of not being able to make it to polling places. That is six more states than allowed the practice in 2000.

As a result, as many as one in four Americans are expected to vote by absentee ballot in the presidential race, a process that begins today, nearly two months before Election Day, as North Carolina becomes the first state to distribute ballots.

But some experts say that concerns about a repeat in problems with voting machines is overshadowing the more pressing issue of absentee ballot fraud.

"Everybody was worried about the chads in the 2000 election," said Damon H. Slone, a former West Virginia election fraud investigator, "when in fact by loosening up the restrictions on absentee voting they have opened up more chances for fraud to be done than what legitimate mistakes were made in Florida."

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Yet many states — including battlegrounds in the presidential campaign — have abandoned or declined to adopt the safeguards on absentee voting that election officials have warned they will need to prevent rigged elections, an examination by The New York Times has found.

Only 6 of the 19 states where polls have shown that voters are almost evenly divided between President Bush and Senator John Kerry still require witness signatures to help authenticate absentee ballots. Fourteen of the 19 states allow political parties to collect absentee voting applications, and 7 let the parties collect completed ballots, raising the possibility that operatives could gather and then alter or discard ballots from an opponent's stronghold.

Most of the swing states even let party operatives help voters fill out their absentee ballots when the voters ask for help. And political parties are taking advantage of vague or nonexistent state rules to influence people who vote at home. In Arizona this month, a county judge ruled that a campaign consultant had improperly held on to more than 14,000 absentee ballot applications he collected this summer to help nearly a dozen Republican candidates in the primary. But holding on to such applications for at least a few days is now common practice by both major parties in states like Arizona, which require only that they be turned in within a "reasonable" period of time. This allows campaigns to bombard voters with mailings and house calls just as their ballots arrive.

Some operatives boast that this absentee electioneering lets them avoid the century-old anti-fraud rules that force them to stay out of polling places. But while acknowledging the value of legitimate get-out-the-vote campaigns, election officials say absentee voting is inherently more prone to fraud than voting in person since it has no direct oversight.

"Loosening the absentee balloting process, while maybe well intentioned, has some serious consequences for both local races and the general election," says Todd Rokita, secretary of state in Indiana, where fraud investigations are under way in at least five communities.

The more blatant cases of criminal misconduct have prompted some state officials to seek new legal powers in fighting fraud, including making it a crime to lie about not being able to vote in person in those states that require an excuse.

A matter for the states

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The Justice Department says the Constitution mandates that states run elections, and it generally can intervene only on civil rights matters like ensuring that non-English-speakers are not excluded.

In the mayoral race last year in East Chicago, Indiana, federal officials declined to act on the pleas of one candidate's supporters, who foresaw trouble in absentee voting. Two weeks before the election, in the Democratic primary, the campaign of the challenger, George Pabey, was tipped to shenanigans, and his supporters asked the United States attorney there to safeguard the balloting. The prosecutor referred the matter to the Justice Department's civil rights division, which did not show up until a year later, to monitor a different election.

Mr. Pabey lost the race. Last month, the state Supreme Court voided the election after a judge found that the *"zealotry to promote absentee voting"* resulted in residents being coerced into voting with offers of jobs and other assistance.

There are now criminal investigations of the election by local, state and federal authorities, with five people already charged. Some voters who agreed to vote absentee in return for polling-place jobs say they had no idea this was improper.

"That's how I thought it was, you get paid to vote," Larry Ellison of East Chicago, 32, said in a recent interview, adding that he needed the \$100 he received for his vote to buy medicine for his seizures.

In North Carolina, three university students were charged with felonies last year, accused of voting both absentee and at the polls after they responded to campus fliers that offered free concert tickets worth \$22.50 for voting absentee.

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Signatures and excuses

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Since 2000, when mail-in votes became crucial to President Bush's narrow victory in Florida, several groups that studied election irregularities have issued warnings about absentee voting. One commission, whose co-chairman was former President Jimmy Carter, found that most election officials had grown lax in handling absentee ballots.

"For practical reasons, most states do not routinely check signatures either on applications or on returned ballots, just as most states do not verify signatures or require proof of identity at the polls," wrote John Mark Hansen, dean of the social sciences division at the University of Chicago, who directed research for the commission's 2001 report.

Also in 2001, an international association of election officials called the Election Center produced a report that noted the growing importance of absentee voting and concluded, *"Strict procedures and penalties to prevent undue influence and fraud must be adopted by jurisdictions seeking expanded absentee access or all-mail elections."*

Gary Bartlett, an association member and the director of elections in North Carolina, said, *"It seems like whenever there is hanky-panky in elections, it's usually through absentee voting."*

In 2002, North Carolina stopped requiring an excuse to vote absentee, but at the same time it barred anyone but voters and their relatives from handling absentee applications. In addition, the state requires two witness signatures on absentee ballots, which Mr. Bartlett says is a powerful tool against fraud.

In Oregon, where all voters now cast their ballots by mail, officials have adopted several safeguards, including the use of a scanner that produces an image of the voter's registration signature for instant comparison with the signature on the absentee envelope. But Melody Rose, an assistant professor of political science at Portland State University, who has studied the state's elections, said she was concerned that political operatives could still collect ballots.

"We are a battleground state, and it is likely to be a very tight race," Ms. Rose said. *"What is to stop some individual from saying, 'This is a red neighborhood' or 'This is a blue neighborhood and I'm going to go and volunteer to take ballots and dump them in the river.'"*

The ballot gatherers

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This year, the Pennsylvania Supreme Court barred election officials from letting political operatives collect completed ballots, citing fraud concerns. But some efforts to limit the role of operatives in absentee voting have been derailed by political jockeying, and the fears, expressed mostly by Democrats, that such controls could diminish turnout.

Three towns in Connecticut tested a program last summer that barred political parties from handling ballot requests. But while the effort was deemed a success, the Legislature declined to make the ban permanent statewide, said Jeffrey B. Garfield, executive director of the State Elections Enforcement Commission.

Campaign workers *"tend to target people who are elderly, infirm, low-income, non-English-speaking,"* Mr. Garfield said. *"So there is a psychology of almost fear and intimidation."*

In other cases, new controls have caused interest groups to seek new ways to grab absentee votes. Two years ago, after Iowa placed new restrictions on who can handle ballot applications, political activists discovered an arcane rule that lets almost any people [sic] who can gather 100 signatures set up their own polling place where residents can vote early.

After several churches did so last year to fight a casino initiative, unions in Cedar Rapids said they hoped to collect 1,000 votes for Mr. Kerry on October 10, 2004, by setting up voting booths at a Teamsters hall during a rally for workers and their families.

The local elections director, Linda Langenberg, said the law required only that their voting booths be set up more than 30 feet away from any electioneering; nonetheless, Ms. Langenberg

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said, she is concerned. *"I won't let them have voting in the same building where they are having a rally,"* she said.

Elsewhere, some experts contend that regulators have undermined efforts to fight voting fraud. In West Virginia, Mr. Slone said that three years ago he was forwarding information to the Federal Bureau of Investigation about absentee votes being swapped for \$15 and flasks of whiskey when a new secretary of state replaced him with compliance officers who he said did not have the skill to ferret out fraud.

"Absentee voting is one of the most abused things in the state," Mr. Slone said in an interview. And while it mostly surfaces in local elections, he said, the same culprits may be turning out votes in national races, too.

The West Virginia secretary of state's office denies that it has diminished its antifraud effort.

In East Chicago, many voters said their faith in the election process was shaken by the debacle last year in the mayor's race.

The challenger, Mr. Pabey, won the race based on polling-place votes but lost to Mayor Robert A. Pastrick by 278 votes when the absentee ballots were counted. Within days, a civic group, Women for Change, sent 50 volunteers — nurses, secretaries, mill workers — knocking on doors of absentee voters to investigate.

The admissions they got from dozens of voters led Judge Steven King of Lake County Superior Court to render a 104-page decision chock-full of testimony from poor residents like Shelia Pierce. Ms. Pierce said she had been facing eviction when she let an operative working for the mayor's campaign, Allan Simmons, fill out her absentee ballot in return for the promise of a \$100 job working outside the polls on Election Day. She said he later threatened her to keep her from testifying.

Mr. Simmons has been charged with three counts of attempted obstruction of justice and six counts of ballot fraud. He has denied the charges. Mr. Pastrick has not been charged with wrongdoing and has denied any involvement in fraud.

In the same election, Elisa Delrio says a local official offered her a \$160 job at the polls and even took her absentee ballot to the hospital where she was having surgery. But when she voted instead for Mr. Pabey, her ballot, which she handed to the official, disappeared and was not counted, election records showed.

"It made me so angry," Ms. Delrio says. *"Voting is sacred."*

Judge King stopped short of voiding the election, saying the 155 votes he had thrown out did not change the outcome, but the Supreme Court of Indiana concluded that it was impossible to determine the true winner. A new election is scheduled for October 26, 2004.

Alexis Rehrmann contributed to this article.

Absentee Voting Practices Result In Felony Charges Against Orlando, Florida Mayor, Judge, Campaign Manager, And Others

'Ballot king' was paid by Orlando Mayor Dyer, other politicians to collect absentee ballots in Florida by Mark Schueb

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Gag order lifted, revealing claims about top officials

January 8, 2005 — The lawyer for Orlando, Florida's "ballot king" said Friday that his client was paid by Orlando Mayor Buddy Dyer and a who's who of Central Florida politicians to gather absentee votes, an allegation that if true means they may have broken the law.

Answering media questions at the Orange County Courthouse minutes after an unofficial gag order was lifted, attorney Dean Mosley for the first time described a statement that campaign consultant Ezzie Thomas gave prosecutors four months ago in exchange for immunity.

According to his lawyer, Thomas told prosecutors that he did the potentially illegal work for the campaigns of Dyer; former Orlando Mayor Glenda Hood; U.S. Senator Mel Martinez; state Senator Gary Siplin, D-Orlando; Circuit Judge Alan Apte and perhaps others.

"The problem is that you're not supposed to be paid to collect absentee ballots," Mosley said.

That practice, which political experts say permeates elections throughout Florida, is emerging as the focus of an ongoing state criminal probe of possible fraud during last year's mayoral election.

Mosley said Thomas was known to specialize in gathering absentee votes, and that's why he was hired — even though paying ballot brokers became illegal when Florida lawmakers cracked down on election fraud six years ago.

In 1998, the Legislature tightened absentee-voting laws, a response to voter fraud in the 1997 Miami mayoral election that included paying residents for their votes, ballots cast by people who lived outside the city and much more. A judge eventually nullified that election.

The new law made it a crime to pay or accept money *"for distributing, ordering, requesting, collecting, delivering or otherwise physically possessing absentee ballots."*

Mosley's description of his client's statement to prosecutors provides the clearest picture yet of the 10-month-old probe of possible election fraud. The investigation began with questions about the 2004 election that kept Buddy Dyer in the Orlando mayor's office, but has since widened with Thomas' testimony to include other politicians.

The allegations center on Thomas, a retired businessman who for years has tried to increase voting in Orlando's black community. Thomas' election work, which often involved helping elderly residents vote by absentee ballot, was at first on a strictly volunteer basis as president of the nonprofit, nonpartisan Orange County Voters League.

But in 1998, Thomas began profiting from his expertise at bringing in scores of absentee votes by hiring himself out to political campaigns looking for an edge on Election Day.

He has said he works only for candidates whom he supports. That has mostly been Democrats, but he also has worked for Republicans, including Glenda Hood — mayor of Orlando at the time but now responsible for ensuring the integrity of Florida elections as Florida secretary of state.

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On Friday, Mosley verified that Thomas' statement to prosecutors — given with the promise of immunity — concerned ballot-collection work for Martinez when he ran for county chairman in 1998, Hood's 2000 mayoral campaign, Siplin's and Apte's campaigns in 2002, and Dyer's mayoral campaigns in 2003 and 2004.

None of those politicians returned calls seeking comment on Friday, though Dyer's lawyer said the mayor had done nothing wrong and is the victim of politically motivated attacks.

Thomas also has worked on the campaigns of state Rep. Bruce Antone, D-Orlando; Orange County Commissioner Homer Hartage and judicial candidate Norberto Katz, but Mosley did not say whether those campaigns were discussed with prosecutors.

While Dyer and other politicians have never hidden the fact that they have hired Thomas to help on their campaigns, the mayor has denied that Thomas' only task was to gather absentee votes. Dyer's campaign treasurer reports, for instance, indicate Thomas was paid \$10,000 for vague "get-out-the-vote" efforts.

But Mosley indicated that Thomas was hired only because of his work with absentee voters.

"His specialty was absentee-ballot work," Mosley said Friday. "It would be logical to conclude he was paid for the work he specializes in."

Dyer's criminal attorney, Robert Levanthal, called Mosley's comments "inappropriate and suspect." He said Thomas was hired for general campaign work in Orlando's black community — not to gather absentee ballots.

"People are taking potshots at Mayor Dyer for their own political purposes," said Levanthal, adding that Thomas was hired by other campaign managers, not by Dyer himself.

Even though political experts say it is common to pay campaigners to encourage absentee voting, no one has been prosecuted for it since lawmakers made it a third-degree felony. Most interpret the law to prohibit only paying ballot brokers per vote and paying voters directly.

"All the campaigns rely very heavily on absentee ballots," Levanthal said.

State investigators began looking into the 2004 mayor's race within several weeks of the March election, after receiving a complaint from Brian Mulvaney, whose brother, Ken Mulvaney, finished in second place.

At the same time, Ken Mulvaney filed a separate civil lawsuit, seeking to have the results thrown out. His initial allegations centered on whether Thomas mishandled or altered ballots for Dyer, but the investigation has now evolved to focus on the untested state statute governing so-called "ballot brokers" such as Thomas.

Mulvaney's lawsuit remains unresolved, and the candidate has been thwarted in attempts to get Thomas to testify about his role in the election. In a closed-door hearing in November, Thomas persuaded the court to protect him from having to testify in the civil case, lest his words be used against him in the state's ongoing criminal probe.

On Friday, the Orlando Sentinel successfully petitioned the court to have transcripts of that closed hearing released. That record, which describes the nature of Thomas' statement to prosecutors, has not yet been transcribed, but the judge's ruling left Mosley free to describe what was said.

Mulvaney said he will eventually prove his case.

"I'm very confident, and have been from Day One, that there was fraud in the mayoral election," Mulvaney said.

That's what 5th Circuit State Attorney Brad King is trying to determine. He inherited the case from Orange/Osceola State Attorney Lawson Lamar, who excused himself because Apte was once a prosecutor in his office.

King has remained tight-lipped about the investigation but said this week not to expect a resolution to the case for at least two to three months.

Mark Schlueb can be reached at mschlueb@orlandosentinel.com or 407-420-5417.

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Orlando, Florida, mayor and judge indicted in absentee ballot case

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Also indicted with Mayor Buddy Dyer were Ezzie Thomas, who worked for the Dyer campaign; Orange County Circuit Court Judge Alan Apte; and Patricia Beatty Phillips, the campaign manager.

March 12, 2005 — Mayor Buddy Dyer turned himself in on Friday to face a felony charge of paying someone to collect absentee ballots before his election in a tight race last year. Governor Jeb Bush swiftly suspended Mr. Dyer, as required by Florida law, in a case that has roiled this city for months and even caused a brief firestorm in the presidential election.

A grand jury handed up sealed indictments on Thursday for Mr. Dyer and three others: Patricia Beatty Phillips, his campaign manager; Ezzie Thomas, who worked for the Dyer campaign as a get-out-the-vote consultant; and Judge Alan Apte of Orange County Circuit Court, who was charged with illegally paying Mr. Thomas to collect absentee ballots before his own 2002 campaign.

The indictments, unsealed on Friday, came after a long investigation that drew criticism from state and national Democrats during the re-election campaign of President Bush, Governor Bush's older brother. Some elderly black residents of Orlando said that agents from the Florida Department of Law Enforcement, which conducted the investigation and reports to Governor Bush, had intimidated them during interviews at their homes about the absentee ballots they cast in the mayoral race last March.

Democratic groups then accused Governor Bush's administration of trying to suppress the black vote in Orlando, a coveted swing city, before the presidential election, an accusation that Mr. Bush dismissed as outrageous.

Governor Bush suspended Mr. Dyer hours after the mayor surrendered at the Orange County Jail, where he was released on his own recognizance. Florida law calls for the governor to suspend public officials charged with felonies while their case is pending and to remove them if they are convicted. The charges - for Mr. Dyer, Ms. Phillips and Judge Apte, paying for absentee ballot collection, and for Mr. Thomas, receiving payment for such collection - are third-degree felonies that carry a potential sentence of up to five years.

Brad King, the special prosecutor who conducted the investigation, is a Republican.

"Orlando is obviously a very important government," said Jacob DiPietre, Mr. Bush's spokesman, *"and the governor thought it important, for continuity, to act as soon as possible."*

Mr. Dyer, who has said all along that his campaign paid Mr. Thomas \$10,000 for get-out-the-vote work but that he was not aware of any illegal activity, held a brief news conference Friday to proclaim his innocence. He said the charges were *"politically motivated."* He then added, *"I do not believe any employee of my campaigns intentionally violated any campaign laws while conducting the business of the campaign."*

A city attorney said Councilman Ernest Page, the mayor *pro tem* and a Republican, would take over the mayoralty until a special election was held. He said the Orlando City Council would meet within 10 days to set the date for the election.

Mr. Dyer, a 47-year-old Democrat, vowed to fight the charges and return to his job, which pays \$144,349 a year. He first won election to the nonpartisan mayoralty in 2003.

The indictments follow a civil suit filed by Ken Mulvaney, a local businessman who was Mr. Dyer's Republican opponent in last year's mayoral race. Though Mr. Dyer, a former state senator, defeated Mr. Mulvaney by nearly 5,000 votes, he avoided a runoff by only 234 votes. Mr. Mulvaney sued, charging that several thousand absentee ballots should be disqualified as fraudulent. The lawsuit is still pending. Mr. Mulvaney's brother, Brian, filed a criminal complaint with similar allegations.

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At issue is whether Mr. Thomas, a retired television repairman and activist in Orlando's black community, mishandled absentee ballots while working for the Dyer campaign. A state law passed in 1998 prohibits providing or accepting "*pecuniary gain*" for "*distributing, ordering, requesting, collecting, delivering or otherwise physically possessing absentee ballots.*" The law was passed after the results of a Miami mayoral race were thrown out because of absentee ballot fraud. No one has been prosecuted under the law until now.

An initial state investigation last May found no evidence of wrongdoing, but the Florida Department of Law Enforcement reopened the case weeks later, saying it was acting on new information. The Orlando Sentinel has reported that some voters interviewed by the department said Mr. Thomas helped them fill out absentee ballots or collected their ballots while they were still unsealed.

Mr. Thomas's lawyer, Dean Mosley, said on Friday that his client was an "*old man*" — he is 74 — and was unfairly accused. Mr. Thomas testified Wednesday under limited immunity. He cannot be prosecuted for his own statements but can be based on evidence presented by others.

Politicians from both parties have paid Mr. Thomas to get out the vote, including Glenda Hood when she was running for mayor here and Senator Mel Martinez when he was seeking a county office. Both are Republicans.

Mr. Dyer, one of the state's more prominent Democrats, ran unsuccessfully for state attorney general in 2002 before becoming mayor of this city of 186,000 in 2003. In a deposition earlier this year, he said he had no knowledge of what Mr. Thomas did for his campaign. On Friday, Mr. Dyer said that Mr. Thomas "*simply helps older African-Americans participate in the voting process.*"

Dennis Blank contributed reporting for this article.

The Demopolis Times

Thursday January 26, 2006

Serving Marengo, Sumter, Greene, Hale, & Perry
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Judge overturns Greensboro mayor's election

Monday, January 23, 2006 9:59 PM CST

David Goodwin / Managing Editor

After finding that 162 votes in the 2004 Greensboro mayor's race were cast illegally, Hale County Circuit Judge William Shashy set aside the election Greensboro mayor J.B. Washington Monday, and declared challenger Vanessa Hill the rightful winner.

After throwing out 162 absentee ballots for a variety of reason - including forgery, lack of voter identification and absence of postmarks - Shashy declared Hill the winner of the long-disputed Sept. 14, 2004 election, 664-614.

Hill had only received second- and third-hand reports of the decision Monday afternoon, but said, "If indeed that is so, I congratulate the people of Greensboro."

"I hope my supporters, as well as those who didn't support me, will work together to make Greensboro a more pleasant place to live and to help it grow for the people," she said.

Hill's attorney, Walter Braswell of Birmingham, credited the victory to a network of volunteers in Greensboro and throughout the state who refused to allow the election to be stolen.

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Alabama
Absentee ballots remain a concern

Fraud probes lessen number, but it is still above average

By Adam Jones
Staff Writer
Tuscaloosa News
June 4, 2006

TUSCALOOSA | Despite successful voter fraud prosecutions linked to absentee ballots in Greene County, an abnormally high number of absentee ballots have been reported in Black Belt counties such as Hale and Perry counties.

But some Black Belt politicians contend most fraud investigations have turned up little and argue that the high number of absentee ballots can be attributed to the fact that many voters in the region work outside their counties.

Perry County had the most absentee ballot requests for Tuesday's selection with about 2,080, nearly 24 percent of the county's 8,800 voters.

The state average for absentee ballots is 3 percent in any given election. More absentee ballots than that is considered abnormal.

Probate Judge Donald Cook, who is not seeking re-election, said he had hoped efforts to curb absentee voting would cut down the practice.

"I really though we had done something toward cleaning up the absentees, but it doesn't look like that's happened," he said. "Any election we have is always determined by what's in the absentee box, but that's how it's been done for three decades at least."

Absentee ballots were lower than normal in neighboring Hale County, which has seen absentee numbers more than 1,000 and approaching 15 percent of registered voters. This election, there are about 825 absentee ballots, said Probate Judge Leland Avery. That's about 7 percent of the county's registered 11,300 voters.

Avery said publicity of absentee ballot abuse in recent elections, an investigation by Attorney General Troy King into voting fraud and an offer by State Auditor Beth Chapman to offering reward for tips leading to a voter fraud conviction have helped deter absentee voters.

"That's about half of what it usually is," Avery said. "People don't want to get involved with absentees because of the voter fraud investigation."

Beverly Bonds, an officer with the Democracy Defense League in Hale County, said the number of absentee requests surprised her, but said the publicity of vote fraud has helped.

"A lot of people have changed their minds about this," she said.

In Greene County, 425 absentee ballots were requested. Calls to the county registrars' office Friday to get the number of registered voters of Tuesday's primary elections were unsuccessful. Greene County has a population of about 9,700, according to census data.

Even if every person in the county were registered and voted Tuesday, absentee ballots would be above the state average of 3 percent of votes cast.

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"Any time there's over 4 percent of the registered population, anytime there's anywhere near 4 percent, it's abnormal and highly suspicious," said Kirkland Byers, founder of the Alabama Voting Integrity Project, in a previous interview. "From my experience, there could be a lot of challenged absentee ballots again."

In some documented cases of fraud in Greene County and elsewhere, workers applied for absentee ballots for people who no longer lived in the county and had ballots sent to fraudulent addresses. Workers collected the ballot, cast the vote and returned it.

Elsewhere, Sumter County officials had 892 absentee requests, about 9 percent of the more than 9,800 voters.

Similar-sized counties such as Pickens and Fayette had less than 2 percent of registered voters request an absentee ballot. In Tuscaloosa, with more than 86,000 voters, less than 1 percent will vote absentee.

Alabama
AG King announces election hotline

The Associated Press
July 16, 2006

The Alabama attorney general's office will make a toll-free hotline available to voters and election officials for Tuesday's primary runoff election.

Attorney General Troy King said his office will answer questions, examine any allegations of election fraud and actively investigate any legitimate complaints of wrongdoing in the election.

Anyone can call 1-800-831-8814 with any questions about election law or to report information about any alleged violations or voter fraud.

Information from: Montgomery Advertiser,

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PRESS-REGISTER

Tyson examining disputed ballots

Saturday, August 26, 2006

By **BILL BARROW**

Capital Bureau

MONTGOMERY -- Mobile County District Attorney John Tyson Jr. confirmed Friday that his office is looking into possible voter fraud in the disputed Democratic runoff for Alabama House District 98 between Darren Flott and James Gordon.

"I've sent my investigators to pick up the ballots and the information associated with them so that we can review it to determine whether or not we need to formally open a criminal investigation," Tyson said.

Tyson declined to comment further about the District 98 election but added, "In general, voter fraud is a fraud committed against every other voter in Alabama. Our intention both now and in the future is to see that election laws are observed."

At issue are scores of absentee ballots that Alabama Democratic Party officials earlier this week found to be forged, some on behalf of mentally incompetent citizens.

In Montgomery, a spokesman for Alabama Attorney General Troy King said the attorney general's office has not received a complaint about the District 98 case.

"We do investigations that we have not received a formal complaint on, but that is not the usual case," said Chris Bence. "Since we don't have a complaint, I can't address whether or not we would be involved in it, because it's the policy of the office not to discuss matters that are or could become investigations."

Tyson, a Democrat, and King, a Republican, meet in the Nov. 7 general election for attorney general.

The Democratic Party ruling, released Wednesday, threw out 78 votes from original runoff winner Flott and four votes from Gordon, who filed an election contest after July 18 returns reflected a Flott victory.

The decision erased Flott's margin and made Gordon the party's nominee. Flott has appealed within the party's quasi-judicial procedures. The party's final decision can be appealed to state Circuit Court.

With no Republican in the race, the eventual winner is expected to succeed Rep. Bill Clark, D-Prichard. Clark endorsed Gordon.

The party's decision made no determination about who might be responsible for any ballot fraud. Gordon suggested after the July 18 runoff that Flott's campaign made a concerted effort to increase the candidate's absentee ballot support. Flott has denied any illegal actions or any special effort to distribute or gather absentee ballots.

July returns showed Flott with 320 percent more absentee votes than he received in the June primary. Gordon posted about a 70 percent increase. Absentee ballots were 15.5 percent of the total runoff turnout. In

June, absentee votes were 4.6 percent of the total cast.

According to state election law, anyone "guilty of any kind of illegal or fraudulent voting must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years, at the discretion of the jury."

Knowingly providing false information in order to vote is a Class A misdemeanor punishable by a jail sentence of not more than one year and a maximum fine of \$2,000.

Bence, King's spokesman, said he would expect the party to file a complaint about fraud with appropriate authorities. "I would expect any party, Democrat or Republican, Libertarian or anybody, that if they become aware of a law being broken, especially relative to the election process, that they would file a complaint," he said.

Democratic Party Executive Director Jim Spearman told the Press-Register earlier this week that the party does not have specific rules requiring that it forward findings of fraud to investigators. But, he added, the party would not withhold any information authorities sought.

The state Democratic

Executive Committee is scheduled to meet today in Montgomery. It was not clear late Friday whether anything concerning the District 98 dispute will be discussed.

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017069

PRESS-REGISTER

Both sides raise questions about ballots

Tuesday, August 22, 2006

By DAN MURTAUGH
Staff Reporter

Attorneys for candidates Darren Flott and James Gordon spent Monday alleging that scores of absentee ballots were forged in last month's Democratic runoff for Alabama House District 98.

A panel of state Democratic Party leaders did not rule Monday on the election contest that Gordon had filed after Flott won by 65 votes. Amy Burks, vice chairwoman for the state party, said a ruling probably would be handed down today.

Gordon's attorneys alleged that signatures were forged on at least 75 absentee ballots, including 29 that belonged to people who were mentally incompetent.

Flott's attorneys questioned the validity of 55 more ballots because of signature inconsistencies and other problems.

The ballots in question were not opened, so neither side knows for whom they were cast.

Returns from the July 18 runoff show Flott with 283 absentee votes to Gordon's 143. That 140-vote advantage is more than double Flott's overall margin of victory. Gordon posted a 75-vote advantage among ballots actually cast July 18 in precincts around the district.

Gordon led a three-man field in the June 6 primary. In that round of voting, he garnered 85 absentee votes, while Flott received 69. Absentee votes were 15.5 percent of the total July turnout and 4.6 percent of the total turnout in June.

Flott, a respiratory therapist, and Gordon, a chiropractor, are both from Eight Mile. They sat quietly next to one another during the hearing at the Riverview Plaza Hotel. The hearing began Aug. 14 in Montgomery but moved to Mobile at the

request of Gordon's lawyer, James Anderson.

Monday's hearing began with Gordon's attorneys reading a deposition from a doctor about the mental competency of several people who cast absentee ballots in the runoff. That part of the hearing was held in private because of concerns about publicly airing people's medical information.

Afterward, Richard Roper, a retired document examiner for the Alabama Department of Forensic Science, spent about two hours detailing the minutiae of signatures -- things such as pen pressure, tapering finishing strokes and how a person scrawled an "X".

He said signatures on about 75 absentee ballots did not match signatures on affidavits, driver's licenses or voter registration forms.

Flott's attorneys argued that the inconsistencies in the signatures could be due to the old age of the signers. Addie Clark, a 78-year-old woman whose signature was alleged to have been forged, testified that she did sign her ballot.

Flott's lawyers then showed the panel 55 more ballots, they thought were questionable. They did not hire an expert to examine the signatures on the ballots, and Burks did not let them use Roper because he was being paid by Gordon's team.

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017071

PRESS-REGISTER

Gordon: Absentees had mass forgeries

Tuesday, August 15, 2006

By **BILL BARROW**
Capital Bureau

MONTGOMERY -- An attorney for Mobile chiropractor James Gordon said Monday that he will present evidence of widespread absentee ballot forgeries, some on behalf of mentally incompetent or unaware senior citizens, as he challenges respiratory therapist Darren Flott's Democratic runoff win in Alabama House District 98.

The election contest hearing, in which Gordon is protesting the 65-vote margin Flott captured July 18, opened here Monday before a group of state Democratic Party leaders. But the panel, acting on the request of Gordon's lawyer, voted to move the hearing to Mobile, where attorney James Anderson said he can more easily obtain relevant election records and testimony. The five-person board plans to reconvene this coming Monday morning at an undetermined site.

The two candidates, both residents of Eight Mile, remained silent during the proceedings. Flott has denied that his campaign engaged in any concerted effort to distribute or collect absentee ballots.

Anderson said during the hearing that he plans next week to call as expert witnesses a handwriting expert and a medical doctor. He had already given the panel the names of 313 absentee voters whose ballots could be at issue in the case.

Anderson said the handwriting expert is reviewing signatures on voters' absentee applications and on documentation that must accompany a ballot when it is returned to the Mobile County absentee ballot office. Those records, along with the ballots themselves, must be maintained in case of an election contest.

A former statewide judicial candidate, Anderson frequently represents clients involved in voting disputes.

During a recess, Anderson showed the Press-Register a voter's absentee application marked with a legible signature, but whose ballot was returned signed with an "X." He said there are several other similar instances.

Further, Anderson said he expects his forensics expert to identify scores of cases where the handwriting of the voter's signature appears to be similar to that of the required witness or where the signature on a voter's application appears different from the signature on the returned ballot.

Anderson said he has not inspected any actual ballots, which means it cannot be known whether the discrepancies involve votes that went for Flott. Ballots can be reviewed only in court or in front of the quasi-judicial panel convened to hear Gordon's contest.

Absentee ballots are numbered, however, so in Monday's proceeding, individual ballots could be matched with the 313 names.

Runoff returns show Flott with 283 absentee votes to Gordon's 143. That 140-vote advantage is more than double Flott's overall margin of victory. Gordon posted a 75-vote advantage among ballots actually cast on July 18 in precincts around the district.

Gordon led a three-man field in the June 6 primary. In that round of voting, Gordon garnered 85 absentee votes. Flott received 69. Absentee votes were 15.5 percent of the total July turnout and 4.6 percent of the total turnout in June.

In previous public comments, Gordon has called particular attention to the Eight Mile Nursing and Rehabilitation Center, where, according to Mobile County election records, almost 70 residents applied for absentee ballots, with at least 58 returning completed ballots. The records offered no indication about which candidates individual voters supported.

An administrator at the St. Stephens Road facility has told the Press-Register that he was unaware of any unusual voting practices connected to residents there. Gordon has suggested that Flott's work as a respiratory therapist gives him personal connections to the center, a charge Flott has denied.

Monday's hearing was a series of small defeats for Flott, whose attorneys argued that the complaint should be thrown out because of alleged procedural violations. Flott's attorneys also said Anderson failed in his pre-hearing filings to provide evidence of any illegal votes.

Christopher Couch, who practices in the Birmingham office of Mobile-based Miller, Hamilton, Snider & Odom, then argued unsuccessfully against moving the

rest of the hearing to Mobile.

With no Republican in the race, the eventual winner in the dispute will succeed the retiring Rep. Bill Clark, D-Prichard. Clark endorsed Gordon.

%%head%%Gordon claims absentee ballot forgeries%%ehead%%
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017074

Group battles voter fraud

By Francis X. Gilpin
October 10, 2006
Montgomery Advertiser

GREENSBORO -- LaKiesha M. Williams got a surprise last year when she went to vote in this west Alabama city of fewer than 3,000. Somebody else had already cast her vote -- by absentee ballot.

Williams, 30, remembers applying for an absentee ballot by mail. But Williams is sure she never received it.

"I'm still ticked off," said Williams. "No matter what, I still can't get that vote back."

Williams' experience in Hale County is hardly unique. Elections in Alabama's portion of the impoverished Black Belt have been tainted for decades by slipshod processing of absentee ballots. Some of those implicated in the vote fraud have held public office themselves.

But there is growing recognition that desperately needed new industry will continue to elude the region until local elections are cleaned up. The Black Belt Action Commission, a state panel trying to improve the local standard of living, has declared vote fraud to be the region's biggest challenge, even ahead of improving public education.

Citizens are no longer standing by while they say their elections are hijacked. A group of mainly Hale County residents formed the Democracy Defense League last year to encourage law enforcement officials to investigate election fraud here and elsewhere in Alabama. In addition, the DDL is lobbying state officials to tighten absentee-voting procedures.

"We can't change state law from Hale County," said DDL co-founder Perry Beasley, who helped spearhead the last major vote-fraud prosecution in the county before his retirement from the Alabama Bureau of Investigation. "It has to come from Montgomery."

Faye Cochran, who chairs the local board of registrars, recalls a lull in suspiciously high absentee voting after the ABI probe, which sent a former Greensboro city council man to state prison in 2001 on election-related forgery charges. But recent Black Belt elections have resumed the historical pattern. The losers of two 2004 mayoral elections, including one in Greensboro, have gone to court to overturn what they claim were fraudulent results.

Alabama Attorney General Troy King has been investigating potential vote fraud. To date, however, the only thing resembling an arrest nabbed somebody from King's own staff. Last fall, George Barrows had to turn himself in to the Hale County sheriff after a woman accused the King investigator of harassing her while serving a subpoena. A judge later dismissed the case.

With voters due at the polls again Nov. 7, DDL members are getting edgy.

"The same thing's going to go on unless something is done to stop it," said Cochran.

Judge versus judge

The most recent round of contested Black Belt elections began with a 2002 race for Hale County commissioner. Yolanda A. Watkins unseated incumbent Commissioner James "Buster" Brown by 34 votes in a Democratic primary. Brown promptly filed a challenge, blaming his defeat on illegal votes acquired through bribery and intimidation. Brown wasn't alone with his concerns.

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Edgar W. Greene Jr., the district attorney at the time for the circuit covering Hale County, received complaints that unregistered voters had cast absentee ballots while legitimate absentee votes weren't tabulated. Greene sought to impound the ballots as evidence, but Circuit Judge Marvin W. Wiggins wanted them, too.

Wiggins unilaterally deemed the ballots to belong with Hale County's circuit clerk, Gay Nell Tinker, who also happens to be the judge's sister. But Hale County Probate Judge Leland Avery refused to turn over the election records. That prompted Wiggins to order Avery's arrest.

While Avery sought refuge in an appeal to the state Supreme Court, the probate judge stored the ballots at a local bank. The ballots were nearly destroyed when an arsonist torched the 95-year-old bank building in the wee hours of July 7, 2002. Fortunately for Greene's probe, the ballots survived because they were secured in a fireproof vault. A fire marshal's investigation into the unsolved arson remains open, according to state officials.

The Supreme Court eventually awarded custody of the ballots to Greene, who had argued that Tinker, as the county's absentee voting manager, shouldn't have access to the disputed ballots while his office investigated the election.

The justices also found that Wiggins had no business getting involved in the matter because no legal action was filed in his court. Wiggins says he cannot answer questions about the 2002 case because it may be part of the attorney general's current investigation.

Brown, who has since passed away, withdrew his 2002 election challenge because he didn't want to impede the criminal investigation. But Greene filed no charges. His successor, District Attorney Michael W. Jackson, speculates that Greene's probe died with Brown.

King's investigation is believed to be focusing on the 2004 Greensboro mayoral election.

Cochran, whose office is in charge of Hale County's voter rolls, says the attorney general opened his inquiry even before the controversial mayoral runoff. In the weeks leading up to the Greensboro election, Cochran says her office received a slew of change-of-address forms purportedly from voters moving inside the city limits. Cochran says she was suspicious of who was bringing many of the forms to her office.

It was Aaron Evans, the former city councilman who was ousted from office following a 1998 election-fraud conviction. State records show Evans, 55, who was also a former city police officer, got released from prison in 2003 after serving about two years on charges of forging absentee ballot documents for a 1995 Greensboro election. Upon his release, Evans was welcomed back to Greensboro with a parade and a new city job.

In a telephone interview, Evans spoke only briefly about his election activities before hanging up.

"I wasn't guilty then and I'm not guilty now," Evans said. "You have a good day."

Cochran says she began checking some of the city addresses listed on the forms that Evans turned in. At one address, there was nothing but a fire hydrant.

"One of them was this rundown mobile home," she called Cochran. "No way anybody could live in it. The windows were out. Vines were growing even into the mobile home."

Who's the mayor?

017076

J.B. Washington claimed the Greensboro mayor's office in a Sept. 14, 2004, run off with 762 votes to Vanessa Hill's 672. His tally included 251 absentee votes, about a third of his total.

Hill filed an election challenge with Tinker in the circuit clerk's office. But it wasn't easy. At first, Tinker refused Hill's filing, according to court records. Then, the clerk demanded a \$2,500 cash bond. Hill's lawyer, Walter E. Braswell of Birmingham, stated in a court filing that the bond demand was unprecedented for a Hale County election challenge. Finally, after accepting Hill's legal paper work, Tinker neglected to have the documents served on Washington until ordered by a judge, according to Braswell.

Tinker declined a request for an interview. The circuit clerk says she isn't interested in what the DDL or its allies have to say.

"They're anti-Gay Nell anyway," Tinker said. "I'm going to let God handle it. This comes up every election cycle. All I'm going to say is whatever God has in mind is fine with me."

A Montgomery County circuit judge was assigned to hear Hill's legal challenge to the Greensboro mayoral election outcome. In January, Judge William Shashy threw out 148 illegal absentee ballots, effectively declaring Hill to be Greensboro's mayor. Washington remains mayor of the Hale County seat, more than two years after the polls closed, as he appeals to the state Supreme Court.

Braswell summed up Hill's case at a court hearing before a special master appointed by Judge Shashy. "We're here because there was an attempt to steal this election," said Braswell, a former federal prosecutor.

Shashy tossed out more than half of Washington's 251 absentee votes. The judge cited absentee ballot affidavits that were forged, ballot envelopes that contained none of the required postmarks, and ballots that had been cast by voters who didn't show valid identification.

During court proceedings, Hill attorney Braswell linked Tinker to suspect ballots.

"The record would show that on more than 50 of the illegal votes she was the notary," Braswell said during the special master's hearing.

The special master, Montgomery attorney James H. Anderson, cautioned that court clerks often notarize official documents.

In a subsequent Supreme Court filing, however, Braswell pointed out that Tinker and her husband, state Sen. Bobby D. Singleton, D-Greensboro, were active supporters of Washington's mayoral campaign. Braswell went on to note that Tinker notarized "numerous absentee affidavits later found to be false or forged," while Singleton's name "appears as a witness on a number of the disqualified ballots." Those ballots were counted for Washington on election night, Braswell added.

Singleton says he and his wife did nothing improper to help get Washington elected. The senator says the rejected absentee ballots with signatures witnessed by him were tossed out because there were questions about voter identification, not the validity of the signature.

"Absentee voting is a legal process," Singleton said. "They want to make it out like there is something wrong with it."

Across the county line in Marion, absentee ballots have taken center stage in another disputed 2004 mayoral election.

Both the declared winner, Anthony J. Long, and the losing candidate, Robert D. Bryant, depended heavily on absentee votes. About 58 percent of Long's total vote came from absentee ballots. Bryant's campaign manager, Perry County Commissioner Albert F. Turner, seized on the unusually high figure, despite his own candidate relying on absentee ballots for nearly 36 per cent of his vote.

Although some experts say absentee percentages above single digits are out of the norm, Birmingham election lawyer Edward Still says the Black Belt's commuting workforce votes absentee in higher numbers because workers cannot get to the polls on Election Day.

At a Perry County trial in 2005, Bryant's lawyer introduced evidence that dozens of Long's absentee ballots were mailed to the same two post office boxes. While fending off additional allegations that felons voted illegally for the winner, Long's attorney questioned the legality of several absentee ballots notarized by Turner and other Bryant supporters.

Both sides claim they proved more than 100 absentee votes should be disallowed. Circuit Judge Marvin Wiggins, who presided at the trial, has yet to render a decision more than a year after testimony concluded. Wiggins says he cannot comment on pending cases.

Albert Turner, 42, son of a legendary Alabama civil- rights activist who beat a 1985 vote-fraud indictment, couldn't be reached for comment at his Perry County office. The younger Turner has expressed disappointment that the DDL didn't assist Bryant.

"This showed that their real purpose is not to fight voter fraud at all," Turner told the Demopolis Times last year. "I feel their real purpose is to gain political power in Hale and Perry counties."

Unhappy novice voter

DDL leaders may have hesitated because of an episode from Turner's unsuccessful 2005 election campaign against Ralph A. Howard for the Alabama House of Representatives.

Cynthia Y. Davis, a Francis Marion High School student at the time of the 2005 election, states in an affidavit that she was taken out of class and transported by Turner to her Perry County polling place. One of Turner's campaign workers then escorted the 18-year-old Davis in to vote for the first time.

Davis says the Turner campaign worker stood over her while she marked a ballot for Howard. When the Turner worker saw that, Davis says the woman grabbed the ballot and requested another from election officials. This time, leaving nothing to chance, the Turner worker marked the ballot for Turner and dropped it into a tabulating machine, according to Davis. "My rights were deprived," Davis said.

Like LaKiesha Williams, Davis filed a complaint with law enforcement. After Williams filed hers with the Hale County sheriff, she says she received a series of telephone calls, including a few from Sen. Singleton.

Before the 2005 House election, Williams says in a sworn statement, the senator's wife and his aunt, Shirley Pickens, visited her at home. Williams says Tinker and Pickens had her sign some paperwork and told her to expect an absentee ballot in the mail within a few days. But Williams was adamant that she never received the ballot, as the women had promised.

When the absentee ballot didn't arrive, Williams says she went to the polls on May 3, 2005, expecting to support Howard, who won the open House seat that day. Instead, Williams says she later learned that an absentee ballot in her name had been marked for Turner.

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In a phone call after she filed the sheriff's complaint, Williams claims Singleton suggested she recant the allegations against his wife and his aunt. "Don't help the white man," Williams says Singleton told her. Both Williams and Singleton are African-Americans.

Pickens had a simple response to the accusations from Williams: "Those are lies." She declined further comment.

Singleton, who won a special Senate election last year with 42 percent of his vote coming from absentee ballots, denied making the statements attributed to him. The senator says he only suggested Williams, a friend of his family, report the incident to District Attorney Michael Jackson. "I didn't trust the sheriff to do the right thing," said Singleton.

Hale County Sheriff Larry Johnson says he turned over the Williams complaint to the state attorney general because it concerned possible voter fraud. Johnson added that he did not forward the case file to Jackson's office because the district attorney is Singleton's friend and would have a potential conflict of interest.

Singleton says the DDL pressured Williams into complaining. The senator accused the DDL, with a predominantly white membership, of attempting to restore white politicians to their former positions of county power.

"The whites, they've stolen elections year after year after year," Singleton said. "Now the black folk have taken over the county and are voting for their own. Then, it's voter fraud." Beverly M. Bonds, DDL's secretary and treasurer, says the election reform group has black and white members.

DDL leaders say they are somewhat relieved that Tinker was soundly defeated in this year's Democratic primary for circuit clerk. But, four months after the primary, Tinker hasn't taken down all of her campaign signs.

Tinker declined to say whether she might try to keep her job by running a write-in campaign for this fall's general election. Since her name won't appear on the ballot, Tinker may serve as the county's absentee voting manager next month.

017079

Alabama

Voting fraud hurts democracy (Montgomery Advertiser editorial)

Montgomery Advertiser
Editorial
October 8, 2006

There are few things more important to a functioning democracy than the sanctity of the ballot and a sense among potential voters that elections are honest and fair.

If people come to believe that their vote truly doesn't count, or that their legitimate vote is offset by an illegitimate one, then faith in the democratic process is eroded. The result is low voter turnout and lack of faith in government.

That's why it is crucial that federal, state and local authorities come down hard on anyone who in any way attempts to stuff ballot boxes or buy votes or unduly influence individual voters.

In Alabama, unfortunately, one way that the voting system historically has been abused has been through misuse of absentee ballots. Past court cases have disclosed numerous instances where the outcomes of elections have been skewed by people who manipulate absentee ballots in one way or another.

In an article on Page 1A today, Montgomery Advertiser reporter Francis X. Gilpin explores problems with voting in several counties in West Alabama that center on absentee ballots.

This isn't just a West Alabama issue, however.

The state was shocked in 2000 to learn that 11 people in Winston County in North Alabama were indicted in a federal state investigation into voter fraud. Among the indicted were the sheriff, the circuit clerk, a district judge and the county commission chairman. Nine of them pleaded guilty to charges involving such things as buying of absentee ballots with money or alcohol. In the affected Republican primary election that year, there were 1,102 absentee ballots cast. During a subsequent election there were about 150.

But despite that case, the abuse of absentee ballots seems centered in West Alabama, including Hale, Marion and Perry counties.

There some voters have shown up at the polls to vote only to find that someone had filed for an absentee ballot in their name and voted it without their knowledge. In other instances, large numbers of absentee ballots have been sent to one address. Reporters have found instances where absentee ballots were mailed to addresses where no one lived.

The sheer number of absentee ballots cast in some elections raises serious questions about voter fraud. It is not uncommon for 20 or 25 percent of the total vote in a West Alabama county or city election to be cast by absentee ballots, when 2 to 5 percent is the norm in other parts of the state.

For years some political leaders have defended those large absentee ballot percentages by claiming that large numbers of voters from those affected counties have to commute long distances to work and cannot get back to their home communities in time to vote.

But that explanation simply doesn't hold up to rational scrutiny.

Consider that the U.S. Census Bureau lists the commuting time to work for Hale County residents at about 29 minutes on average, compared to about 25.5 minutes for the nation as a whole. That might justify absentee ballot use slightly above the state and national norm, but not five or six times the norm.

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Nor does it explain why it is common for one candidate in an election to get a ridiculously high percentage of their votes from absentee ballots while their opponents get relatively few.

If the use of absentee ballots were simply a function of a high percentage of workers who commute, then all candidates should get higher than average absentee votes.

But as Gilpin's reporting shows, often those votes are outrageously skewed in favor of one candidate. Something is clearly amiss when one candidate gets 39 percent of his or her votes from absentee ballots while their opponent gets 2 percent, for instance. In one election, one candidate, Albert F. Turner, got 59 percent of his votes from absentee ballots while only 1 percent of his opponent's votes were absentee.

Such numbers defy logic.

It is crucial that federal and state law enforcement officials, especially Alabama Attorney General Troy King, not tolerate such abuses. We urge King to make it a priority to thoroughly investigate any substantive allegations of voter fraud and to prosecute all violators to the full extent of the law. We also urge him to ensure that the election process in November is closely monitored.

In a democracy, voter fraud cannot be tolerated. The entire democratic process depends upon the public believing in the sanctity of the ballot.



Eufaula Tribune

07/11/2006

AG's office subpoenas election records

By: Evelyn Pelfrey, Media General News Service

The Alabama Attorney General's office is investigating the June 6 primary election in Barbour County, according to Joy Patterson in the AG press office. She confirmed Friday that Barbour County Probate Judge Nancy Robertson and Sheriff Marshall Williams, Jr. have complied with subpoenas to turn over all of the ballots and the voting machines stolen from one precinct before the polls opened on election day.

"It is part of an investigation into alleged voting irregularities and theft of voting machines," Patterson said.

Patterson said no further information is being released at this time.

"I don't know what they're looking for," Robertson said. "I don't have a clue."

Williams and Circuit Court Clerk David Nix managed the primary election because Robertson was running for a second term as probate judge.

"I haven't done anything wrong and I don't think any of the other election officials have done anything wrong," Williams said. "It is a big job and we handled it according to the law."

Shortly after the primary election, it was discovered that the 690 Clayton precinct votes had been left off of the unofficial summary report on election night, so a computerized re-count was conducted.

"The central counting machine kept dropping the Clayton Courthouse votes," Robertson said. "It was a computer glitch."

After the re-count, in which Robertson gained 491 more votes, the results were re-certified by the Barbour County Democratic Executive Committee.

"It didn't change the runoffs or the other races' results," Robertson said.

The stolen voting machine and handicap voting machine, which had no ballots in them, were found unharmed the next day on the side of the road.

"They didn't take any ballots," Williams said. "Our ballots are numbered and they have to correspond with the voter list."

A spare voting machine was rushed to the precinct on election day so votes were not missed.

Williams said the investigation into the theft is at a standstill.

"I have no leads, no nothing on it," Williams said. "I still think it was young people with no motive, really."

Williams and Robertson said they don't think the attorney general's investigation will reveal anything that would change the primary election results.

Robertson beat challenger Orvie Locklar, chief investigator for the Barbour County District Attorney's

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Office, by 55 percent to 44 percent of the primary vote. Two of the local races ended up in a run-off, scheduled for July 18.

In the six-man sheriff's race for the office Williams is vacating, two sheriff's deputies are in a run-off.

Grady Wilburn Bush got 21 percent of the primary vote to Leroy Upshaw's 33 percent.

In the District Six county commission race, which includes the Mount Andrew Community Center precinct where the voting machines were stolen, incumbent commissioner Pat Ivey got 363 votes in the primary to Jason Guice's 325 and Debbie Tyler's 96.

Absentee voter records were not subpoenaed, according to Nix, who is the absentee election manager.

"The absentee ballots are turned over to a polling board," Nix said.

Robertson said she held on to the black data packs from the voting machines in case another re-count is necessary.

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017083

Why renew Voting Rights Act? Ala. town provides answer

By DeWayne Wickham

When Asian-American residents of Bayou La Batre, a small Alabama town that was made famous by Forrest Gump, went to the polls in August 2004, they might have had one of the film's most memorable lines on their mind. "Momma always said life was like a box of chocolates. You never know what you're gonna get," Gump, the title character in the Oscar-winning movie, said prophetically in the opening scene. After being urged by several candidates to vote in the municipal election, many of the Southeast Asian-Americans in the town of about 3,000 had their ballots challenged. Nearly 50 of them were forced to fill out paper ballots and have another registered voter vouch for them.



Huynh

Despite these hurdles, Phuong Tan Huynh — the first Asian-American to run for City Council there — defeated Jackie Ladnier in the October runoff, but only after the Justice Department intervened.

Tuesday, the Lawyers' Committee for Civil Rights Under Law, a non-partisan group, released a 187-page report that argues the need for reauthorizing the sections of the Voting Rights Act that are set to expire next year. One of them empowered the Justice Department to send observers to monitor Bayou La Batre's runoff election.

Though the law "has accomplished much during its first 40 years, more remains to be done in order to protect the rights of racial and ethnic minorities to fully and equally participate in the electoral process," the report concludes.

Prime example

What happened in Bayou La Batre is proof of that. The voter challenges came from supporters of Ladnier, who is white. The challengers complained that the Asian-American voters were not citizens, had criminal records or didn't live in Bayou La Batre.

Ladnier told the *Mobile Register* he knew that some of the Asian-Americans had been in trouble with the law. "A lot of them we didn't know but had to make a judgment, say if someone came and met them outside and ... seemed to be guiding them through it," he told the newspaper. "Also, we figured if they couldn't speak good English, they possibly weren't American citizens."

That's just the kind of knee-jerk opposition the Voting Rights Act is supposed to guard against.

"We can confirm that there were race-based challenges to Vietnamese voters in the city's primary election," Justice Department spokesman Eric Holland told me. "We monitored the election and in concert with local officials prevented any race-based challenges" in the runoff. That's the sort of good news ending that drafters of the report, "Protecting Minority Voters: The Voting Rights Act at Work 1982-2005," want to safeguard.

Support, but concern

Both President Bush and the Republicans who control Congress support renewal of the Voting Rights Act. But that hasn't stanching the concerns of civil rights activists.

"The president has made a general statement of support for reauthorization of the Voting Rights Act ... (but) the devil is in the details," Theodore Shaw, the president of the NAACP Legal Defense Fund, said during a January conference call with The Trotter Group, an organization of black columnists.

Likewise, Karen Narasaki, executive director of the Asian American Justice Center, told the group that she fears conservatives will weaken the law even as they renew it. "You can reauthorize something, but it does not necessarily mean that it is actually going to be effective and strong" when the process is completed, she said.

And that's what worries me. The renewable sections of the Voting Rights Act are the heart of this important law. They require "preclearance" of voting law changes; they permit the use of federal election monitors and language assistance for voters in jurisdictions that have a history of discriminatory treatment of minority voters.

It was these protections that paved the way for the election of Phuong Tan Huynh — and which need to be renewed intact.

DeWayne Wickham writes weekly for USA TODAY.

Published: 02.01.2006

Initiative: Check voting machines

By Howard Fischer

CAPITOL MEDIA SERVICES

PHOENIX — A self-described grass-roots organization wants to force a sample manual count of ballots cast with electronic voting machines to ensure they are recording votes accurately. Arizona Citizens for Election Reform has filed the necessary papers to begin circulating petitions to put the issue on the November ballot. The group has until July 6 to get 122,612 valid signatures.

But Kevin Tyne, deputy secretary of state, said the measure is unnecessary and would be a step backward. He said all the research shows machines are more accurate than hand-counted ballots.

Stefan Silverston, vice chairman of the citizens group, said there is a concern that electronic machines — particularly the touch-screen machines that are becoming more popular — are subject to tampering and other problems that could change the outcome of an election. One provision of the initiative would require all machines to produce a paper receipt people can review to make sure their vote was recorded properly. Tyne said that's already a requirement for the touch-screen machines the state is buying for use by the visually handicapped. Most other machines use paper ballots marked by individuals, which are fed into optical scanners.

The proposal also would require that a sample number of electronic votes be compared with paper ballots. If the difference in count at any polling places is more than four, a full hand count would be required. Silverston said that would ensure the machines are accurate. Tyne said that ignores evidence showing the hand counts are more likely to produce errors than the machines. But he acknowledged there have been problems with machines. Most recently, there was a recount of ballots in a Republican legislative primary in Phoenix, made necessary by the closeness of the vote. But the recount — in this case, feeding the same paper ballots back through scanners again — produced nearly 500 additional votes and changed the outcome of the race.

Harper withdraws his election lawsuit

Casey Newton

The Arizona Republic

Jan. 12, 2006 12:00 AM

A state senator investigating a disputed election has withdrawn a lawsuit seeking access to the ballots, but he said he would file a new suit soon.

Sen. Jack Harper, R-Surprise, said he decided to drop his suit in Superior Court after the Maricopa County Attorney's Office opposed his request for a continuance.

He said he needed more time to read a report by an outside investigator, which he expected to receive late Wednesday.

The investigator, Douglas Jones, and the circumstances of his hiring have brought criticism to Harper.

The controversy concerns the September 2004 District 20 primary race, in which John McComish defeated Anton Orlich after a recount found more than 400 new votes and reversed the initial outcome.

After the Senate refused to pay for Harper's investigation into the recount, Harper turned to the weekly newspaper *New Times*, which paid \$3,000 for a University of Iowa computer-science expert to examine the results.

Last week Democratic Sen. Bill Brotherton filed an ethics complaint against Harper, arguing he might have acted improperly in issuing a legislative subpoena to assist in an inquiry funded by a private party.

Harper said he expected to file a new lawsuit after Jones releases his report.

"If Jones says that he cannot determine where the nearly 500 new votes showed up, then we need to see the ballots," Harper said. "And I understand that his report says that he needs to see the ballots."

Efforts to reach Jones on Wednesday were unsuccessful.

County Attorney Andrew Thomas said that if Harper needed more time to build his case, he shouldn't have requested an emergency court order to grant access to the ballots.

"For him to file this lawsuit, claim it was an emergency, then ask for a delay, and dismiss his lawsuit when he didn't receive it, makes absolutely no sense," Thomas said. "The reality is, he filed a frivolous lawsuit, the taxpayers of Maricopa County are out thousands of dollars in attorneys' fees devoted to responding to this suit, and rather than facing the music in court, he's dismissed the action and refuses to accept responsibility for what he's done."

Voting expert says ballots from primary should be examined

Harper to face ethics panel

Casey Newton

The Arizona Republic

Jan. 13, 2006 12:00 AM

A voting-technology expert is calling for the examination of ballots cast in a District 20 primary election, saying it is the only way to quell concerns that the ballots were tampered with.

While the report gives support to those who have questioned the handling of the September 2004 recount, the circumstance of its release could mean trouble for the state senator who sponsored it.

"Without empirical examination of a random sample of voted ballots, there is no way to decide between the hypothesis that ballots have been altered and the hypothesis that ballots were miscounted by poorly calibrated machines," University of Iowa Associate Professor Douglas Jones wrote in a report released Thursday.

The study's release marked the latest chapter in a saga that began as a simple inquiry into the results of an election.

It has grown into a contentious fight over voting machines, Senate ethics and the role of the press in government investigations.

State Sen. Jack Harper, who had commissioned the report, said he was disturbed by the possibility that someone tampered with ballots cast in the Republican primary between John McComish and Anton Orlich.

McComish beat Orlich after a recount found nearly 500 new votes, reversing the initial outcome.

"I'm very alarmed that Dr. Jones believes one of the options may be fraud," said Harper, R-Surprise.

Last year, an investigation by the Maricopa County Attorney's Office found no wrongdoing in the handling of the recount.

But the appearance of so many new votes has baffled investigators, Jones included. He was traveling Thursday and could not be reached for comment.

The results of Jones' examination were first published Wednesday on the Web site of *New Times*, the weekly newspaper that agreed to pay for the study after the Senate refused.

Sen. Bill Brotherton said Thursday that he would pursue an ethics complaint against Harper, arguing he used his legislative subpoena power to "provide a scoop for a newspaper."

The Senate Ethics Committee is expected to discuss the issue next week.

In a story in Thursday's *New Times*, Editor Rick Barrs defended the paper's decision

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to pay for the outside expert.

"It's done frequently across the country," he wrote. "Otherwise, public officials would get away with way more cover-ups."

But Brotherton, D-Phoenix, rejected what he described as an "ends-justify-the-means mentality" among those seeking access to the ballots.

"What I believe is that whatever the circumstances, you should do the right thing in the right manner," Brotherton said.

Harper said he plans to file a lawsuit seeking access to the ballots.

He added that he had received an offer from an unnamed outside group to fund the ballots' examination, should one be allowed.

Still, Harper acknowledged that the Ethics Committee inquiry could be cause for concern.

"If they let the facts speak for themselves, I don't have anything to worry about," Harper said. "If politics comes into it, then who knows what'll happen."



The Birmingham News

Ex-sheriff, attorney deny conspiracy

Tuesday, January 10, 2006

VAL WALTON
News staff writer

Former Jefferson County Sheriff Jim Woodward and attorney Albert Jordan told jurors in their federal trial Monday they did not conspire to illegally run criminal history checks on absentee Bessemer voters for Woodward's election contest.

Woodward, testifying in his own defense, said he gave Sheriff's Department employees authorization to conduct background checks using restricted federal databases as part of a legitimate investigation into allegations of voter fraud in Bessemer.

His office started receiving more calls about voting irregularities following the Nov. 3, 1998, general election, he testified.

"I felt that it was necessary to investigate these complaints of voter fraud," Woodward said during the fourth day of testimony. "I felt there was a lot of evidence there."

Woodward testified he brought in the Alabama Bureau of Investigation and tried to get the state Attorney General's office to also investigate.

But Justice Department lawyers contend Woodward's investigation of voter fraud began only after election officials announced he lost the general election to his Democratic challenger, Mike Hale.

The prosecution said Woodward and Jordan, who headed Woodward's legal battle to regain his office, searched for ways to challenge those votes and zeroed in on absentee ballots, particularly those cast in the Bessemer Cutoff that went decisively for Hale.

Asked about timing:

Prosecutor Natasha Tidwell quizzed Woodward during cross-examination about the timing of the probe, suggesting the two men initiated a cover-up on Nov. 20, 1998, using complaints from earlier elections after media reports that criminal databases were being used illegally.

Woodward denied the accusation.

Woodward testified his purpose was above board to "ferret out" voter fraud crime and to prosecute.

"Was it a legitimate investigation?" his attorney Al Agricola asked.

"Absolutely," Woodward answered.

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Woodward said he sought Jordan's assistance because of his past expertise in challenging voter fraud.

"He was my attorney," Woodward said. "I thought I could provide my attorney with anything."

Jordan is accused of calling Royce Fields, then an assistant sheriff in command of the Bessemer division, to get absentee voter lists in Bessemer and to run the checks using department employees, including secretaries.

Prosecutors said Jordan had no independent authority to access the database or have access to the results from the restricted National Crime Information Center database.

Jordan told jurors he never called Fields and did not authorize anyone to conduct criminal checks.

"I didn't ask him to do anything," he said.

Fields testified last week that Jordan, with Woodward's approval, called him two days after the election for the checks. Fields said Woodward later directed him to take the results to Jordan's office.

Testimony disputed:

Jordan disputed Fields' testimony.

Jordan said he was unaware that Fields and a private investigator were coming to his office. He said he also did not know the information Fields brought contained information from the restricted database. He did recall seeing notations on the voter list, which is public information, he testified.

Jordan said he did not assist Woodward in investigating voter fraud but offered a recommendation for the checks to be conducted in a non-discriminatory way.

Jordan's attorney, Bill Clark, suggested Fields, who was granted immunity from prosecution as an unindicted co-conspirator, suggested running the background checks.

Woodward filed an election contest on Nov. 24, 1998. Jordan said information used for the challenge came from other sources such as a list of people suspected of voter fraud provided by Lawrence McAdory, a former state representative.

Also Monday, defense lawyers presented witnesses to testify about the men's character. The defense rested, and the prosecution did not offer any rebuttal witnesses.

Jurors will return to the courtroom today for closing arguments.

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PRESS-REGISTER

Worley: Chapman plan is a 'stunt'

Wednesday, May 17, 2006

By **BILL BARROW**
Capital Bureau

MONTGOMERY -- Secretary of State Nancy Worley, a Democrat, has accused Republican Beth Chapman of politicizing the voting process by promising to watch polls in a heavily Democratic county and offering monetary rewards to voter fraud whistleblowers.

Chapman, the state auditor running for secretary of state, announced her plans last week in a made-for-TV news conference, complete with Chapman and a group of Hale County voters raising purple index fingers, a la Iraq, in support of honest elections.

Chapman said the Hale voters invited her to spend the June 6 primary in their county, long a hotbed for election disputes and alleged irregularities. It was her idea, she said, to offer two \$5,000 rewards to voters who provide information about primaries that leads to voter fraud convictions.

The intent, Chapman said, is merely to highlight the need for "honest and fair elections." Worley cast the exercise as a cynical political ploy.

"To take a very serious matter such as voter fraud and turn it into a political stunt is an affront to the Legislature who passed the voter fraud laws, the district attorneys who enforce the laws and the citizens of Alabama who may call the attorney general's office or the secretary of state's office at any time to report voter fraud," she said.

Worley said offering cash rewards could lead citizens to manufacture fraud that they could then report. "We should encourage all Alabamians to follow the law, not offer them monetary rewards to do what is right," she said.

Chapman retorted Tuesday: "If someone is willing to commit voter fraud to get money, chances are they've committed voter fraud before, and if not, they will in the future."

She challenged Worley to match her offer: "Then we'll have \$20,000 to work with ... and we can get four convictions, because I'm sure there will be at least four instances of voter fraud in this state on June 6th."

Chapman said she has not asked Attorney General Troy King whether she can use campaign money or must instead use personal funds for the rewards.

"I won't even ask that question until there's a need to pay," she said. "My hope and my prayer is that there won't be one incident of voter fraud. I'm an optimist. I believe people will do the right thing, whereas Ms. Worley believes that some people may commit voter fraud as a way to get money. ... That doesn't sound like a very clear trust of the people to me."

Disputed Hale County elections have landed in court in recent years. The U.S. Justice Department, which

enforces provisions of the Voting Rights Act; has sent observers and investigators to the county more than 20 times, according to published reports.

State Sen. Bobby Singleton, D-Greensboro, recently testified before a federal panel that white poll watchers at majority black precincts had closed polls early. And earlier this year, the Alabama Democratic Party took over the local party's duties to handle candidate qualifying.

Unopposed in the GOP primary, Chapman awaits the Democratic nominee in the Nov. 7 general election. Worley faces a primary challenge from Ed Packard, one of her employees in the secretary of state's elections division. The secretary of state is the top election official in Alabama.

Chapman and Worley have fired veiled shots at one another before. As state auditor, Chapman appoints registrars in 66 of Alabama's 67 counties. She has generally been critical of how Worley has dealt with registrars and other local officials when administering elections and implementing new policies related to federal voting laws.

Currently, the federal government is suing Worley over the state's noncompliance with some federal election law changes. Worley has also faced criticism over high staff turnover and her purchase of a luxury sport utility vehicle for her official use rather than the standard edition included on the state purchase list.

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Prop. 200 focus of House hearing

Chris Ramirez

The Arizona Republic

Aug. 4, 2006 12:00 AM

Proposition 200 has helped prosecutors find - and, for the first time, prosecute - non-citizens who have tried to vote in Arizona elections, Maricopa County Attorney Andrew Thomas told a congressional subcommittee.

Thomas and Secretary of State Jan Brewer on Thursday each testified to the Committee of House Administration that the controversial law is a safeguard against voter fraud.

And although the number of cases at this point is small and there are plenty who say the issue is overblown, the pair stressed that fraud is a reality.

"We're only now just chipping away at this problem," Thomas said.

Thursday's hearing was the latest in a series of 21 hearings that have crisscrossed the nation this summer. Leaders of the U.S. House of Representatives have been holding the sessions to get input for a proposed immigration-reform law.

Critics of Proposition 200 dismissed the hearings as a sham and a tactic to delay passage of a comprehensive immigration bill.

"We don't need Congress to come here and tell us our immigration policy has problems," state Rep. Steve Gallardo, D-Phoenix, said in a press conference before the hearing. "We need them to go back to Washington and fix them."

Last year, 10 non-citizens who registered to vote were indicted, Thomas said. Four actually voted. Prosecutors also are reviewing another 149 voter-fraud cases involving non-citizens attempting register.

"When non-citizens vote, their votes undermine the franchise of all American voters," Thomas said. "This may represent only a fraction of the fraud that's probably going on."

Prosecutors also have brought charges against 13 convicted felons who voted in recent elections, Thomas said.

Phoenix immigration attorney Daniel Ortega, who also testified, disputed claims

that voter fraud involving immigrants was a rampant problem. Proposition 200 will do "disproportionate harm" to minority voters, particularly those living in poverty, he said.

"It's a harmful solution to a problem that doesn't exist," Ortega said.

Outside the hearing, religious groups and immigrant advocates demonstrated against Proposition 200 and criticized both the law and the hearing series.

Roberto Reveles, president of the We Are America Coalition, believed the proposition alienates voters and discourages others, including the disabled and first-time voters, from casting ballots.

"The only fraud that's going on is the fraudulent notion that there's hordes of illegal immigrants going to the polls," he said. "They're trying to create fear."

At one point, a crowd of about 70 pro-immigration demonstrators gathered near the Capitol lawn. A lone Spanish-speaking anti-immigration supporter heckled them.

A shouting match ensued, but there the heckler walked away without incident.

The next hearing in Arizona will be Aug. 17 in Sierra Vista.

October 18, 2006

California Letter Investigated for Warning to Immigrants

By JESSE MCKINLEY

SAN FRANCISCO, Oct. 17 — Federal and state authorities are trying to determine who sent a letter to some Latinos in Southern California that falsely suggested that it would be a crime for immigrants to vote in the coming election.

The letter, written in formal, sometimes clumsy Spanish and signed “Sergio Ramirez,” was mailed last week to an undetermined number of people with Spanish surnames in Orange County, the authorities said. It advised recipients that “if you’re an immigrant, voting in a federal election is a crime that can result in incarceration,” or deportation.

While illegal immigrants are barred from voting, legal immigrants who have become citizens are permitted to do so.

The letter also stated that the federal government had installed a computer system to verify the names of new registered voters who vote in October and November and that anti-immigration groups would be able to access that information. Election Day is Nov. 7, but early voting is allowed Oct. 20-29 in Orange County.

Cynthia Magnuson, a spokeswoman for the Justice Department, which along with the California attorney general’s office is investigating the letter’s source, said there was no such database.

“The letter contains false information,” Ms. Magnuson said.

The letter was printed on stationery labeled with the name of the California Coalition for Immigration Reform, a strident anti-illegal-immigration group whose Web site features a video on how illegal immigrants bring disease to the United States.

But Barbara Coe, the group’s leader, told The Los Angeles Times, which first reported the letter on Tuesday, that her group had not sent or authorized it, and that she did not know a Sergio Ramirez. On Tuesday, Ms. Coe did not return repeated phone calls and e-mail seeking comment.

Some Latino leaders expressed doubts on Tuesday about Ms. Coe’s denial and said they suspected the letter was part of a concerted, long-term effort on the part of groups like hers to intimidate voters.

“They’re taking as much action as they can to make the lives of Latinos as miserable as possible,” said Brent Wilkes, the national executive director of the League of United Latin American Citizens, a civil rights group.

Gov. Arnold Schwarzenegger called the letter racist and urged Bill Lockyer, the California attorney general, to prosecute those responsible with a hate crime. A collection of other civil rights groups also called on Attorney General Alberto R. Gonzales to investigate the letter as a violation of federal voting laws.

Nathan Barankin, a spokesman for Mr. Lockyer, said his office had been alerted to the letter on Monday morning, after a weekend in which Latino leaders fielded calls from outraged constituents.

“They could be naturalized citizens or they could be fourth-generation Californians,” Mr. Barankin said of the recipients. “What we do know is that some of the recipients of this letter are legal and longtime registered voters in California.”

Mr. Barankin said the letter could have violated two California laws. One bans the use of coercion or intimidation in an effort to prevent someone from voting; the other makes it illegal to knowingly challenge a person’s right to vote on fraudulent and spurious grounds.

It was unclear, Mr. Barankin said, how many of the letters were distributed, but his office expected more complaints.

“We’re going to determine who sent it, and why they sent it and then from that, if there’s enough evidence to prosecute,” Mr. Barankin said.

Orange County, between Los Angeles and San Diego, has seen a substantial increase in its Latino population over the last two decades. A 2005 estimate by the Census Bureau reported that nearly one in three Orange County residents was of Latino or Hispanic origin.

Representative Loretta Sanchez, a Democrat from Garden Grove, in northern Orange County, said that she had heard from a handful of constituents in her district who received a letter, and that she feared it could scare off first-time voters.

“Santa Ana and Anaheim are the new Ellis Island of the United States,” Ms. Sanchez said, mentioning two Orange County cities with large Latino populations. “New people are becoming citizens every day, and who knows the sophistication level when they get a letter like this?”

But others thought the letter would have little effect.

“I think Latino voters are astute enough not to be intimidated,” said John Trasviña, the interim president and general counsel for the Mexican American Legal Defense and Educational Fund in Los Angeles. “And they’ve seen the same tactics used against them in the recent past as well as the farther ago past. And they won’t take it.”

State Investigating Intimidating Letter Sent to O.C. Latinos

Anti-illegal immigrant group disavows the letter, which focuses on voting issues.

By Jennifer Delson, LA Times Staff Writer
October 17, 2006

The state attorney general is investigating a Spanish-language letter warning some Orange County Latinos that they could be jailed or deported if they vote in the November election.

The letter, which purports to be from a Huntington Beach-based group, also warns that the state has developed a tracking system that will allow the names of Latino voters to be handed over to anti-immigrant groups.

"You are advised that if your residence in this country is illegal or you are an immigrant, voting in a federal election is a crime that could result in jail time ...," the letter says.

The letterhead resembles that of the California Coalition for Immigration Reform, a group that advocates tightening the border, among other things. But the group's founder, Barbara Coe, said she believed it was fraudulent. She said she did not know the person who signed the letter, "Sergio Ramirez," that she did not authorize it and was unaware of anyone in her group who did.

Nonetheless, it has riled Latino leaders and voters.

One person who received the letter is the wife of a Garden Grove City Council candidate. She said her husband, Benny Diaz, called friends after the letter arrived and found five others with Latino surnames who had received the note.

"It's a very malicious and degrading letter. It's to pull Latinos down and make them afraid," said Diaz, who is president of the Garden Grove chapter of the League of United Latin American Citizens.

"Of course it's going to affect me and any other Latino candidate in Orange County," he added.

John Trasviña, interim president and general counsel for the Mexican American Legal Defense and Educational Fund, said he had asked the U.S. Department of Justice to investigate the letter.

Sen. Gloria Romero (D-Los Angeles), who called on California Secretary of State Bruce McPherson and state Atty. Gen. Bill Lockyer to investigate, believes the letter is an effort to scare Latinos from voting in Orange County.

"You can't help but feel disgusted with the contents of this letter.... I'm not just going to sit silent," said Romero, who is up for reelection in November.

Lockyer spokesman Nathan Barankin said the letter was "something we are investigating aggressively right now," he said.

The sender could be charged with a felony and receive up to three years in state prison, he said.

Trasviña wants an investigation of a "potential violation" of federal election law, which prohibits intimidation, threats or coercion.

He said he was aware of six people who received the letter, all of whom "appear to be naturalized citizen voters from Latin American countries." Voters' birthplaces are available from voter registration records.

Coe said that in the last four days she had taken dozens of calls from irate Orange County Latinos who received the letters, which does not have the group's logo — an outline of the state

of California — but has a variation of an eagle logo used on the group's website.

The letter "puts a shadow on our credibility, that we would target certain people who might be citizens of our country," Coe added.

She said her group was investigated by the FBI in 1996 and 1998 because members held signs near polls stating that only citizens can vote.

The letter's assertion that immigrants can't vote is untrue, because immigrants who become naturalized citizens can register to vote. Trasviña said that an undocumented immigrant who voted could be subject to deportation and jail.

The letter's assertion that the state has developed a computer system that will make it easy to track down immigrants and illegal residents, however, is false, he said.

Amin David, who leads the civic group Los Amigos of Orange County, said the Spanish used in the letter is very formal, perhaps suggesting it was written by a non-native speaker. The Spanish includes grammatical errors.

jennifer.delson@latimes.com



The Web Site of The Sacramento Bee

This story is taken from [Sachee / Politics](#).

Officials probe mailer that warns Latino voters

By Aurelio Rojas - Bee Capitol Bureau

Published 12:00 am PDT Wednesday, October 18, 2006

Gov. Arnold Schwarzenegger said Tuesday that whoever sent a mailer to Latino voters in Orange County warning them it is illegal for immigrants to vote committed an act of political intimidation and should be prosecuted "to the fullest extent of the law."

"Nothing is more un-American than the kind of political intimidation represented by these acts," Schwarzenegger said in a statement. "Further, targeting voters of Hispanic descent is racist and constitutes a hate crime under California law."

Secretary of State Bruce McPherson said he has "ordered a thorough, prompt and vigorous investigation" of the mailer sent to Latinos warning them they could be jailed or deported if they vote in the Nov. 7 election.

The mailer, written in Spanish, erroneously states that it is a crime for immigrants to vote. It also says the state has developed a computer system -- available to anti-immigration groups -- that will make it easy to track down the names of Latino voters.

"You are advised that if your residence in this country is illegal or you are an immigrant, voting in a federal election is a crime that could result in jail time," the mailer says.

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Investigators for the state attorney general's office today are scheduled to interview the founder of the Huntington Beach organization whose letterhead resembles that on which the mailer was sent.

But Barbara Coe, chairwoman of the California Coalition for Immigration Reform, said her group had nothing to do with the mailer.

"It was on altered letterhead," said Coe, whose group was investigated twice by federal officials in the 1990s for allegedly intimidating Latino voters. "We did not send it, and we would never send a letter to individuals. We don't know what their status is."

In a letter issued Tuesday, the Mexican American Legal Defense and Educational Fund and 21 other Latino and Asian American civil rights organizations requested that U.S. Attorney General Alberto Gonzales conduct a federal investigation into voter intimidation and suppression tactics in Orange County.

"The letter is a naked attempt to intimidate duly registered Latino citizens from exercising their right to vote," said John Trasvina, MALDEF's interim president.

MALDEF noted the letter misleadingly claims that voting by all immigrants is illegal -- naturalized citizens can register to vote -- and that anti-immigrant groups have access to a federal government database of voters.

Coe's group was investigated in 1996 by the FBI and in 1998 by the U.S. Department of Justice after members held signs near polling stations stating only citizens can vote. No charges were filed.

Coe said investigators from the state attorney general's office called her Tuesday to inform her they would visit her today.

Nathan Barankin, a spokesman for state Attorney General Bill Lockyer, confirmed Coe's account and said his office has launched a vigorous investigation.

Under state law, the sender of the mailer could be charged with a felony and receive up to three years in state prison.

Barankin emphasized it is not illegal for immigrants to vote.

"If that were true, then Arnold Schwarzenegger couldn't vote," said Barankin, referring to the Austrian-born governor.

Most of the mailers have been sent to homes in Garden Grove, where Democratic Assemblyman Lou Correa -- a Latino -- is in a heated race against Republican Assemblywoman Lynn Daucher for a state Senate seat.

Phil Angelides, the Democratic nominee for governor, charged the mailers are designed to suppress the Latino vote in Orange County.

He noted that in the 1980s the Republican Party hired uniformed security guards to stand outside polling stations.

In response to allegations that voters were intimidated, the state enacted a series of laws aimed at such tactics.

"This is the latest in a disgraceful pattern of efforts to intimidate Latino voters and silence their voice at the polls," Angelides said in a statement.

ARIZONA CAPITOL TIMES

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TOP STORIES

Officials welcome FBI probe; hope it will end recount controversy

Federal intervention puts state inquiry on hold

By Phil Riske

Negotiations between Senate and Maricopa County officials to examine a random sample of ballots from a 2004 recount election were underway when FBI agents took control of all 17,000 ballots for a U.S. Justice Department investigation.

Under a U.S. District Court grand jury subpoena and after two days of arrangements with federal officials, County Treasurer David Schweikert turned over all District 20 Republican primary ballots and original envelopes in which early ballots were placed. The materials will undergo forensic examination by the FBI to determine whether there was ballot tampering, said Barnett Lotstein, special assistant county attorney.

"We accomplished our objective and that was of an independent review," Mr. Lotstein said. "With the grand jury involved, theoretically every investigation is a criminal investigation, but there is no targeted suspect.

"They will not do a recount, which is one of the concerns [County Attorney] Andrew Thomas had. In our judgment, there was no tampering," Mr. Lotstein said.

Senate President Ken Bennett said, "I'm glad that the ballots are going to be looked at." He added, however, that he would have preferred the Senate complete its investigation, which was launched by Sen. Jack Harper, R-4.

"I could not support what I felt was his [Mr. Harper's] goal of doing a full recount," Mr. Bennett said. "I was looking forward to the Senate wrapping it all up because of all the publicity about it..."

Federal officials would not comment on the investigation, and it remained a mystery who contacted the Justice Department.

What happened in 2004

On primary election night 2004, conservative candidate Anton Orlich led moderate John McComish by four votes, triggering an automatic recount. (State law requires a recount when the spread is 50 or fewer votes in a legislative race.)

The recount, where 489 additional votes were tabulated, gave Mr. McComish the nomination by 13 votes, triggering an 18-month controversy that has seen an unsuccessful lawsuit by Mr. Orlich, a review of the vote by the Maricopa County Attorney's Office that found no wrongdoing and, more recently, Mr. Harper's Senate investigation.

As part of that investigation, *New Times* reporter John Dougherty, Mr. Orlich and Mr. Harper paid expenses for Iowa University voting machine expert Douglas Jones to come to Phoenix and conduct an audit of machines used in the recount with sample ballots that he had marked with a variety of pens.

While he did not allege fraud in the recount, Mr. Jones concluded there was an opportunity for wrongdoing. His report, which was later paid for by the Senate, confirmed what the county had said were problems with the sensitivity of Opti-Scan machines to read different marks made by voters who mailed in early and absentee ballots.

Mr. Jones said that only an audit of the recount ballots could determine the disparity in the District 20 results.

With the backing of 20 other senators, Mr. Harper had planned to subpoena the county for access to the ballots, but the Justice Department intervention has put his investigation on hold.

"It was my hope the Senate could have gotten to the bottom of what had happened," he said. "It didn't look like we were making progress. I'm ecstatic the Justice Department is stepping in, and we can be sure that an independent expert is going to be inspecting the ballots, and the questions that have surfaced will be answered.

"I imagine the Justice Department wouldn't have gone out on a limb unless they had probable cause. They pretty much know more than I do. I think information I know probably doesn't rise to probable cause," said Mr. Harper, who had called for a federal investigation in a press conference, but would not confirm or deny that he contacted the Justice Department.

"I had heard the Justice Department was interested," he said. "Actually, there are many things under investigation, and I probably shouldn't talk about the details of the investigation."

Secretary of State Jan Brewer, the state's chief elections officer, said she has sought more information about the recount problems and has no objection to an examination of the ballots.

"That's what we've said all along: Just go through the appropriate measures to obtain them, and that's what they've done," she said upon learning of the Justice Department action. "Certainly it has reached a high level."

Mrs. Brewer said there has been a lot accurate and inaccurate information about the recount, and "The public and the people are really, really confused." She said she believes there was no fraud committed in the recount, and only the results of the federal investigation will determine the level of public confidence in the state election system.

In a Jan 26 letter to Mrs. Brewer, the Arizona ACLU asked Mrs. Brewer to "take control" and order an independent examination of the recount ballots.

Karen Osborne, county elections director, said, "We are just very pleased that a neutral agency — certainly with the FBI capability — has the ballots, and they can make their forensic examination, and we can get this issue settled once and for all."

Sen. Huppenthal: Pull samples from another district

Sen. John Huppenthal, R-20, says he studied Mr. Jones' analysis of the vote disparity, adding that votes from another district should be included in the federal investigation.

"The statistics indicate something strange happened," he said. "They're not only going to have to look at the District 20 ballots, they're going to have to look at another district and pull out a sample because they're not going to have a comparison by just looking at District 20.

"This could be cleared up in as little as a week, and I hope they don't go and bunker down for months. That would be inappropriate."

Mr. Jones, who said he was surprised and puzzled by the FBI intervention, agrees with Mr. Huppenthal about comparing the District 20 ballots with another district.

"That would make good sense in terms of good science to find out what's normal," he said. "From the legislative perspective, finding out what's normal is even more important than finding out whether there was wrongdoing here."

If the FBI conducts a criminal investigation, Mr. Jones said, information will be slow in coming to the public, and there will be little benefit to the Legislature.

Sen. Harry Mitchell, D-17, is sponsoring a bill requiring that the speaker of the House or the Senate president must first approve the issuance of a legislative subpoena, and that the state pay all expenses resulting from a subpoena.

"Maybe the cost will be the federal government's, not us," he said upon learning of the Justice Department's action.

Mr. Lotstein said the federal grand jury subpoena does not mean there is a grand jury investigation — that it's the process for acquiring the ballots, which were stored in a warehouse near Sky Harbor International Airport.

By law, ballots with federal office races must be held for 18 months, he said. Because of federal requirements, the county was reluctant to turn the ballots over to Mr. Harper.

"Now it's [the ballot examination] independent," Mr. Lotstein said. "Orlich will have no input. Harper will have no input. The *New Times* will have no input. They'll do it and put it to bed, and that's the end of it."

Mr. Orlich still refuses to comment for the record, but he denied he contacted the Justice Department.

Carol Corsica, chairman of Arizona Citizens for Election Reform (ACER) said she is worried nothing will come of the investigation.

"Mostly I'm concerned if an investigation is going to be done and made public," she said.

ACER has filed to place an elections reform measure on the general election ballot.

Rep. John McComish said, "After letting the news settle in for a little bit, it may be a good thing it's in the hands of the [federal government]. He said the public should wait for a report on the investigation before they lose confidence in the election system.

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Today | This Week

Feds look into 2004 primary ballots

Feb. 2, 2006 12:00 AM

The FBI took control of ballots cast in a 2004 Republican primary on Wednesday, a move that could put to rest a long-running dispute over who won the race.

At issue is the outcome of the close contest between John McComish and Anton Orlich. McComish prevailed after an automatic recount found nearly 500 new votes, reversing the initial outcome. Although election officials insist nothing is wrong with Maricopa County's voting machines, the recount has raised questions about the machines' reliability.

And while the U.S. Attorney's Office wouldn't comment on their subpoena of more than 11,000 ballots, county officials are hopeful the investigation will put to rest concerns that the ballots could have been tampered with between the primary and the recount.

While the investigation won't change the election's outcome, County Treasurer David Schweikert said he hopes the Department of Justice investigation puts the issue to rest.

For the full story, see **B8**.

- Casey Newton

Arizona
Arizona Ballot Could Become Lottery Ticket

By RANDAL C. ARCHIBOLD
New York Times
July 17, 2006

TUCSON, July 13 — To anyone who ever said, "I wouldn't vote for that bum for a million bucks," Arizona may be calling your bluff.

A proposal to award \$1 million in every general election to one lucky resident, chosen by lottery, simply for voting — no matter for whom — has qualified for the November ballot.

Mark Osterloh, a political gadfly who is behind the initiative, the Arizona Voter Reward Act, is promoting it with the slogan, "Who Wants to Be a Millionaire? Vote!" He collected 185,902 signatures of registered voters, far more than the 122,612 required, and last week the secretary of state certified the measure for the ballot this fall.

If the general election in 2004 is a guide, when more than 2 million people voted, the 1-in-2-million odds of winning the election lottery would be far better than the Powerball jackpot (currently about 1 in 146,107,962) but not nearly as great as dying from a lightning strike (1 in 55,928).

"People buy a lot of lottery tickets now," Mr. Osterloh said, "and the odds of winning this are much, much higher." (And most of the time there is not much lightning in Arizona.)

If some see the erosion of democracy in putting voting on the same plane as a scratch-and-win game — and some do — Mr. Osterloh sees the gimmick as the linchpin to improve voter turnout and get more people interested in politics.

In 2004, the year of a heated presidential election, 77 percent of registered voters cast ballots in Arizona, but in 2002 — the year Mr. Osterloh, a Democrat, ran for governor in what might politely be called a dark-horse campaign — it was 56 percent. Primary election turnouts are much lower.

About 60 percent of the voting-age population is registered, though that includes people who are ineligible to vote, like illegal immigrants and felons.

"Basically our government is elected by a small minority of citizens," said Mr. Osterloh, 53, a semiretired ophthalmologist who has helped write and campaign for various successful ballot initiatives.

Curtis Gans, director of the Center for the Study of the American Electorate in Washington, said the idea of a voter lottery had come up in other states, but he could not recall any moving forward with it. And he's glad.

"People should not go vote because they might win a lottery," Mr. Gans said. "We need to rekindle the religion of civic duty, and that is a hard job, but we should not make voting crassly commercial."

Editorial writers, bloggers and others have panned the idea as bribery and say it may draw people simply trying to cash in without studying candidates or issues.

"Bribing people to vote is a superficial approach that will have no beneficial outcome to the process, except to make some people feel good that the turnout numbers are higher," said an editorial in The Yuma Sun. "But higher numbers do not necessarily mean a better outcome."

The initiative calls for financing the award through unclaimed state lottery prize money, private donations and, if need be, state money. A spokeswoman for the Arizona Lottery Commission said its unclaimed prize pot fluctuated greatly, but it now stood at more than \$1 million.

Mr. Osterloh said private donors could add their own incentives, like a car dealership offering a new car to a random voter.

But he may be getting ahead of himself. There is the not-so-small matter of whether such a voter lottery is legal.

Passage of the initiative would supersede a state law barring any exchange of a vote for money, legal experts agreed, but whether it would get around similar federal laws was a matter of debate.

One federal statute calls for fines or imprisonment of up to one year to anyone who "makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote."

"It's clearly illegal," said Jack Chin, a professor at the University of Arizona law school who has studied voting rights issues.

"This is cute and clever, but even though it responds to a real problem, it does so in a way that threatens to degrade the process," Mr. Chin said.

But Mr. Osterloh, who has a law degree, and the lawyer who helped write the initiative, Anthony B. Ching, a former state solicitor general, said the laws were meant to stop individuals from buying or selling votes for particular candidates or parties. In this case, it would be a state-sanctioned program with a high purpose and, they add, offering the chance to win — voters opt into the program — was not the same as giving everybody money to vote.

"I don't think the federal law would cover this kind of situation," Mr. Ching said.

State political leaders so far are keeping their distance.

Gov. Janet Napolitano, a Democrat who will also be on the November ballot as a candidate for reelection, has declined to take a position. The leaders of the State Senate and House, both Republicans, did not answer messages seeking comment.

But Mr. Osterloh presses on. He predicted the idea would spread to the two dozen states that allow citizen ballot initiatives if it was successful here.

The local chapter of We Are America, a group seeking to register Latinos to vote after large pro-immigration demonstrations last spring, plans to promote the initiative in its voter education and registration drives.

"We've certainly tried everything else, and people don't seem to turn out," said Roberto Reveles, president of the group.

And some voters are giving it serious thought.

"I'm pretty up on the issues, so I don't need it," said Beverly Winn, a grocery store clerk here. "But who wouldn't take money if they offer it?"

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<http://www.latimes.com/news/local/la-me-gop2mar02,1,7468761.story?coll=la-headlines-california&ctrack=1&cset=true>

From the Los Angeles Times

Dozens of New O.C. Democrats Were Signed Up as Republicans

Registrar will turn over 100 cases of improper registration for possible prosecution. The GOP practice of paying for new voters is blamed.

By Jean O. Pasco

Times Staff Writer

March 2, 2006

Orange County election officials said Wednesday they were preparing to turn over 100 instances of improper voter registration for possible criminal prosecution.

Included are three dozen complaints of Democrats being signed up as Republicans in one of the county's most competitive legislative districts.

Most of the examples being handed over to the district attorney's office emerged from a routine review by county officials, but Democrats independently found others.

The Democratic Voter Education and Registration Fund found numerous problems with registrations in central Orange County's 34th state Senate District, spokesman Paul Hefner said, including invalid phone numbers and addresses on hundreds of forms.

"You don't have to go to Washington to find the latest Republican scandal; they're footing the bill for registration fraud right here in California," Hefner said from Sacramento.

At issue is a GOP registration effort that began two years ago, said county GOP Chairman Scott Baugh. The Republican Party has paid bounties of up to \$10 for each new voter, hoping to make the central county friendlier turf for GOP candidates.

Baugh said the first complaints, from six people, came in February after welcome letters were sent to the new voters. Three registration workers have since been fired for being too aggressive or for submitting faulty paperwork, he said.

"We have no interest in bullying people into becoming Republicans because that's lost bounty money, lost mailing costs, and they're not going to vote Republican," Baugh said.

In complaints submitted to the registrar's office, several Democrats said they were either pressured into registering as Republicans or had their party switched without their knowledge.

"I told the gentleman that I was a Democrat, but he wanted to sign me up as a Republican so he can get credit for it," Xochi Avila of Anaheim wrote in a complaint. "I was not happy about it, but I went along with it."

Another voter, Araceli Mendez of Buena Park, said she was asked to sign a petition and the worker "changed my party to Republican. I informed him that it was Democrat, and he said it wouldn't change my party. I was lied to."

Neal Kelley, acting registrar of voters, said each voter was sent a notification card from the county to confirm that the registration information was correct. Filing false voter affidavits is a felony punishable by fines and up to three years in prison.

"When bounties are involved, this kind of thing happens," he said. "The parties have been very responsive to problems, and we're able to catch who is doing it."

The 34th Senate District currently is represented by Sen. Joe Dunn (D-Santa Ana), who must leave because of term limits and is running for state controller. The district includes Anaheim, Buena Park, Fullerton, Garden Grove, Santa Ana, Stanton and Westminster.

A lively Democratic primary contest is expected between Assemblyman Tom Umberg (D-Anaheim) and Orange County Supervisor Lou Correa of Santa Ana. Republicans so far in the race are Assemblywoman Lynn Daucher (R-Brea) and Lupe Moreno, an anti-illegal-immigration activist from Santa Ana.

The filing deadline for candidates is March 10.

Desert Dispatch

Tuesday, March 7, 2006

County GOP reports possible voter registration fraud

By TRACIE TROHA

Staff Writer

SAN BERNARDINO -- The San Bernardino County Republican Party has asked the District Attorney's office to investigate more than 3,000 instances of voter registration fraud during the past two months.

The party alleges the fraud may have been committed by individuals hired by the GOP's voter registration consultant, John Burkett of Riverside, to conduct registration drives in the county.

Kari Verjil, county registrar of voters, said many of the registration forms the county received from the drives had the same last four digits of a social security number and did not have the required driver license numbers.

"There is a possibility that someone made up the last four social security numbers to turn the cards in," Verjil said.

Republican staffers and the Registrar of Voters office also found registration forms filled out by a coordinator rather than a registrant and received complaint letters from registrants who were not U.S. citizens or did not register as Republican.

County Republican Party Chairman Bill Postmus said he halted the paid voter registration program and ordered that no one involved in the registration drives be paid until the county's investigation is complete and all the forms are verified as authentic. The party also hasn't paid Burkett's firm for any voter registrations this year.

"I spoke to Mike Ramos, the district attorney, this morning and asked for an immediate investigation with respect to this," Postmus said. "These people need to be prosecuted to the full extent of the law."

Verjil said a member of her staff will also be contacting some of the voters by mail to ask for their driver license numbers in order to verify authenticity.

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Veril and Postmus said these alleged acts of fraud were caught through the state's new Cal Validator system. The system, first introduced in January, checks newly registered voters against their state driver license or social security numbers.

"Prior to January 1 California election officials didn't have the ability to verify each and every registration card in this manner," said Adam Aleman, county GOP Executive Director.

Postmus said he does not believe High Desert residents were impacted by the possible case of fraud.

San Bernardino residents who believe they may have been improperly registered to vote should call the Registrar of Voters office at (909) 387-8300.

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Posted on Wed, Mar. 08, 2006

Calif. GOP halts fee-based voter registrations amid fraud probe

Associated Press

SAN BERNARDINO, Calif. - California Republican Party officials say they've suspended their fee-based voter registration program while prosecutors in San Bernardino county investigate whether people were improperly signed up.

"Having just one instance of voter fraud is too many," California Republican Party Chairman Duf Sundheim said in a statement released Tuesday. "Any sign of voter fraud must be investigated and those responsible for the fraud should be prosecuted to the full extent of the law."

Under the program, workers were paid \$3 for each person they registered as a Republican.

However, election officials discovered thousands of registration forms that appeared to be filled out by the signature gatherers rather than the person supposedly registering to vote. Additionally, some people who claimed to be Democrats were allegedly registered as Republicans, and some non-citizens were apparently registered to vote.

Similar problems were discovered in Orange County.

The registration cards in both counties were collected by people working for Tom Bader and Associates, an Orange County petition-circulating firm. Company president Tom Bader was a leading figure in the recall of former Gov. Gray Davis.

Bader said Tuesday that he tries to run a clean operation "and all you can do is enforce the standards and not pay people when you catch fraud."

In the statement released Tuesday, the California Republican Party encouraged the secretary of state to aggressively investigate voter fraud allegations.

The state GOP pays more than 120 companies and organizations throughout California to register voters. The program was credited with adding 750,000 Republican voters to state voter rolls during the last three years.

State Democrats also run a so-called bounty program, but pay \$4 per registration form only to volunteers affiliated with party clubs or committees, said party Chairman Art Torres.

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GOP spokesman Hector Barajas said the party will continue using volunteers to register people to vote.

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0171110

California

Candidate vows to stay in race despite letter to Hispanic voters

By PETER PRENGAMAN

Associated Press Writer

October 20, 2006

GARDEN GROVE, Calif. (AP) – A Republican congressional candidate who acknowledged his campaign sent a letter threatening Hispanic immigrant voters insists he will stay in the race despite mounting pressure for him to step aside.

Tan D. Nguyen, a Vietnamese immigrant trying to unseat a popular Democratic incumbent, resisted calls on Thursday from leaders in his own party to quit the race. He said he had no prior knowledge of the letter that wrongly told thousands of Orange County immigrants they could be jailed if they voted.

"I did not do this. I did not approve of any letter," Nguyen told The Associated Press in a telephone interview. He said he has since fired his campaign's office manager, who he said helped produce the mailer.

County Republican Chairman Scott Baugh said that after speaking with state investigators and the company that distributed the mailer, he believes Nguyen had direct knowledge of the "obnoxious and reprehensible" letter. He said the party's executive committee voted unanimously to urge Nguyen to drop out of the race against Democratic U.S. Rep. Loretta Sanchez.

"I learned information that allows me to draw the conclusion that not only was Mr. Nguyen's campaign involved in this, but that Mr. Nguyen was personally involved in expediting the mailer," Baugh said in a telephone interview.

State and federal officials were investigating the mailing for possible violations of election law. Investigators met with Nguyen for two hours Thursday, said his attorney David Wiechert, who declined to elaborate.

"Mr. Nguyen has no intention of dropping out of the race. He would do the public a disservice if he dropped out," Wiechert said.

The letter, written in Spanish, was mailed to an estimated 14,000 Democratic voters in central Orange County. It warns, "You are advised that if your residence in this country is illegal or you are an immigrant, voting in a federal election is a crime that could result in jail time."

Immigrants who are adult naturalized citizens are eligible to vote.

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Numerous political leaders denounced the letter, including Gov. Arnold Schwarzenegger, who called it "a despicable act of political intimidation and a hate crime."

Illegal immigration has been a centerpiece of Nguyen's campaign to oust Sanchez, a five-term congresswoman who said she hasn't spoken to Nguyen and never saw him as a threat to her re-election.

"If it is in fact this guy (who sent the letter), the most disgusting and saddest thing about it is that it comes from another immigrant," said Sanchez, who was born in the U.S. to Mexican parents. "These communities have spent years trying to get naturalized immigrants to vote."

Nguyen's campaign Web site says he was born in 1973 in Vietnam, where his family fled the communist regime.

In 2004, he unsuccessfully ran in the Democratic primary to challenge GOP Rep. Dana Rohrabacher in a heavily Republican coastal district. He later changed his party affiliation and declared his bid to upset Sanchez.

Orange County for years has been a battleground on immigration issues.

One founder of the Minuteman civilian border patrol group ran for Congress here and cities have debated issues such as the value of public centers for day laborers and the use of local police to arrest illegal immigrants.

Associated Press writers Michael R. Blood in Los Angeles, Don Thompson and Steve Lawrence in Sacramento and Michael J. Sniffen in Washington contributed to this report.

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<http://www.latimes.com/news/politics/la-me-voterfraud7mar07,1,5020141.story?coll=la-headlines-politics>

From the Los Angeles Times

S.B. County Probes Voter Signup Firm

Thousands of allegedly flawed GOP registration forms submitted by a Riverside company are being checked. ID's are said to be lacking.

By Ashley Powers

Times Staff Writer

March 7, 2006

San Bernardino County prosecutors are investigating a signature collection firm that submitted thousands of flawed voter registration forms on behalf of the county's Republican Party, authorities said.

The district attorney's public integrity unit launched an investigation after the registrar of voters received complaints from people who said they had been improperly registered as Republicans during a recent GOP registration drive.

County voting officials said they found problems with many of the nearly 3,000 registration forms submitted by the company, including 1,800 that lacked voters' driver's license numbers or other official forms of identification, which were required by a state law this year.

The district attorney's office is also investigating whether the same political firm, John Burkett Petition Management of Riverside, was responsible for the large number of signatures declared invalid in a recent petition drive in Rialto, said Deputy Dist. Atty. Frank Vanella.

County GOP officials said they had severed ties with the owner of the firm, John Burkett, who had run the party's registration drive since January.

Burkett said Monday that the allegations seemed "impossible" and that he only recently became aware of the state law requiring official documentation numbers on the forms.

"For somebody to pop up and say 3,000 are bad ... it sounds kind of incredible," he said.

Burkett has run his company — with more than 100 signature-gatherers in Riverside and Arizona — for nearly two decades, contracting mainly with Republican organizations.

"I know John verifies every voter registration that comes across his desk," said his sister-

in-law Barbara Burkett, who runs the firm's Arizona office. "He calls the person. He's honest like you wouldn't believe. He'd never cheat at all."

Republicans have aggressively courted voters in rapidly growing San Bernardino County.

They hold a registration edge over Democrats, 42% to 38%, and hold four of five seats on the Board of Supervisors.

Burkett said he had worked with the county GOP since 2000. His firm is paid for each voter registration form it collects, usually \$3. But the San Bernardino County Republican Party recently offered \$6 for each GOP voter registered in the San Bernardino and Ontario areas, said party officials.

County Registrar Kari Verjil said Burkett dropped off nearly 3,000 voter registration forms a few weeks ago, along with petitions that supported "Jessica's Law," a proposed state initiative that would bar convicted sex offenders from living in many California neighborhoods.

Voting officials immediately noticed problems.

More than half of the forms lacked an identification number, such as a driver's license number, they said.

They also discovered a few people had been registered multiple times, and received one complaint from someone who was not a U.S. citizen and couldn't understand how he could be eligible to vote.

Verjil contacted the district attorney's office and state officials. The county is sending letters to the people on the forms to see whether their registration is legitimate, she said.

Officials with the San Bernardino County GOP said they also noticed irregularities on registration forms, such as repeated names, and had contacted the registrar's office, said Adam Aleman, the executive director.

Burkett billed the party \$25,000, which Aleman said would not be paid until the investigations were complete.

The district attorney's office had already been asked to look into possible improprieties in a Rialto signature drive that Burkett led.

About 4,800 of more than 5,600 signatures submitted were found to be invalid and were tossed out by election officials.

A community group called Voice United had hired Burkett's firm to promote a ballot initiative that would have required voter approval for the city to contract with the county to provide city police services.

In Riverside County, Burkett has turned in cards with missing or incomplete information and wrong addresses, said Rebecca Martine, chief deputy registrar of voters.

Residents have also complained that the person registering them incorrectly marked them as a Republican, she said.

"We'll start actually taking a closer look at all the registration cards, whether they're from him or another paid contractor, just to make sure that we're not going to face the same problem," said Riverside County Registrar Barbara Dunmore.

San Bernardino County's investigation comes after an unrelated investigation into possibly fraudulent voter registration cards in Orange County.

Election officials last week turned over 100 instances of allegedly improper voter registration to the district attorney's office in Orange County, including three dozen complaints of Democrats being signed up as Republicans.

Times staff writers Susannah Rosenblatt and Lynn Doan contributed to this report.

Election Updates

How to steal an election: steal the ballots

There is a story circulating on the news wires on how someone stole balloting materials just before Tuesday's California primary elections in Fresno ... but was caught. Here's the relevant part of the report from the [Fresno Bee](#):

A Sanger man was arrested Tuesday on suspicion of stealing 1,000 blank election ballots, two voting machines and a bag containing other supplies that had been assigned to a poll worker in Fresno.

...

Victor Salazar, Fresno County clerk, said an investigation by Fresno County sheriff's deputies was started when a worker in charge of the election equipment failed to show up Tuesday morning at her polling station at 8234 E. Belmont Ave.

Salazar said the worker, Regina Pico, 19, was trained as an inspector at the polling place and had been given the blank ballots and other equipment for setting up the station.

Pico had stored the property in a garage on East Garrett Avenue in southeast Fresno. She told investigators that when she when she got ready to report to the polling station about 3 a.m. Tuesday, the election equipment was gone.

Salazar said when his office was notified of the missing ballots, they were declared void so they could not be used.

Another inspector was sent to the polling station with replacement ballots and equipment. Salazar estimated the value of the voting machines at \$3,500 to \$5,000 each.

...

Arrest made in theft of ballots

Sanger man also is accused of taking two voting machines.

By Louis Galvan / The Fresno Bee

(Updated Thursday, June 8, 2006, 4:49 AM)

A Sanger man was arrested Tuesday on suspicion of stealing 1,000 blank election ballots, two voting machines and a bag containing other supplies that had been assigned to a poll worker in Fresno.

Fresno police Sgt. Tim Tietjen said all of the items were recovered and that the suspect, Sonny James Avalos, 20, was arrested at his home on the 1200 block of O Street in Sanger.

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Avalos was booked into Fresno County Jail on suspicion of grand theft of polling equipment.

Victor Salazar, Fresno County clerk, said an investigation by Fresno County sheriff's deputies was started when a worker in charge of the election equipment failed to show up Tuesday morning at her polling station at 8234 E. Belmont Ave.

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Another inspector was sent to the polling station with replacement ballots and equipment. Salazar estimated the value of the voting machines at \$3,500 to \$5,000 each.

Each of the 422 voting polls in Fresno County was issued two voting machines, he said.

Salazar applauded the work of Fresno police, sheriff's deputies and Sanger police in resolving the case.

The reporter can be reached at lgalvan@fresnobee.com or (559) 441-6139.

Allegations of bogus voting, coercion emerge in tiny LA suburb

By MICHAEL R. BLOOD
AP Political Writer Thursday, April 13, 2006

VERNON, Calif. (AP) -- It took a judge's order to force the first local election in 25 years in this gritty industrial city -- and it was an election replete with allegations of voter intimidation, harassment and undercover surveillance.

Then, after polls closed Tuesday, a clerk promptly carried a metal ballot box into the City Council chamber and announced he wouldn't count the votes.

The bizarre, and some say illegal, decision comes as the latest eyebrow-raising political turn in Vernon, a city on the edge of Los Angeles where the mayor and City Council members have served for decades and most of the voters hold municipal jobs while living in city-owned houses.

It's the latest twist in a story that began when a trio of new residents filed as candidates earlier this year to contest three of the City Council's five seats.

One of them is Don Huff. The paper company salesman alleges that soon he was being shadowed by private investigators, and that it wasn't long before city crews shut off the power and police watched his building. Eventually Huff, 41, was evicted, and lately he's been living in his car.

"They wanted to run us out, totally," he said. "The mayor owns the whole town. He controls it."

Huff filed a lawsuit along with the other two newcomers after the city of fewer than 100 residents threw their names off the ballot. The judge reinstated them as candidates.

In their legal papers, the challengers charge that voters here are beholden to a City Hall that dispenses paychecks and sweetheart rents. Vernon, they say, is the epitome of a company town where the government has become the company.

On Tuesday, acting City Clerk Bruce Malkenhorst Jr. said he would keep the ballot box locked until the court fight is resolved. An attorney for the challengers, Albert Robles, called the decision to commandeer the votes "absolutely not legal."

If nothing else, it might be unprecedented.

"I've never seen anybody, en masse, take an election and say, 'I'm not going to count the ballots until a court tells me,'" said election-law attorney Fred Woocher, who is not involved in the dispute.

Although within sight of downtown Los Angeles, Vernon is a world away.

Founded in 1905, the motto of the 5-square-mile city is "Exclusively Industrial." Rugged roads and railroad tracks cut through a densely packed maze of warehouses, meatpacking plants, fuel tanks and an occasional overgrown, vacant lot. There is no high school, no movie theater, no parkland.

Under an unusual arrangement, Vernon owns virtually all the roughly two-dozen homes in town. In its century-long history, it's had just four mayors, all related to its founders. Mayor Leonis Malburg has held public office since the Eisenhower administration -- first as a councilman and as mayor since 1974.

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About the only city official to talk in recent days has been police Chief Sol Benudiz, who released a statement that the department is committed to the rights and safety of all residents.

Councilman William Davis, questioned outside his home Tuesday, referred calls to City Hall. Attorneys representing Vernon and the city clerk's office did not respond to repeated phone calls.

In legal papers, city officials charged that the new residents were part of a group, linked to a corrupt politician from the nearby city of South Gate, trying to engineer a coup. The city alleges the group tried to gain control of buildings to plant "phony" residents in the community, and used "strong-armed thugs" to intimidate one property owner where they hoped to open a 60-bed halfway house as part of the scam.

"The fact that Vernon is a unique industrial city with less than 90 registered voters makes it an easy target for voter fraud," according to city papers filed Tuesday that sought to strike voter registrations for several people it said were linked to the scheme.

Last year, the Los Angeles Times reported that a city administrator had been paid \$600,000 in annual salary, bonuses and other compensation, and his benefits included a leased Cadillac Escalade, use of a city-owned apartment and \$120,000 for limousine services. The administrator, Bruce V. Malkenhorst Sr., father of the current clerk, retired last year.

Robles said at a Wednesday news conference that he also planned to file a federal complaint accusing the city of violating voters' civil rights.

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GOP Challenging Voter Registrations

Civil Rights Groups Accuse Republicans Of Trying to Disenfranchise Minorities

By Jo Becker

Washington Post Staff Writer

Friday, October 29, 2004; Page A05

Republicans yesterday continued to challenge the validity of tens of thousands of voter registrations in Ohio and other key states in the presidential election while a coalition of civil rights and labor groups sued the GOP, contending the Republican efforts were aimed at removing eligible minority voters from the rolls.

After initially saying he would not contest a Wednesday ruling halting the challenges, Secretary of State J. Kenneth Blackwell (R) worked with other election officials who asked the U.S. Court of Appeals for the 6th Circuit in Cincinnati to allow GOP challenges to 35,000 voters from mostly urban and minority areas to proceed before the election. As of late last night, the court had not ruled.

Also yesterday, Republicans in Wisconsin attempted to challenge the registrations of 5,600 voters in Milwaukee but were turned down in a unanimous decision by the city's bipartisan election board.

The Republican challenges in Ohio, Wisconsin and other battleground states prompted civil rights and labor unions to sue in U.S. District Court in Newark, saying the GOP is violating a consent decree, issued in the 1980s by Judge Dickinson R. Debevoise and still in effect, that prevents the Republicans from starting "ballot security" programs to prevent voter fraud that target minorities.

Judith A. Browne, acting co-director of the Advancement Project, which filed the lawsuit along with the Leadership Conference on Civil Rights, said the Republican "challenges were, and currently are, used to disenfranchise minority voters."

But Republicans denied that they were targeting black voters. Bobby Burchfield, an attorney for the Republican National Committee, told Debevoise that "troubling reports" of fictitious names such as Mary Poppins appearing on Ohio's rolls prompted the challenges.

Debevoise, who scheduled a hearing for Monday, expressed concern that widespread challenges on the fear of fraud could unnecessarily disrupt polling places.

The legal maneuvering is a testament to the legalization of presidential politics that resulted from the bitterly disputed presidential contest in 2000 between George W. Bush and Al Gore, which deadlocked in Florida. Both parties have embarked on litigation over voting rules in many states and have thousands of lawyers poised for Election Day.

The move in Milwaukee, a heavily minority and Democratic stronghold, is part of a national effort by Republicans in many battleground states to challenge voter registrations.

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A similar effort by a former Nevada GOP operative to question 17,000 Democratic voters in Las Vegas was rejected earlier this month by election officials there. Republicans have also filed plans in Florida and Colorado to place watchers who can challenge voters in those key states on Election Day.

Challenge rules vary by state. In general, challengers must supply evidence that the voter may not be eligible. Grounds can include that a voter is not a U.S. citizen, is not a resident of the state or county where he or she is registered, or is younger than 18. The complaints are settled by election board members or precinct judges.

Republicans argue that their program -- the most robust in recent history -- is necessary because unprecedented voter registration drives by Democratic-leaning interest groups have produced thousands of phony registrations. But Democrats say that the GOP's Milwaukee challenges are a perfect example of the party trying to imply fraud where none exists. Lawyers for John F. Kerry's campaign successfully argued before the election board there that the analysis the GOP used to challenge voters was riddled with mistakes.

Courts in the past found that Republicans used tactics that were aimed at intimidating minority voters and suppressing their votes. The consent decrees in New Jersey stemmed from several incidents in the 1980s.

In 1981, the Republican National Committee sent letters to predominantly black neighborhoods in New Jersey, and when 45,000 letters were returned as undeliverable, the committee compiled a challenge list to remove those voters from the rolls. The RNC sent off-duty law enforcement officials to the polls and hung posters in heavily black neighborhoods warning that violating election laws is a crime.

In 1986, the RNC tried to have 31,000 voters, most of them black, removed from the rolls in Louisiana when a party mailer was returned. The consent decrees that resulted prohibited the party from engaging in anti-fraud initiatives that target minorities or conduct mail campaigns to "compile voter challenge lists."

Undeliverable mail is the basis for this year's challenges in Ohio. Republicans also sent mail to about 130,000 voters in Philadelphia, another heavily black and Democratic stronghold.

The civil rights groups and labor unions, which are backed by the Democratic Party, also charged that GOP plans to put challengers in thousands of precincts nationwide on Election Day are race-based. In several Florida counties, for instance, GOP challengers will disproportionately be based in black precincts.

Republicans said their plans involve putting challengers in precincts won handily by either Bush or Gore and has nothing to do with race.

Special correspondent Michelle Garcia in Newark contributed to this report.

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local

Mom was dead but still cast ballot

By Howard Pankratz
Denver Post Staff Writer
DenverPost.com

Winston Keyes apparently believes so much in the right to vote that he voted for his dead mother, investigators said.

Keyes, 44, is accused of sending in a 2005 general-election ballot for his mother, Della Mayo, in October, although she died in July.

According to an arrest warrant, Keyes provided some critical evidence against himself.

In August, Keyes went to the Denver district attorney's office and filed a complaint against the mortuary that hand led his mother's funeral.

He handwrote the complaint on the district attorney's economic-crime-unit form, which was used to eventually link him to the bogus ballot.

Kent Prose, a handwriting expert for the unit, determined by comparing the handwriting on the complaint with the writing on the ballot that it was Keyes who forged his mother's absentee ballot.

Investigators said in court documents that Keyes admitted to signing the absentee ballot and said he often voted for his mother and signed her name to absentee ballots in previous years.

When the election commission first received the ballot, the signature on the absentee-ballot envelope appeared to match the known signature of Mayo. However, during the signature-verification process, it was discovered by the commission staff that Mayo had died earlier in 2005 and her voter status had changed from "active" to "death delete" on Sept. 20.

Prose said in court documents that an examination of the "Della Mayo" signature revealed unusual pen-lifts, called "patching," and indications of slow line speed, indicating that the signature was simulated to look like Mayo's. Keyes has been charged with one count of forgery.

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Freedom is when the people can speak
democracy is when the government listens
~ Alastair Fiske

Voter fraud probed in state

Double dippers, felons targeted

By Susan Greene and Karen E. Crummy
Denver Post 24 March 2005

Hundreds of Coloradans are being investigated for voter fraud in the November election.

Prosecutors in at least 47 counties are probing cases involving accusations of forged signatures, felons voting or people who attempted to vote twice.

At least 122 voters gave new meaning to the adage "vote early and vote often" by apparently casting absentee ballots through the mail, then showing up in person to vote on Election Day. And, officials say, at least 120 felons statewide cast ballots and now face possible prosecution.

So far, there have been at least two indictments - both in El Paso County - and prosecutors expect more to follow elsewhere in the state.

"Obviously these numbers are higher than we want them to be," said Dana Williams, a spokeswoman for Secretary of State Donetta Davidson, who was not available for comment Wednesday.

It's unclear whether prosecutors have enough evidence in the cases to prove criminal intent.

More than four months after the Nov. 2 election, 47 of 64 counties have reported voting irregularities to Davidson's office. This is the first year the state has required reports on suspected voting fraud.

Scrutiny of voting practices increased dramatically in Colorado and elsewhere in the nation after election snafus in Florida held up the outcome of the 2000 presidential race for weeks.

Counties also referred possible criminal fraud to their own district attorneys.

The Denver Election Commission, which experienced by far the most voting problems, failed to meet Davidson's March 11 deadline for reporting cases to the state. On Wednesday, an election official told The Denver Post that 81 Denverites voted twice and 52 felons cast ballots.

Last week, Jefferson County's election department sent 286 cases to its district attorney to investigate. Of those, 30 involved people who attempted to vote twice, and 256 stemmed from

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ballots bearing suspicious signatures.

Jefferson County election director Susan Miller noted that voters probably didn't succeed in having more than one ballot counted because her county has safeguards to make sure only one vote per person is tallied.

Miller's staff discovered the signature problems by comparing signatures on 130,000 absentee ballots cast in Jefferson County with those signed on voters' registration cards. That process is required by a state law passed in 2003.

Colorado is one of a handful of states that require election officials to verify signatures on mail ballots.

"Colorado has substantially more security measures than federal law requires and more in combination than virtually any other state," said Mary Wickersham, who analyzes state election laws.

In October, The Post found as many as 6,006 felons who should have been ineligible to vote were registered to do so in Colorado. State law says that "no person while serving a sentence of detention or confinement in a correctional facility, jail, or other location or while serving a sentence of parole shall be eligible to register to vote or to vote in any election."

Davidson last fall said she was unaware state felons were registered and pointed blame at the state Department of Corrections for failing to give her a list of prisoners and parolees. Correction officials, in turn, said she never asked.

Davidson later passed a set of emergency rules requiring counties to flag the names of felons on registration rolls. Felons were allowed to cast emergency, or "provisional," ballots as a matter of policy because Davidson didn't want to "needlessly disenfranchise anyone."

In El Paso County, election officials turned over 23 cases of prisoners or parolees who voted.

"This is the first year we would have caught them because of the emergency rules," said Marguerite Duncan, El Paso County's election manager.

But felons may be tough to prosecute because many, especially parolees, didn't know they shouldn't vote.

"They don't make really good criminal cases because it's difficult to prove criminal intent, that there was a knowing violation of election law," said 4th Judicial District Attorney John Newsome of El Paso County.

Bill Thiebaut of Pueblo's 10th Judicial District countered that felons are responsible for knowing law.

"If people violate it, sometimes you just have to send a message that they have to be more cognizant of what's going on," he said.

In the Arapahoe County-based 18th Judicial District, officials reported several cases of voters mistakenly filling out and signing their spouse's ballots, and residents submitting ballots sent to

voters who previously lived at the same address.

A husband and wife in Douglas County each cast absentee ballots, then cast provisional ballots at the polls for fear their mail-in votes wouldn't count.

"They were not trying to intentionally vote twice. They just wanted to make sure their vote counted. Those aren't the kind of cases we'd be likely to prosecute," said spokesman Mike Knig

"What you'll see is a lot of stuff forwarded to the DA and almost no prosecutions," Wickersham added.

Election-law changes proposed recently by Davidson and state lawmakers deal less with voter fraud than with tightening security around voter-registration drives. Bills stem from news last fall that some workers who were paid to sign up new voters were forging registration documents.

Fourth Judicial District officials have indicted Joseph Battles and Keith Bohannon on 19 and 29 counts of forgery, respectively, related to voter-registration drives. Battles is set for arraignment in May, and Bohannon is scheduled for a jury trial in June, Newsome said.

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<http://www.latimes.com/news/local/la-me-voterfraud7mar07,1,7266647.story?coll=la-headlines-california>
From the Los Angeles Times

S.B. County Probes Voter Signup Firm

Thousands of allegedly flawed GOP registration forms submitted by a Riverside company are being checked. ID's are said to be lacking.

By Ashley Powers
Times Staff Writer

March 7, 2006

San Bernardino County prosecutors are investigating a signature collection firm that submitted thousands of flawed voter registration forms on behalf of the county's Republican Party, authorities said.

The district attorney's public integrity unit launched an investigation after the registrar of voters received complaints from people who said they had been improperly registered as Republicans during a recent GOP registration drive.

County voting officials said they found problems with many of the nearly 3,000 registration forms submitted by the company, including 1,800 that lacked voters' driver's license numbers or other official forms of identification, which were required by a state law this year.

The district attorney's office is also investigating whether the same political firm, John Burkett Petition Management of Riverside, was responsible for the large number of signatures declared invalid in a recent petition drive in Rialto, said Deputy Dist. Atty. Frank Vanella.

County GOP officials said they had severed ties with the owner of the firm, John Burkett, who had run the party's registration drive since January.

Burkett said Monday that the allegations seemed "impossible" and that he only recently became aware of the state law requiring official documentation numbers on the forms.

"For somebody to pop up and say 3,000 are bad ... it sounds kind of incredible," he said.

Burkett has run his company — with more than 100 signature-gatherers in Riverside and Arizona — for nearly two decades, contracting mainly with Republican organizations.

"I know John verifies every voter registration that comes across his desk," said his sister-

in-law Barbara Burkett, who runs the firm's Arizona office. "He calls the person. He's honest like you wouldn't believe. He'd never cheat at all."

Republicans have aggressively courted voters in rapidly growing San Bernardino County.

They hold a registration edge over Democrats, 42% to 38%, and hold four of five seats on the Board of Supervisors.

Burkett said he had worked with the county GOP since 2000. His firm is paid for each voter registration form it collects, usually \$3. But the San Bernardino County Republican Party recently offered \$6 for each GOP voter registered in the San Bernardino and Ontario areas, said party officials.

County Registrar Kari Verjil said Burkett dropped off nearly 3,000 voter registration forms a few weeks ago, along with petitions that supported "Jessica's Law," a proposed state initiative that would bar convicted sex offenders from living in many California neighborhoods.

Voting officials immediately noticed problems.

More than half of the forms lacked an identification number, such as a driver's license number, they said.

They also discovered a few people had been registered multiple times, and received one complaint from someone who was not a U.S. citizen and couldn't understand how he could be eligible to vote.

Verjil contacted the district attorney's office and state officials. The county is sending letters to the people on the forms to see whether their registration is legitimate, she said.

Officials with the San Bernardino County GOP said they also noticed irregularities on registration forms, such as repeated names, and had contacted the registrar's office, said Adam Aleman, the executive director.

Burkett billed the party \$25,000, which Aleman said would not be paid until the investigations were complete.

The district attorney's office had already been asked to look into possible improprieties in a Rialto signature drive that Burkett led.

About 4,800 of more than 5,600 signatures submitted were found to be invalid and were tossed out by election officials.

A community group called Voice United had hired Burkett's firm to promote a ballot initiative that would have required voter approval for the city to contract with the county to provide city police services.

In Riverside County, Burkett has turned in cards with missing or incomplete information and wrong addresses, said Rebecca Martine, chief deputy registrar of voters.

Residents have also complained that the person registering them incorrectly marked them as a Republican, she said.

"We'll start actually taking a closer look at all the registration cards, whether they're from him or another paid contractor, just to make sure that we're not going to face the same problem," said Riverside County Registrar Barbara Dunmore.

San Bernardino County's investigation comes after an unrelated investigation into possibly fraudulent voter registration cards in Orange County.

Election officials last week turned over 100 instances of allegedly improper voter registration to the district attorney's office in Orange County, including three dozen complaints of Democrats being signed up as Republicans.

*

Times staff writers Susannah Rosenblatt and Lynn Doan contributed to this report.

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<http://www.latimes.com/news/local/la-me-votefraud8apr08,0,1124569.story?coll=la-home-local>

From the Los Angeles Times

Voter Fraud Charges Probed

State has launched an inquiry into allegations of improper Republican registrations in Orange and Riverside counties.

By Ashley Powers and Susannah Rosenblatt
Times Staff Writers

April 8, 2006

Investigators for California's attorney general and secretary of state have launched an inquiry into allegations of voter registration fraud in Orange and Riverside counties, state officials said Friday.

The investigation comes a month after the California Republican Party suspended its paid voter registration program, following the discovery by elections officials in Orange and San Bernardino counties of thousands of flawed registration forms submitted by private firms the county parties had hired.

Elections officials turned over those forms to local prosecutors and the secretary of state. The state Democratic Party requested that the attorney general investigate, calling the allegations "even more disturbing than first thought."

A statement released Friday by the California Republican Party said it welcomed the inquiry and that "one instance of voter fraud is one too many and any suggestion of voter fraud must be investigated."

Riverside, Orange and San Bernardino counties have recently received complaints from residents who said they had been improperly registered as Republicans, elections officials said.

It was unclear Friday whether the allegations in Riverside County stemmed from those complaints. "To my knowledge, we don't have any gross irregularities in our registrations in Riverside County," said county Registrar Barbara Dunmore.

Orange County officials did not return phone calls seeking comment. The San Bernardino County district attorney's office has chosen to head its own investigation, though there appears to be "significant overlap" in the conduct of signature-gatherers in the three counties, said Nathan Barankin, a spokesman for Atty. Gen. Bill Lockyer.

The state GOP voter registration program paid private contractors \$3 for each new

registration submitted. It was credited with adding 750,000 Republican registrations to state voter rolls in the last three years.

State Democrats run a similar program, but said they pay only volunteers affiliated with party clubs or committees.

In Orange County, the voter fraud allegations have centered on a subcontractor working for Bader & Associates, a Newport Beach-based signature-collection firm headed by Thomas Bader, who ran voter registration programs for the state Republican Party from 2003 to 2005.

Contractor Christopher Dinoff appears to be connected to the 100 or so cases of alleged improper registration, Orange County election officials have said. Bader also hired John Burkett, who took charge of the San Bernardino County GOP's registration program this year.

Election officials said Burkett had turned in thousands of flawed voter registration forms to the San Bernardino County registrar's office, including 1,800 that lacked driver's license numbers or other forms of required identification.

After the allegations, state Sen. Debra Bowen (D-Marina del Rey), who is running for secretary of state, last month amended a pending bill so that it would ban so-called "bounty" programs in which political parties pay for each signature or registration collected.

*

Times staff writer Jean O. Pasco contributed to this report.

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Saturday, April 1, 2006

O.C. voters were duped into GOP registration

Petitioners lie, cajole and commit forgery while duping more than 100 O.C. residents into joining the Republican Party.

By TONY SAAVEDRA, KIMBERLY KINDY and BRIAN JOSEPH

The Orange County Register

More than 100 Orange County residents who thought they were simply signing petitions to cure breast cancer, punish child molesters or build schools were duped into registering as Republicans, an Orange County Register investigation found.

The ruse took place over several days in December and January at shopping centers throughout Anaheim, Santa Ana, Buena Park, Westminster and Garden Grove, where paid petitioners begged, cajoled, lied and committed forgery to get so-called Republican converts. Petition circulators were paid as much as \$7 for each GOP registration.

Orange County election officials have received complaints from 167 people who were flipped to the Republican Party without their permission. The Register found the problem was far wider, interviewing 112 others who were not only switched, they were tricked and deceived. Among the victims is a lifelong Democrat who was pressured to fill out forms even though she didn't have her glasses and couldn't see what she was signing.

The Register traced the bogus registrations to Christopher Scott Dinoff, who took out 13,000 blank affidavit cards from the Orange County Registrar of Voters Office, records show.

Each affidavit is numbered, linking Dinoff to the doctored cards.

Dinoff, who was fired from the Orange County Republican registration drive for being too aggressive, declined to comment. It is unlikely that he acted alone; professional petition circulators such as Dinoff usually hire other people to help harvest signatures.

"I think they need to be punished," said Ericka Lopez of Anaheim, who said she was unwillingly switched from Libertarian to Republican in January. "We were deceived."

California Secretary of State Bruce McPherson is looking into the allegations of voter registration fraud in Orange County, as well as in San Bernardino and Riverside counties, where hundreds of complaints have been linked to a petitioner identified as John Burkett.

A spokeswoman for McPherson declined to comment on the Register's findings. In Orange County, local GOP Chairman Scott Baugh said he considers his party a victim in the scam.

"Not only do we get hit for the dollars we are paying vendors, but if they are reluctant Republicans, we are also wasting money on follow-up mailers and efforts to contact (them)," Baugh said.

Virtually all the victims interviewed by the Register told the same story:

They were asked to sign petitions while shopping. Without realizing it, they also signed voter registration cards listing their party designation as Republican. When pressed for an explanation, signature gatherers said they needed to list people that way because it was a Republican-sponsored petition. They said it wouldn't change the party affiliation. Sometimes petitioners told victims to leave blank the box designating party.

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Other signature gatherers were more creative.

Consider what happened to Carol Heckerman.

Without her glasses, everything was a blur for the 64-year-old Anaheim woman.

She could barely see as she pushed her loaded shopping cart through the hazily lighted parking lot outside an Anaheim Wal-Mart.

And she sure couldn't read the small print when a signature gatherer stuck a voter registration card beneath her nose, Heckerman said.

"Don't worry," Heckerman recalls the man saying, "I'll fill it out for you."

That's how Heckerman, a Democrat since John F. Kennedy occupied the White House, became an Orange County Republican.

Many of those interviewed by the Register were college students or people with a limited command of English.

"We really don't know how the system works, and we're a little more naive than the rest of the population," said Evelyn Maldonado, 19, a Santa Ana College sophomore who was approached by a signature gatherer after class.

The registration drive was concentrated mostly in the heavily contested 34th Senate District, where the GOP is beefing up its ranks to challenge the Democrat incumbent. However, the bogus registrations may give Republicans a false sense of strength that could bite them at the polls.

"I got a surprise for them," said Joseph Serio, a 40-year-old freight agent who was flipped from "Decline to State" to Republican.

"I thought I was just filling out a petition to keep child molesters away from schools, then they threw this other (stuff) in," Serio said, "They were camouflaging another agenda."

Dinoff was hired by a subcontractor for Bader and Associates, the Newport Beach consultant used by the GOP to conduct the registration drive.

Consultant Tom Bader said his firm tries to weed out bad registrations by analyzing the forms, looking for patterns that could indicate fraud. Bader said none was found. He added that the only group that profits from forged registrations are the street-level bounty hunters.

"I don't believe any companies would do it intentionally," Bader said. "They'd be nutty to try anything like that."

Orange County Republican officials say they took immediate action when they learned of "over-aggressive" petitioners, refusing to pay for anymore registrations from Dinoff.

But Frank Barbaro, Orange County Democratic Party chairman, isn't so sure that the Republican Party is blameless. Barbaro said the GOP benefited because the boosted numbers strengthened the party's fundraising ability in the heated 34th District.

"It gives the Republicans all this energy," Barbaro said. "They take those numbers around the state and raise money, saying, 'We can win that district.'"

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tricks of the trade

Sean Dailey, an 18-year-old Cypress College student, said he was among those hired to harvest signatures outside a Buena Park Wal-Mart. Dailey said he quit after two weeks because he was uncomfortable with the tactics taught by a supervisor he knew only as "Dan."

"It was supposed to be on the up and up," Dailey said. "But the guy was sitting there telling people they could make \$15,000 a week – tax-free money." Dailey said he was wary about accepting money under the table.

He said his group met at an apartment near Anaheim Plaza, where the cash was distributed and the registration cards were collected at the end of the day. Many of the party affiliations were switched in the field – right in front of victims. In other cases, the cards were doctored at the apartment, Dailey said.

The tables turned on Dailey when his own registration card, and those of his father and brother, were forged as well – unbeknown to him.

His father, Kenneth Dailey, learned of the deception from a reporter.

"That's a crock," roared Kenneth Dailey. "I ain't never been a Republican. I signed a petition for my kid. ... I never did anything that declared 'Republican.'"

The Lies

Celia Trevino and her husband, Joseph, both 71, tried to ignore the young couple waving a clipboard at them as they left the Anaheim Wal-Mart.

But the petitioners said the two words Celia Trevino couldn't ignore: child molesters.

"Right away, your bulb lights up," Trevino said. That night the Trevinos, lifelong Democrats, left the parking lot as Republicans. But they didn't know it until they got a card from the Orange County registrar's office.

Deborah Haertel thought somebody screwed up when she got a postcard welcoming her to the Republican Party. But she grew concerned when more and more GOP mailers began to arrive.

"Excuse me. I am NOT a Republican," said Haertel, 42. "I think they have no business taking over your life and turning it into something else without your permission. It's sneaky and underhanded."

Lessie Wood, another victim, doesn't want to stay Republican any longer than she has to. Wood said she was told that her signature on an anti-pedophile petition wouldn't count unless she was Republican. She now plans to change back to the Democratic Party.

"I didn't want to be Republican," said Wood, 49, of Stanton. "But I wanted my signature to count."

Sonia Olivarez, 26, didn't really understand what the pushy man outside the Santa Ana Target store wanted her to sign. But the mother of three was in a hurry to pick up her kids from school. So she pushed her pen across everything the man put in front of her.

Now she is Republican, at least on paper.

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The Web Site of The Sacramento Bee

This story is taken from Politics at sacbee.com.

GOP finds faked voter affidavits

By Kevin Yamamura -- Bee Capitol Bureau

Published 12:01 am PDT Friday, September 1, 2006

Several GOP voter-registration workers created fake individuals in documents submitted to the California Republican Party, which said Thursday that it discovered the fraudulent activity through an internal review and forwarded its findings to Secretary of State Bruce McPherson.

GOP spokesman Patrick Dorinson said the party caught the undisclosed number of falsified voter affidavits early enough that it avoided registering any fraudulent names with the state.

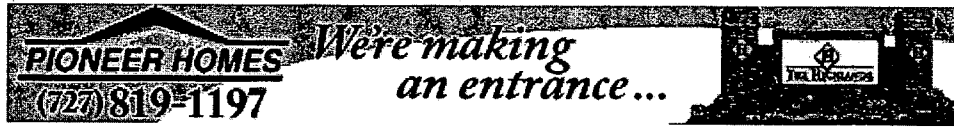
The documents were filed two weeks ago by an unnamed Southern California subcontractor hired by the party's principal registration vendor, California Grassroots Mobilization, according to Dorinson. The party has since fired the subcontractor, and Dorinson said California Grassroots Mobilization is working with the party to expose the fraudulent actions.

Dorinson would not name the subcontractor or the workers. Nor did he disclose how many fraudulent documents the party found because he said the matter is under investigation.

"We felt it was necessary to come forward because we're trying to maintain the integrity of our program," Dorinson said.

McPherson, a Republican, said in a statement he will conduct a full investigation, adding that "if credible evidence of wrongdoing is found, we will work with local prosecutors to vigorously prosecute to the fullest extent of the law."

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Vote fraud case raises bullying cries

By DAVID KARP, Times Staff Writer
Published September 28, 2004

ORLANDO - Local politicians call him the absentee ballot king.

Before each election, Ezzie Thomas appears at the homes of hundreds of black voters and picks up their absentee ballots.

In a predominately black Orlando neighborhood, it seems everyone knows the 73-year-old Thomas. He was the local television repair man for years, extending credit to black residents when no one else would.

But now Thomas' tactics in the spring Orlando mayoral election are at the center of a controversy that once again has put Florida elections in the national spotlight. The Florida Department of Law Enforcement investigated Thomas, closed its case, then reopened it. Now the U.S. Department of Justice and the U.S. Commission on Civil Rights are investigating the FDLE investigation.

Critics of Thomas' methods argue they are illegal and give Democrats an edge. Critics of the FDLE investigation say all candidates go after absentee ballots like Thomas does and call the probe an attempt to scare black residents into not voting in November, which would help Republicans.

"If there was evidence of widespread absentee ballot fraud, I don't think anyone would question their right to investigate," said Democratic lawyer Joseph Egan, who wonders why the FDLE would focus so hard on someone like Thomas.

Since the investigation began, writers from the *New York Times*, the *Los Angeles Times* and *The Independent* of London have weighed in. An international elections commission began interviewing witnesses last week.

How did something so local become so big?

It started on election night in March at the Orange County Supervisor of Elections Office. As results in the mayor's race trickled in, it appeared challenger Ken Mulvaney may have won enough votes to force a runoff election with Buddy Dyer.

But someone told Mulvaney's brother that Dyer had swept the absentee ballots. Brian Mulvaney was new to campaigns, but he could not see how that could happen.

The next day two black activists called Brian Mulvaney and told him to look at the absentee ballots. It turned out Thomas' signature was on about 265 absentee ballots as a witness. Other people who were paid \$100 by Thomas witnessed another 100 ballots.

Mulvaney's group began knocking on voters' doors. Most voters whom Thomas helped were elderly. A few were blind.

Exactly what happened in some of those homes is in dispute. Thomas, who was paid \$10,000 by the Dyer campaign, says he only showed voters how to properly fill out ballots. He also would take a ballot if people asked.

But others said Thomas did more.

Some voters handed Thomas blank ballots, without votes marked. Others didn't seal ballots in an envelope.

"He'll tell you where to sign it," said Rose Lee Jackson. "I never sealed none of them."

"He'd be the one to write it all out," said Martha Glenn. "He asked me who do I want to vote for. He had the people's names. He'd call them off and everything."

No one claimed Thomas gave them money. No one saw Thomas change a vote.

Democrats say minority voters accept the practice, which makes it easier to vote. Critics say it invites fraud. It also violates a seldom-enforced law against getting paid to request, collect or physically possess absentee ballots.

Republicans, who have mastered absentee ballot campaigns, say they don't collect voters' ballots by hand.

"I've never heard of that," said consultant Mark Proctor. "That's pretty aggressive."

* * *

A week after the election, Brian Mulvaney called Orlando police. "What was happening was illegal," he said.

Months passed. Then he read in the *Orlando Sentinel* that Dyer had been cleared.

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In a letter, FDLE regional director Joyce Dawley said the agency found no basis to charges that Dyer campaign staffers had illegally collected absentee ballots.

Dawley said later that someone - she can't recall who - asked her to issue the letter.

Mulvaney called FDLE and asked how agents could clear Dyer when they had not interviewed him.

Dawley apologized and said she only meant to clear Dyer, not close the entire case.

After she met with Mulvaney, the investigation began again. A week later, FDLE agents talked about big-time charges. Agent Wayne Ivey told the *Sentinel* the investigation could lead to racketeering charges.

* * *

In early June, FDLE agents began knocking on voters' doors in Lake Mann Homes, a public housing complex on Orlando's west side.

When they first stopped by Hattie Bowman's house, she wasn't home. So agents questioned her 9-year-old daughter. They wanted to know where mom was, who she was with, what type of car she drove.

When Bowman returned, she could see firearms under the agents' coats. They told her they were conducting a criminal investigation.

"When they said 'criminal,' I said, 'Oh my God,'" Bowman said. They wanted to ask her 19 questions - on tape.

"As scared as I was," she said, "I didn't believe it."

She knew it was legal to vote by absentee ballot. And she did that again during the Aug. 31 primary.

About a mile away, agents asked voter Annie Justice if Thomas bribed her.

"If he bought votes, I want my money," she joked.

The agents didn't frighten her either, she said.

"I am not easily intimidated - believe me," she said.

In late June, Thomas called a news conference to decry the FDLE's tactics. Democratic activists claimed scores of voters were too scared to vote absentee.

"There are African-Americans who believe that if you vote absentee, you will have cops showing up at your door," said Egan, the Democratic lawyer.

New York Times columnist Bob Herbert compared the FDLE to sheriffs who suppressed the black vote in the segregated South.

FDLE agents said they behaved professionally and will release tapes of the interviews at the end of the investigation to show it.

"The notion that anyone was intimidated is more of a political notion than a factual reality," spokesman Tom Berlinger said.

One thing is certain. Egan said Thomas "is scared to death."

Thomas' criminal defense lawyer has begun cooperating with prosecutors and now defends the FDLE's conduct. "They were just doing their job," attorney Dean Mosley said.

Prosecutors questioned Thomas under a subpoena that gave him immunity from prosecution, Mosley said.

"I can't believe they want to prosecute a 73-year-old man who thought he was doing a public service," Mosley said. "I think their target is some elected officials."

Meanwhile, Thomas spends his days behind the screen door of his ranch house. For November's general election, he doesn't plan to collect a single absentee ballot.

-- David Karp can be reached at karp@sptimes.com or 1-800-333-7505, ext. 8430.

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Election chief warns of absentee scam

People posing as election officials are visiting residents of several counties and offering to take absentee ballots.

By STEPHEN HEGARTY, Times Staff Writer
Published October 22, 2004

Pasco elections officials have a warning for the county's absentee voters: **Don't give your ballot to a stranger claiming to be from the elections office.**

They're not who they say they are.

"The people who are soliciting your ballots in this manner are not elections officials," Pasco Elections Supervisor Kurt Browning warned Thursday.

The warning came after a phone call from a west Pasco woman. Other Florida counties have gotten similar complaints.

"We've had a bunch of them - 100 at least," said Bob Sweat, elections supervisor for Manatee County. "It's probably going on all over the state of Florida."

The Pasco woman said someone came to her home to collect her absentee ballot earlier this week. She said she was led to believe they were from the elections office. The woman told the strangers she hadn't completed the ballot, but they took it anyway.

The deception is the latest sign of the lengths to which some partisans appear ready to go in this election. Elections officials worry there will be many more complaints of overly aggressive behavior in attempts to affect the outcome of the presidential race.

Browning's office had not yet received the woman's absentee ballot Thursday. Given the circumstances, Browning arranged to send her another.

Other counties have had numerous complaints about similar misrepresentations.

"We've had a few people with those complaints - I'd say less than 10," said Dan Nolan, chief of staff for Hillsborough Supervisor of Elections Buddy Johnson. Johnson said he routinely advises voters to send their absentee ballots in via mail, or to bring it directly to his office.

In Manatee, there have been numerous complaints, and the Sheriff's Office is investigating.

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Manatee Elections Supervisor Sweat said the people collecting the ballots appeared to know exactly who had absentee ballots. It is possible for political parties, candidates and political groups to get lists of voters who request the absentee ballots.

Sweat said it appeared the collections were occurring in neighborhoods full of low-income, minority and elderly residents.

Several political-oriented groups are working hard to get their supporters to vote early, either through absentee ballots or early voting. It is legal for them to collect absentee ballots and turn them in to an elections office, so long as they don't misrepresent themselves or alter the ballots.

In his warning, Browning said, "I need to make it very clear that my office will never show up at your place of residence to collect your absentee ballot."

Because the presidential race is so close in Florida and its 27 electoral votes could decide who will take the White House, political groups are aggressively working to get their supporters to vote. Many say, though, that they are keeping their hands off the actual ballots.

A representative from the group Americans Coming Together said Thursday that they urge people to request absentee ballots, then collect the request cards and turn them in to elections officials. They have turned in thousands of requests in the Tampa Bay area. However, ACT stays away from the actual ballots, according to Tait Sye, state communications director for ACT, a Democratic voter mobilization group.

"We have turned in thousands of request cards for Pasco," Sye said. "But we are not collecting the absentee ballots, period."

[Last modified October 22, 2004, 01:09:27]

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Florida Absentee Ballots-Party Affiliation Noted

Note: It is a long established practice in election fraud to "lose" mailed ballots belonging to members of the opposition party. Black Democrats in Florida have been particularly susceptible to "lost" ballots.

[EJF comments and annotations in Courier font.]

August 21, 2004 — The three letters on the front of the envelope containing Ben Hebblethwaite's absentee ballot screamed at him: DEM.

His party affiliation was marked in clear, if tiny, print on the address label directing the ballot to his Gainesville home.

Hebblethwaite, a professor of Haitian/Creole at the University of Florida, thought about the Gainesville postal worker he'd seen with a photo of President Bush tacked to his post-office cubicle. He thought about the slim margin in the 2000 presidential election and he thought about the statewide problems that year.

And then he panicked.

"If the election hinges on 200 votes, it would be pretty tempting, pretty easy, for a postal worker to slip a thousand ballots in the back of his truck," Hebblethwaite said. *"I have a great respect for postal workers, and I believe the large majority do respect our laws and democracy. God forbid such a crime would occur, but this is an invitation to commit a crime."* [Mail ballots are handled by many individuals besides postal workers. And often the ballots are bundled by party affiliation. Makes it quite easy to "lose" some.]

State law doesn't prohibit supervisors of elections from putting a voter's party affiliation on mailing materials, and some state and county officials dismissed Hebblethwaite's worry as trivial [A standard tactic by election officials. No one knows anything about elections but them.]

But others said with more people voting with absentee ballots, the supervisor of elections should be careful to a fault to protect absentee voters' privacy. [The basic problem here is that **no** ballots should be voted by mail if election fraud is to be minimized.]

"While it may not be strictly prohibited under state law, the overall intent of state law is to give the absentee voter the same degree of privacy an in-person voter would have," said Elliot Mincberg, vice president and legal director of **People for the American Way**, a national liberal advocacy group active in Florida politics. *"Other counties have found a way to deal with that. I think to better comply with the spirit of the law, as many counties do, that it's best to not have that information on the outside of the envelope."* [The better way to deal with this is to ban absentee/mail ballots in most cases as was done in the past.]

Florida Division of Elections lets each of the 67 county supervisors of elections decide how to best sort their absentee ballots, and using party affiliation is a common practice, according to a spokesman for that agency.

First complaint

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Alachua County Supervisor of Elections Beverly Hill said her office's computer system automatically puts a voter's party affiliation on the mailing label for outgoing ballots and also on the return-address label on the envelope carrying it back to her office.

"People get upset about different things during the course of an election, and we understand that," Hill said. *"But over 5,000 ballots have gone out now, and he's the only one to complain. His complaint is legitimate, but certainly for now, we'll continue in this election to do that."* [Typical reaction of election officials is to stick their heads in the sand and pretend the problem does not exist.]

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No change expected

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Supervisor of elections staffers said they have used the same procedure in general elections and will likely do so again this November. [And since the problem doesn't exist, there is no need to fix it.]

Chuck Floyd, former chairman of Alachua County Democratic Executive Committee, said a concerned absentee voter could always go to the supervisor's office to vote or mail the ballot back inside another plain envelope.

Hebblethwaite said that doesn't ease his concern about the ballot's trip from the supervisor's office to his mailbox. Also, he said, he wanted to vote absentee in the first place to avoid the inconvenience of a trip downtown on election day — a practice many supervisors of elections are promoting. [And is that because they want to make election fraud easier?]

In addition, said other local officials, it should be just as easy to change the practice in the elections office.

"I don't see the need for us to advertise a person's party affiliation on the outside of the ballot," said Travis Horn, Alachua County Republican Executive Committee chairman. *"I would like to think the things this man is worried about don't happen, but I would also like to think there aren't bad people in the world. It seems a little bit naive to approach the issue that way."*

Public record

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A voter's party affiliation is already public record, Hill said, meaning anyone can provide a specific name to the supervisor of elections, then look at that information on a computer screen.

Hebblethwaite said he understands his name is already public record, but the likelihood of anyone getting it would be remote.

"It would take a very concerted criminal effort to look up all the voter rolls, carry a list around and match all the thousands of strange names to those on absentee ballots," Hebblethwaite said. [Actually, candidates and parties do this on a regular basis for mail campaigns, to walk precincts, identify voting trends, and other efforts to get out the vote and manipulate elections.]

A wider fear

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Hebblethwaite's outrage highlights a wider fear that during an election year in Florida, anything can happen, some officials said.

"People got so excited about the problems that the state of Florida experienced in 2000 that there seems to be a degree of almost paranoia about the efficiency of our voting system," Floyd said. *"I'm encouraged that people are concerned about the safety of the voting system, but I'd like to re-emphasize that we didn't experience any problems in Alachua County in 2000 and don't anticipate we will in 2004."* [But see October 21, 2004, story by [News4Jax.com](#) of investigation of vote fraud where "Alachua County learned people had their party affiliation changed to Republican against their will. The problem was discovered in a batch of 1,200 forms turned in by one man. Each of the forms registered voters as Republican."]

Hebblethwaite said he senses the paranoia, too. Even more reason to take extra care with even the finest details of policies and procedures, he said.

"Everyone knows Florida is the laughing stock of the United States when it comes to elections," Hebblethwaite said. *"The fact that we are perpetuating these kinds of problems so indifferently is very troubling."*

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Candidates weigh in

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Hill, who leaves her post this November, said she would let her successor decide whether to change the practice. Four Democratic candidates compete this month to run against Republican Ernesto Herrera for the spot in November.

Candidate Barbara Sharpe said she would research the issue if elected, but didn't know enough about it to comment now.

Kate Barnes, Pam Carpenter and Doug Hornbeck all said they would work to find a way to keep the party affiliation off the envelopes.

Hebblethwaite said he'll be watching the supervisor's race — and the mail — carefully.

"God help me if that sticker is on there again," Hebblethwaite said. "I'll certainly have to hand-deliver it if that happens."

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Posted on Sat, Jan. 21, 2006

State officials look into Milledgeville elections

By Keich Whicker
TELEGRAPH STAFF WRITER

MILLEDGEVILLE - The Secretary of State's Office is investigating a complaint by a former Milledgeville City Council candidate about possible wrongdoing in the city's November 2005 elections.

Benjamin Lewis, a political newcomer who failed to unseat incumbent Richard Mullins in the city's District 5 council contest, said he lodged an official complaint with the state earlier this month alleging election fraud and other voting irregularities on Election Day.

Lewis also said that he was not at liberty to discuss the specifics of his grievance because of the ongoing investigation.

According to city election results in District 5, Mullins defeated Lewis 426-320, a difference of 106 votes. In that contest, Mullins collected 118 absentee votes, while Lewis received 91.

Patti Rushin, the city's elections superintendent, confirmed that state investigators are in town.

"I'm not at liberty to divulge the names of the individuals being investigated, or the allegations, but my office and the Baldwin County Board of Registrars are cooperating fully with the investigation," she said.

State officials would not comment on the investigation, except to say that it exists and is focused on absentee ballots. Kara Sinkule, a spokeswoman for the Secretary of State's Office, said the evidence that has been collected will not be made public until after it is presented to the State Election Board in late February or early March.

Milledgeville City Manager E. Scott Wood said he believes the 2005 election was conducted properly by city employees and that he has no personal knowledge of any wrongdoing within the scope of his influence.

Lewis said several other complaints have been filed, but Wood said he knows of only one complaint to the state.

"I have no reason to believe or suspect any employee or agent of the city conducted him or herself inappropriately or mismanaged their election responsibilities," Wood said. "So we don't have any reason to consider it a city government issue. Now, if an individual did something illegal beyond the city's knowledge, then that's an issue between the secretary of state and that particular individual. And I expect and hope that individual is held appropriately accountable."

Absentee ballots are why then-Mayor Floyd Griffin Jr. requested the state dispatch election monitors to Milledgeville ahead of the Nov. 7 general election.

At the time, Griffin said he was concerned with changes brought about by House Bill 244, the so-called "voter ID bill," which allowed a person to request an absentee ballot without having to prove their identity or specify any reason as to why they needed it. Griffin said he viewed this as a loophole that could be taken advantage of by parties intent on election fraud.

At least three other candidates in the 2005 election were concerned about the legitimacy of absentee ballots. Lewis, Ken Morgan and Donald Hill each filed protests about absentee ballots with the Baldwin County Board of Registrars in the final days leading up to the general election. During an emergency meeting held Election

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Day, four absentee ballots from a group of eight that were challenged were thrown out by the board.

At the meeting's conclusion, Lewis admonished the board for not doing enough to curb irregularities and said he thought anyone who committed fraud by absentee ballot should be prosecuted and convicted in a court of law. He also said instances of voter fraud and other forms of voter intimidation were widespread within the city, a claim Hill agreed with.

A total of 408 absentee votes were cast in Milledgeville's general election, while an additional 81 absentee ballots were returned in the special runoff election between Hill and District 3 incumbent Denese Shinholster.

The majority of the absentee ballots in the election were cast in Districts 3 and 5, where Shinholster ultimately defeated Hill 195-120 in a runoff and Mullins overcame Lewis.

A total of 81 absentee votes were counted in the District 3 runoff between Shinholster and Hill, and 209 were counted in the District 5 contest between Lewis and Mullins. Those numbers illustrate that about one of every four voters from those two race's respective electorates voted through absentee ballots.

In both cases, the two successful incumbents collected more votes from absentee ballots than their opponents.

To contact writer Keich Whicker, call 744-4494 or e-mail kwhicker@macontel.com.

Now They're Registered, Now They're Not

Election Officials Express Dismay at Extent of Misinformation, Variety of Tricks Targeting Voters

By Jo Becker and David Finkel

Washington Post Staff Writers

Sunday, October 31, 2004; Page A22

As if things weren't complicated enough, here comes the dirt.

Registered voters who have been somehow unregistered. Democrats who suddenly find they've been re-registered as Republicans. A flier announcing that Election Day has been extended through Wednesday.

Dirty tricks are a staple of campaigns, but election officials say this year's could achieve new highs in numbers and new lows in scope, especially in key battleground states such as Florida and Ohio, where special-interest groups have poured in to influence the neck-and-neck race between President Bush and Sen. John F. Kerry.

"In my 16 years as an election administrator, I've never seen anything like this," said Ion Sancho, supervisor of elections in Leon County, Fla. "I see it as an expression of a political culture that has evolved in the United States of win at any cost. It's not partisan, but it's just lie, cheat and steal, and ethics be damned."

The problem in Leon County: Students at Florida State and Florida A&M universities, some of whom signed petitions to legalize medical marijuana or impose stiffer penalties for child molesters, unknowingly had their party registration switched to Republican and their addresses changed.

Officials say students at the University of Florida in Alachua County have made similar complaints and that about 4,000 potential voters in all have been affected. Local papers have traced some of the problems to a group hired by the Florida Republican Party, which has denounced the shenanigans. Switching voters' party affiliations does not affect their ability to vote, but changing addresses does, because when voters shows up at their proper polling places, they will not be registered there.

The college scam has also made an appearance in Pennsylvania, along with a separate scam last week in Allegheny County, where election officials received a flurry of phone calls about fliers handed out at a Pittsburgh area mall and mailed to an unknown number of homes. The flier, distributed on bogus but official-looking stationery with a county letterhead, told voters that "due to immense voter turnout expected on Tuesday," the election had been extended. Republicans should vote Tuesday, Nov. 2, it said -- and Democrats on Wednesday. A criminal investigation has been launched.

Authorities in several states also are investigating claims, by former employees of groups paid by both the Republican Party and Democratic-leaning interest groups, that they destroyed or did not turn in new registrations by voters of the opposite party.

Clouding investigations are claims and counterclaims not only about tricks, but double dirty tricks.

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In Wisconsin, a flier is circulating in Milwaukee's black neighborhoods that purports to be from the "Milwaukee Black Voters League." "If you've already voted in any election this year, you can't vote in the presidential election," the flier reads. "If you violate any of these laws, you can get ten years in prison and your children will get taken away from you."

Chris Lato, a spokesman for the Wisconsin Republican Party, called the fliers "appalling" but wondered whether Democratic interest groups might be to blame. He said circulators falsely claiming to represent the Republican Party might be trying to gin up turnout among black voters.

"First of all, the claim was false, and it seems a little obvious," he said. "We have a lot of these shadowy Democratic groups here in Wisconsin, and I wouldn't put it past 'em to do something like this to muck up the works."

Meanwhile, in Lake County, Ohio, some voters received a memo on bogus Board of Elections letterhead, informing voters who registered through Democratic and NAACP drives that they could not vote. Election officials referred the matter to the sheriff.

Lawyers for the Ohio GOP, who have charged Democratic groups with registering fictitious characters such as Mary Poppins, said Friday that they condemned election fraud and misinformation campaigns of any kind. But some local Lake County Republicans have adopted the double-dirty-trick explanation, saying the Democrats are out to make the GOP look bad.

Whatever the motive, election officials say that voters are genuinely confused by the misinformation. In the Cleveland area, election officials said they received a spate of complaints after voters began receiving phone calls incorrectly informing them that their polling place had changed. In addition, unknown volunteers began showing up at voters' doors, illegally offering to collect and deliver completed absentee ballots to the election office.

Jane Platten, a spokeswoman for the Cuyahoga County Board of Elections, said officials have not identified who is behind the tricks. "We've never seen anything like this before, where there seems to be a concerted effort to to give voters misinformation," she said.

In South Carolina, Charleston County election officials warned voters Friday to ignore a fake letter that purports to be from the NAACP. The letter threatens voters who have outstanding parking tickets or have failed to pay child support with arrest.

"Thankfully, we got this in time to do something about it," said the Rev. Joe Darby, first vice president of the South Carolina state conference of the NAACP, who learned about the letter his organization supposedly had written when it showed up in his own mailbox. "This isn't new -- it's the South Carolina politics of ignorance. And it's not surprising, because this is one of those every-vote-counts elections. But I don't think people will be fooled."



BLOGGED BY **Brad** ON 10/11/2006 3:54PM

U.S. Elections Assistance Commission Withheld Report Showing 'Voter Fraud' (as Opposed to ELECTION Fraud) Not a Problem!

Democracy Hater, GOP Operative, Thor Hearne of the Phony Anti-American Front Group 'American Center for Voting Rights' is Back Spreading Propoganda for the Republicans!

And the U.S. Commission on Civil Rights is Set to Help Them in a Hearing this Friday...

The U.S. Elections Assistance Commission (EAC) is now doing the bidding of the RNC, according to an article today from USA TODAY.

It seems that the EAC commissioned, received, and then buried a report concerning the issue of Voter Fraud (as opposed to *Election* Fraud and other legitimate disenfranchisement issues) when they didn't like the results they received. The report, which the commission received four months ago but failed to release, found "little evidence" of the "problem" now being pushed nationwide by GOP operatives as evidence that disenfranchising Photo ID requirement laws should be passed in states across the country.

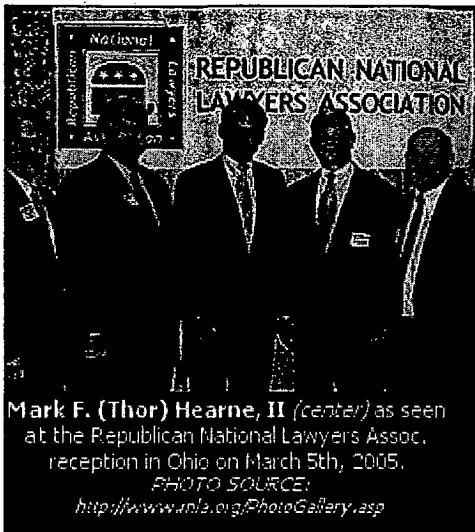
Such laws have been passed, and found unconstitutional from Georgia to Arizona to Missouri, yet the proponents of this scam — who have shown themselves willing to stoop to any level to keep Democratic-leaning voters, who are far more likely to lack drivers' licenses, from voting — have been keeping up their ongoing and expensive propaganda campaign.

Members of the commission were reportedly split on whether to release the report publicly. That internal battle four months ago may have led to at least one resignation from the commission, The BRAD BLOG has learned. Now chaired by outgoing Bush-appointee Paul DiGregorio since the original chair Rev. DeForest Soaries resigned in frustration, citing lack of support for true electoral reform from both the White House and Congress, the EAC has been much criticized for their failure to oversee implementation of and standards for new Electronic Voting Systems across the country.

The item today from *USA TODAY* suggests that the commission may now have become entirely politicized and polarized...

WASHINGTON — At a time when many states are instituting new requirements for voter registration and identification, a preliminary report to the U.S. Election Assistance Commission has found little evidence of the type of polling-place fraud those measures seek to stop.

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USA TODAY obtained the report from the commission four months after it was delivered by two consultants hired to write it. The commission has not distributed it publicly.

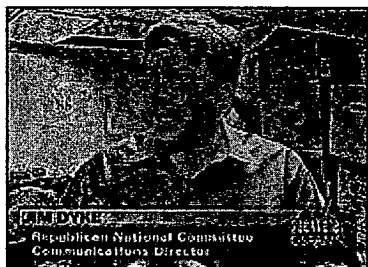
A [blog item](#), also posted today by *USA Today*, includes a link to the now [unearthed report \[PDF\]](#) which the EAC had sought to bury.

The report goes on to quote from GOP operative Mark F. "Thor" Hearne, who is still pushing his deceitful line about the non-existent "epidemic" of voter fraud in the country. Unfortunately, it is Hearne himself who appears to be the fraud, as [The BRAD BLOG](#) revealed in a [series of reports](#) beginning in March of 2005.

The RNC and the White House, via Hearne, their main operative on the Photo ID canard, have spread phony propaganda suggesting an epidemic of *voter* fraud in America ever since the 2004 election, when hundreds of thousands of voters were disenfranchised at the hands of GOP operatives.

Hearne and his motley crew created the phony, self-described "non-partisan" GOP front group, calling themselves "American Center for Voting Rights" (ACVR), as we [first revealed](#) on March 22nd, 2005, shortly after they were the only "Voting Rights" group called to testify before congressional hearings held by the now-disgraced Rep. Bob Ney (R-OH) on what went wrong in Ohio's 2004 Presidential Election.

Hearne testified before Ney's House Administration Committee on behalf of ACVR just three days after the group was created. He testified only that he was "a long time voting rights advocate," and didn't bother to mention that he had been the General Counsel for Bush/Cheney '04 or that ACVR's co-founder was Jim Dyke, the RNC Communications Director.



Dyke now [works out of Dick Cheney's office](#) in the White House. After exposure of the sham organization by this reporter, the group eventually added "[Democrat](#)" [Brian Lunde](#) as Executive Director. Lunde is a close advisor to Karl Rove and worked hard for Bush in 2004 and to retain a Republican Majority.

The group has been pushing phony stories about "Voter Fraud" to encourage disenfranchising Photo ID laws in states around the country ever since. The ACVR was even [behind the creation](#) of the Baker/Carter Commission, which also called for restrictive Photo ID laws.

From *USA TODAY* again...



Conservatives dispute the research and conclusions. Thor Hearne, counsel to the American Center for Voting Rights, notes that the Justice Department has sued Missouri for having ineligible voters registered, while dead people have turned up on the registration rolls in Michigan. "It is just wrong to say that this isn't a problem," he says.

That's one reason the commission decided not to officially release the report. "There was a division of opinion here," Chairman Paul DeGregorio says. "We've seen places where fraud does occur."

The consultants found little evidence of that.

In the meantime, the sham continues this Friday when the U.S. Commission on Civil Rights will hold a hearing to discuss some of these matters. But the speakers list, The BRAD BLOG has learned, is made up most of the usual Photo ID Suspects.

The list includes the same old crew: Hearne, Prof. Robert Pastor (Executive Director of the cooked Baker/Carter Commission, who went ballistic in a BRAD BLOG interview last year) and the *Wallstreet Journal's* ultra-con John Fund, who wrote a book full of this propoganda some years ago that served to launch the current insidious movement.

The only invited speaker representating anything close to an *actual* legitimate voting rights activist is Donna Brazile of the DNC's Voting Rights Institute. We have warned her that it would seem she is being set up by appearing with this barrel of bad apples.

For more information on the "non-partisan" tax-exempt ACVR scam and the snakeoil salesmen who invented it, Bush/Cheney '04 National General Counsel Mark F. "Thor" Hearne and RNC Communications Director Jim Dyke, please see BRAD BLOG's full Special Coverage of the "American Center for Voting Rights" at <http://www.BradBlog.com/ACVR.htm>.

The complete press release for the U.S. Commission on Civil Rights hearing this Friday is posted in full below...

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THE HILL
May 25, 2006

NEWS

FBI beefs up staff to probe pols

By Alexander Bolton

Federal law-enforcement officials say they witnessed a dramatic jump in campaign-finance and other election-related crimes in the 2004 presidential election year and are determined to beef up their policing of candidates running for federal and local office around the country this year.

Illegal fundraising schemes appear to have grown in number and sophistication as candidates have needed to raise more and more money to be competitive. Several members of Congress have recently found themselves caught up in fundraising controversies.

In the past year and a half, the Federal Bureau of Investigation (FBI) has reassigned nearly 200 agents to the problem of public corruption, bringing to 600 the total number of agents working on public-integrity cases.

While the Justice Department's increased focus on public corruption has been talked about in Washington, the FBI's elevation of such crimes among its priorities is less known. Even less noticed has been the FBI's new focus on violations of election law, which for years law-enforcement officials considered minor crimes, lawyers specializing in the field said.

But that is changing as candidates and their supporters have become bolder and more creative in skirting fundraising and election law. Furthermore, legislation Congress passed in 2002 making many election-law violations felonies has given law-enforcement officials greater incentive to investigate and prosecute.

Chip Burrus, assistant director of the FBI's Criminal Investigative Division, who is in charge of all public-corruption investigations, explained the new emphasis on election crimes in an interview Monday.

"We kept getting a lot of reports from the field regarding different schemes that were coming up that involved election issues," he said. "These schemes are getting a lot more complicated than they ever have been before."

Burrus said that the bureau had previously designated "two or three agents" 30 days before Election Day to respond to allegations of voter

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fraud. Often, these agents couldn't do much before the election for fear of being accused of interfering in the election.

"We always seemed to be chasing the problem instead of getting ahead of it," he said. "Now we have agents looking for this stuff every day," instead of waiting until late September or October.

A spokesman for the Department of Justice said that the department has focused on public corruption for a long time and that the FBI has started to bring itself more "in line" with that focus.

In 2000, when George W. Bush and Al Gore squared off for the White House, the FBI opened only eight election-law-related cases. Two years later, during the 2002 midterm election, the bureau opened 19 such cases. But in 2004 the FBI investigated 68 potential violations of election law, according to statistics provided by the agency.

The number of cases opened in 2005 dropped to 21, but law-enforcement officials are anticipating another surge this year.

To prepare, the FBI has trained 60 agents spread throughout all 56 field offices in campaign-finance and election law. Two members of the Federal Election Commission helped instruct the agents. So did Kenneth Gross, a prominent Washington-based campaign-finance lawyer, who gave them insight into the strategies and perspectives of defense lawyers.

"We'll put as many agents as we need to on these cases," Burrus said. He added that public-corruption crimes are now fourth among the FBI's priorities, after terrorism, counterintelligence and computer crimes, such as Internet fraud and identity theft. Burrus said the effort is not a reaction to the high-profile scandal involving former lobbyist Jack Abramoff, who has pleaded guilty to conspiring to bribe public officials.

Observers of elections applaud the renewed commitment to ensuring that local and federal candidates follow the law, yet some say that law enforcement should be careful not to intimidate voters or tarnish candidates.

"Failure to enforce laws means that some campaigns are playing by the rules while others benefit by not playing by the rules," said Spencer Overton, a law professor at George Washington University.

"In the same token, however, we should ensure that enforcement is evenhanded and not politically motivated, said Overton, who has written a new book, *Stealing Democracy: The New Politics of Voter Suppression*. "We don't want the improper enforcement of laws to either chill grassroots political activity or favor one political party to the

detriment of the other.”

FBI officials say that the bureau generated the initiative and that it was not imposed on it by the administration. Supervisory Special Agent Michael Elliot, an official who helped train agents said they were given clear instructions to treat election cases very sensitively.

Election experts said that the instances of ballot fraud and voter suppression do not appear to have increased in recent years but that there has been more suspicious or outright improper fundraising.

Tova Andrea Wang, a fellow at the Century Foundation, a liberal-leaning public-policy organization, who specializes in election reform said she doubts that anyone knows the amount of election fraud committed in the country. In contrast to the perceived growth in improper fundraising activities, Wang said, she believes that cases of ballot fraud are “extremely isolated” and have not increased in recent years.

But experts who follow campaign fundraising paint a different picture.

Nick Nyhart, the executive director of Public Campaign, a liberal group that advocates for the public financing of campaigns, said he suspects that many interactions between candidates and political donors are improper.

A candidate-donor relationship that has come under media scrutiny has been the one between Rep. Jerry Lewis (R-Calif.), chairman of the House Appropriations Committee, and the investment company Cerberus Capital Management. One day after political donors linked to Cerberus gave Lewis’s political action committee \$110,000, the House passed a bill that preserved funding for a Navy project important to the firm that Lewis had criticized. Lewis, who then was chairman of the House defense-spending subcommittee, was responsible for crafting the bill.

Lewis has denied having known at the time that Cerberus had an interest in the Navy project.

“There’s no doubt it was an underpoliced area in the past,” said Norm Ornstein, a scholar at the conservative American Enterprise Institute who specializes in elections and politics, referring to activities covered by election law. “I think we’re seeing a lot more questionable activity. I trace a lot of it to the leadership PAC phenomenon.”

Ornstein explained that lawmakers who do not face tough reelection races nevertheless feel pressure to raise a lot of money through political action committees for other candidates to ingratiate themselves with the party leadership. He noted that Lewis won his position as chairman

of the Appropriations Committee in part because of the vast amount of money he raised for Republican candidates and that a significant portion of the funds came from Cerberus.

Supporting the assertion that illegal campaign-finance schemes have grown in number, the Federal Election Commission has recently handed out several of its largest fines in agency history. For example, in April the agency fined Freddie Mac a record \$3.8 million for illegally using corporate resources to raise more than \$1.5 million for Republican lawmakers, including Rep. Michael Oxley (R-Ohio), chairman of the House Financial Services Committee.

Nyhart, however, predicted that candidates' and donors' shady practices will drop once word spreads that the FBI is paying more attention.

"If they know that their FBI agents in every field office are looking over their shoulders, I think they'll be careful in not engaging in direct quid pro quos when it comes of campaign promises," he said.

Georgia

REGISTRATION IN GEORGIA: Bogus addresses clutter voter rolls (EAC is mentioned)

Atlanta Journal-Constitution
Alan Judd - Staff
Tuesday, January 10, 2006

The grimy stucco storefront at 169 Trinity Ave. houses the Atlanta Recovery Center, a shelter for homeless men fighting drugs and alcohol. It also is home --- on paper, anyway --- to 208 registered voters.

One purportedly is 102 years old. Four are sex offenders who list the shelter as their permanent residence. Twenty of the 208 have cast ballots at least once since 2004.

It's anybody's guess, though, as to where they actually live or where they should be registered to vote. With at least three registered twice, it's not clear how many of them really exist.

That uncertainty underscores a basic flaw that permeates Georgia's voter registration system. While lawmakers debate anti-fraud legislation that would require voters to show photo identification at the polls, an analysis by The Atlanta Journal-Constitution shows the system is ripe for abuses that the voter-ID proposal might not detect.

Georgia relies on an honor system that assumes voters live at the addresses they submit when they register. These addresses determine voters' precinct assignments and, consequently, the elections in which they may cast ballots.

The honor system failed in the Atlanta City Council's 6th District, the Journal-Constitution found.

Five votes separated the two candidates in November's election. But the newspaper identified seven voters who claim as their home addresses one of two UPS Stores on Monroe Drive, where each rents a mailbox. Another voter in the 6th District last November recorded his address as an apartment at 541 10th Street N.E. --- the location of the tennis courts at Grady High School.

None of those eight --- whose ballots could have swayed the election's results --- should have been allowed to vote while registered at inaccurate addresses. But they are just a few among at least 2,000 in Fulton and other metro Atlanta counties who claim to reside at addresses that are not residential at all.

The rolls contain voters who list home addresses at the Fulton County Jail, Atlanta City Hall, downtown office towers like the Equitable Building, churches, homeless shelters, schools, the Journal-Constitution's headquarters, even the county government complex on Pryor Street --- the same address as the election office.

More than 1,000 voters in metro Atlanta registered from addresses that actually are commercial mailbox facilities such as UPS Stores, according to the Journal-Constitution's analysis. About 700 of those voters are registered in Fulton County, 132 in DeKalb and 91 in Gwinnett. The rest are dispersed across the metro area.

The findings, particularly concerning the 6th District council race, did not surprise John Sullivan, Fulton County's voter registration chief.

"If you start digging in any close election," Sullivan said, "it's possible to find enough to overturn the election."

'What difference does it make?'

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On Larry Royster's voter registration record, his home address is listed as Apartment F913 at 1579 Monroe Drive in Atlanta. No such apartment exists. Instead, that address is a mailbox inside the UPS Store across from Ansley Mall.

Royster, 59, was one of the seven people with addresses at UPS Stores who voted in the 6th District on Nov. 8. Like Royster's, the others' registrations reflect an apartment number that is merely a mail drop.

"I'm a trucker," said Royster, who declined in a brief telephone interview to say where he lives. "I'm on the road most of the time. What difference does it make?"

State law requires that voters provide accurate home addresses to keep them from influencing the outcome of elections for which they are not eligible to cast ballots. Although knowingly giving false information on a voter registration application is a felony, officials say they have prosecuted few, if any, voters who provided an inaccurate address.

On Monday, the first day of their 2006 session, state lawmakers moved quickly to advance a bill that would require voters to present a government-issued photo identification card, such as a driver's license, at polling places. The bill, similar to one passed last year but temporarily blocked by a federal judge, passed the House Governmental Affairs Committee on Monday and could come before the full House for debate by the end of the week. The measure, however, would not require voters to document their residence.

Following inquiries by the Journal-Constitution, officials recently sent letters to voters --- 526 in Fulton County, 132 in DeKalb --- who cited addresses at commercial mailbox outlets. The letters instructed the voters to document their true residence or risk being deleted from the voting rolls. Gwinnett County also is checking its rolls.

DeKalb's elections board meets on the matter today. Fulton's board has scheduled a hearing for Jan. 25.

Linda Latimore, DeKalb's elections registrar, said her staff located the 132 voters at 14 commercial mailbox outlets. She does not think the improper registrations were part of an organized effort to commit election fraud.

"I think a lot of it is innocent," Latimore said. "Maybe they live in apartments and don't think the mail there is secure."

"People move in and out for convenience's sake," she said. "They just use that as their address."

Susan Segars, for instance, uses a box at a UPS Store at 1425 Market Blvd. in Roswell to collect her mail. She lives nearby, in the same voting precinct. So, she said, listing the mailbox address on her voter registration form made sense.

"It's more secure," she said. The voter rolls are public record, she said, and "I don't like to publish my address."

Segars, 43, votes regularly --- 10 times this decade. But she said she has never tried to hide from poll workers the fact that her residence doesn't match her address in their files.

"They know it," she said. "I tell them every time."

Detection difficult

Despite some voters' frankness, election officials say detecting inaccurate addresses is difficult.

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For years, prospective voters had to register in person at a county election office. That changed after Congress adopted the National Voter Registration Act of 1993, commonly known as the motor voter law because it allows residents to register to vote while obtaining or renewing a driver's license.

The law requires prospective voters to document only their identity, not their residence, said Chris Riggall, a spokesman for Secretary of State Cathy Cox, Georgia's chief elections officer. And the documentation of identity is not rigorous; an easily obtained Social Security card will suffice.

County election registrars plug applicants' information into a statewide computer database. If an address is on a real street, the registration goes through. The database disregards whether the address is residential, commercial or even industrial.

"It's not an extensively vetted process," Riggall said.

A few states, such as California, canvass neighborhoods to spot-check their voter lists, according to the U.S. Election Assistance Commission, a federal agency that certifies state voting systems. Wyoming checks property ownership lists and car registrations, and Massachusetts compares its voter rolls against an annual statewide census of street addresses.

In metro Atlanta, officials said, rapid growth creates problems.

"We've got so many areas now where it's residential today, and tomorrow it's gone commercial," said Lynn Ledford, Gwinnett County's elections supervisor. Her staff is compiling a list of commercial addresses to compare against voter registration applications.

No one denies that the potential for abuse is high. Anyone who filled out a phony registration application could also present a false identification card at the polls, possibly at numerous locations, casting any number of fraudulent ballots.

Sullivan, of Fulton's elections office, said workers discovered an apparent scheme to submit fraudulent registrations in 2004.

About 5,000 applications for registration arrived in the mail, filled out in similar, if not identical, handwriting, Sullivan said. Workers also noticed that many forms appeared to have been filled out in sequence, possibly from a telephone directory.

The county sent letters to each of the purported applicants. "Of course," Sullivan said, "we had very, very few responses."

Officials discarded nearly all the apparently bogus applications, but never identified the culprit.

"We kept a bunch of trash off the rolls," Sullivan said. "But this isn't a tiny community where everybody knows everybody. Basically, whatever's on the document is what we have to deal with."

Sometimes, even blatant discrepancies slip by the workers who punch data from applications into the statewide database.

For several years, workers have processed applications from people who say they live at the Atlanta Recovery Center on Trinity Avenue, two-tenths of a mile and just around the corner from the Fulton elections office. The center offers 187 beds for temporary, "transitional" housing for homeless men looking for a place to live, said William Cowins, its operations manager. Some former clients use the center as a mail drop, Cowins said.

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The applications failed to raise doubts, even coming from a man who registered to vote on July 28, 2003 - -- the day he supposedly turned 100. The fact that a man with the same name, born 48 years later, had also registered at the same address in 2001 slipped by, as well.

Cowins said the man receives outpatient mental health care at the VA Medical Center in DeKalb County and is "one of our best clients." He was surprised the man is registered to vote, especially as a centenarian.

"He's nowhere near 102," Cowins said. "But next week, he'd tell you he's 202."

REGISTRATION PROCESS

When Congress passed what became known as the motor voter law in 1993, it intended to make registering to vote as easy as possible for as many people as possible. Here is how the registration process works:

1. A prospective voter may submit an application for registration by mail, while obtaining or renewing a driver's license, or in person at the county elections office. An applicant is supposed to submit one of about a dozen documents, such as a copy of a Social Security card, to prove his or her identity. No proof of residence is required.
2. Applications submitted through driver's license offices or by mail go to the Georgia secretary of state's office, which distributes them to the appropriate county elections office.
3. Workers at the county level put information about prospective voters into a statewide computer database. It is designed to prevent duplicate registrations by comparing registrants' Social Security numbers.
4. Before assigning a voter to a precinct, election workers check whether a registrant's reported address exists, but not whether it's actually a residence. Post office boxes are not accepted.
5. Twice a year, the Secretary of State's office compares a change-of-address database from the U.S. Postal Service against its own registration database to find voters who have moved but have not updated their registration.
6. When inaccurate registration addresses are found, officials send letters to voters instructing them to document their residence, appear at a hearing of the county elections board or risk being deleted from the voter rolls.

ANALYZING THE DATA

To identify voters who do not appear to live at the addresses for which they are registered, The Atlanta Journal-Constitution compared a statewide voter registration database with a list of more than 100 commercial mailbox outlets in metro Atlanta. The newspaper also checked for voter registrations in the downtown business district and at government facilities.

David A. Milliron, the Journal-Constitution's database editor, supervised the analysis. Additional analysis was provided by Group 1 Software, a subsidiary of Pitney Bowes Inc.

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McDonough election lawsuit to be dropped

By Michael Davis

One of the lawsuits contesting the outcome of the McDonough's November elections will be dropped, an attorney for one of plaintiffs said Tuesday.

A suit filed in Henry County Superior Court by McDonough resident Scott Reeves contesting his father's loss of the election for an at-large seat by three votes will be dropped, said his attorney Everett Mechem. Longtime Councilman B.P. "Doc" Reeves, lost the Nov. 8 contest to Gina Riffey by a vote of 637-635.

A separate suit, however, will continue with a Friday hearing scheduled for 10 a.m.

Kathy Hubert, Scott Reeves' sister, is contesting her loss of the election to the District III seat on the council to engineer Wayne Smith, by a 245-244 margin.

Mechem is representing Hubert in that suit as well.

The suits allege voting irregularities - specifically that voters cast ballots in races outside their districts - and seeks a new election.

A recount was conducted Nov. 10 and resulted in one more vote for Billy Copeland, who was sworn in Tuesday as the city's mayor, but no other changes.

Henry County is named in the suit because the election was conducted by its election department at the request of the city of McDonough.

GOP's 2 take aim at fraud in voting However, the men have differing views on which safeguards Iowa should use to achieve accuracy.

JONATHAN ROOS
REGISTER STAFF WRITER

The two Republicans seeking to become their party's nominee for Iowa secretary of state share a common worry — voter fraud.

Former Assistant U.S. Attorney Robert Dopf and Des Moines podiatrist Chuck Allison, competitors in the June 6 primary, agree that Iowa's voting system is vulnerable to abuse because of the increasingly common practice of voting by absentee ballot.

While Iowa has a history of fair and honest elections, "if you open the door even a crack, the cheaters come running through," said Dopf, 57, who worked as a federal prosecutor in Iowa's Southern District from 1982 until this year.

Said Allison, 51, who made an unsuccessful bid for the Legislature two years ago, "We're making it so easy to defraud the system that we might not be able to detect it."

The winner in the primary will face Democrat Michael Mauro, the Polk County auditor, in the November general election.

Chet Culver, the current secretary of state, is seeking the Democratic nomination for governor.

In addition to overseeing elections, the Iowa secretary of state is responsible for registering corporations to transact business in the state, among other duties.

Allison and Dopf object to Gov. Tom Vilsack's executive order last summer that restored the voting rights of tens of thousands of felons who had completed their sentences. Before the order, the governor had been considering individual citizenship requests from felons.

Vilsack, a Democrat, said he wanted to speed up the process and help felons rejoin society so they could become productive citizens.

Allison said he would seek to have the next governor or the Legislature reverse the felon voting order. "I don't think the system was broken to begin with," he said.

"What was done was shameful," said Dopf, who sees Vilsack's blanket order as part of a larger Democratic strategy to gain an electoral advantage. "That policy decision should have been left to the Legislature."

The GOP candidates have found common cause in portraying Mauro, the brother of Polk County supervisor John Mauro, as an cog in the "machine-style politics" of Polk County Democrats.

Dopf, in a press release, said that Michael Mauro received a \$300 campaign contribution from Ramona Cunningham, former director of an Iowa job training agency, Central Iowa Employment and Training Consortium, that is under investigation for dishing out big salaries and bonuses to her and other agency executives.

Dopf also noted that Michael Mauro's son, Steve, works for the agency, commonly referred to as CIETC.

"The whole episode has been a black eye for our state and offers a preview of what could happen to the office responsible for overseeing the integrity and fairness of Iowa's elections if the Democrats prevail," Dopf said.

Michael Mauro has denounced attempts to link him to the salary scandal, saying that Republicans are trying to embarrass people for political gain.

"Hopefully, people will see through that kind of nonsense," he has said.

The two GOP candidates for secretary of state have slung few darts and arrows at each other.

Dopf believes he has the best chance of winning in November, given his experience as a federal prosecutor whose duties

Chuck Allison

AGE: 51

PARTY: Republican

HOME: Des Moines

EDUCATION: Bachelor's degree in history from Bellevue University in Nebraska, 1979; master's degree in history from the University of Northern Iowa, 1989; doctorate in podiatric medicine from Des Moines University, 1995

CAREER: Served in Army and Air Force before starting podiatry practice

FAMILY: Married; three children and three grandchildren

included monitoring elections for signs of fraud and prosecuting election law violations.

Allison, who lost to Democrat Rick Olson of Des Moines in an Iowa House contest in 2004, said that he has the edge because he got into the secretary of state race earlier than Dopf.

Allison would tighten voting laws by eliminating the use of "third party" couriers to deliver absentee ballots. He also favors requiring voters to show photo IDs, which he said would be no different than requiring people to produce identification when they cash checks or board airplanes.

One of Dopf's priorities is legislation requiring electronic voting machines to print paper records that could be used to verify the machines' accuracy. He also favors shortening the period for casting absentee ballots, as well as instructing people to give a reason why they are unable to go to the polls to vote.
test

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Bi-state election officials meet

By Jo Mannies
Monday, Apr. 10 2006

Election officials from eight jurisdictions on both sides of the river met Monday at the St. Louis Election Board to discuss setting up a task force "to share voter information in order to combat voter fraud."

The city Election Board release said that, "participants included Madison County Clerk **Mark Von Nida**; Monroe County Clerk **Dennis M. Knobloch**; St. Clair County Clerk **Robert Delaney**; Jefferson County Clerk **Janet C. McMillian**; St. Charles County Clerk **Richard Chrismer**; East St. Louis Election Board Director **James Lewis**; St. Louis County Election Board Chairman **John Diehl, Jr.**; St. Louis City Election Board Chairman **Edward R. Martin, Jr.** and St. Louis City Election Board Member **Clarence E. Dula**."

"Participants agreed to formalize their new relationship in the form of a task force for voter election with details forthcoming," added the release, which was sent out by the city Election Board.

"...Sharing vital records and registered voter information will enable the election authorities to cross check voter information and help eliminate duplicate voter registrations and the registrations of deceased voters," it said. "A more open line of communication between jurisdictions in the bi-state area will promote information sharing and the creation of an inter-jurisdictional support network to address situations and concerns faced by election authorities. The participants plan to meet quarterly to discuss on-going problems and potential solutions."

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Absentee voter fraud untouched by ID law
Most frequent form of cheating may be eased by recent rules

By [ALAN JUDD](#)
The Atlanta Journal-Constitution
Published on: 01/29/06

Bunnis Williams left nothing to chance.

Determined to win a fifth term on Valdosta's City Council in 2001, Williams falsified voters' applications for absentee ballots. He filled out some ballots himself. Then, records show, he mailed them in — unwittingly including his fingerprints and sealing his fate as a convicted felon.

Williams pleaded guilty in 2003 in a case that epitomizes the most common form of election fraud in Georgia: the manipulation of absentee ballots.

The case underscores what's missing in a new state law requiring voters to show government-issued photo identification at the polls.

The law is designed to ensure voters are who they say they are. It does nothing, however, to address widespread irregularities in absentee voting, the subject of more allegations filed with the State Election Board than all other abuses combined. Since the beginning of 2004, 16 of 27 cases brought before the board involved absentee balloting.

If anything, critics say, the new measure may enable more fraud.

It does not change a law enacted in 2005 allowing voters to request an absentee ballot without saying why they want one. Even some supporters of the law say such "no-fault" or "no-excuse" voting assists schemes to cast ballots for the dead, the infirm or those who simply choose not to exercise their franchise.

But Gov. Sonny Perdue, who signed the measure into law Thursday, and others say it is a strong shield against electoral cheating, a protector of the integrity of the ballot box.

Perdue and Republican lawmakers dismiss Democrats' complaints that the voter identification bill is misguided. The governor and his allies contend that enough safeguards exist to combat absentee ballot fraud.

"There's a huge distinction as we have gone to electronic ballot boxes in Georgia, without

a paper trail, which concerns some of us," Perdue said during a news conference Thursday. With absentee ballots, "you have a signature record, a paper trail that can be tracked back."

The new law's chief sponsor, Sen. Cecil Staton (R-Macon), said he wanted to close loopholes that regulating absentee balloting would not address.

"I think it's quite disingenuous to say that all the fraud is in the absentee ballots," Staton said. "How can we say that when the system we previously had allowed for virtually no way to catch it?"

House Speaker Glenn Richardson said he told critics to draft separate legislation if they wanted to address absentee balloting.

"All they did was come back with proposals to put back the law as it existed before we changed it," said Richardson (R-Hiram). "That's no solution."

Democrats have accused the General Assembly's Republican majority of pushing the voter ID law for political gain, not to prevent fraud. They have complained bitterly that the law will hurt minority voters, the poor and others who don't possess acceptable identification.

By not addressing absentee voting, "it says to me they're not interested in cleaning up voter fraud, period," said Georgia Secretary of State Cathy Cox, who is seeking the Democratic nomination for governor.

Votes cast in person are secure, Cox contends, but "there's very little, if any, control over the process when the ballots have left the elections office."

David Worley, a Democratic appointee to the State Election Board, said the bill was "designed to correct a problem that doesn't exist."

"There have been no cases that have come to the State Election Board of people trying to vote and claiming to be someone else," he said. "At every regular meeting of the State Election Board, there have always been cases involving allegations of absentee ballot fraud."

Few ballots can swing vote

Outside the debate over Georgia's voter ID law, Democrats and Republicans generally agree that fraud is an inherent risk in absentee balloting.

The Commission on Federal Election Reform — headed by former President Jimmy Carter, a Democrat, and former Secretary of State James Baker, a Republican — last year called absentee ballots "the largest source of potential voter fraud."

Citizens who fill out ballots at locations like nursing homes are susceptible to intimidation, the commission said. Its report also suggested blank absentee ballots could be intercepted in the mail and that voting by mail makes vote-buying schemes more difficult to detect.

In a paper published in 2001, Hans A. von Spakovsky, an Atlanta lawyer whom President Bush recently appointed to the Federal Elections Commission, made a similar point. He asserted that by loosening restrictions on registration and absentee voting, recently enacted laws "make it possible for an individual to register to vote, request an absentee ballot, and cast a vote without any election official ever seeing that individual and making sure they really exist."

In Georgia, most fraud cases originate in rural counties, where even a few votes can swing an election.

In Coffee County in 2000, for instance, campaign workers for Sheriff Carlton Evans illegally collected absentee ballots from a handful of voters, according to State Election Board records. The voters told investigators they had no idea whether the sheriff or his opponent ended up receiving their votes. Evans won the primary but committed suicide three months later as state and federal agents tried to arrest him on drug charges.

The election board later fined five of Evans' campaign workers \$1,000 each for violating election laws.

Two of the five had been fined \$1,000 each in 1999 in a scheme to manipulate absentee ballots in a 1996 Coffee County Commission race. In that case, the election board cited three workers for the winning candidate and two for the loser.

Evidence showed the five workers mishandled 101 ballots. The winning candidate's margin of victory: 44 votes.

Absentee ballots have become more common, officials said, especially since 2001, when Georgia approved voting during the week leading up to an election day.

In the 2004 general election, at least 20 percent of votes in 49 Georgia counties were cast through absentee or early voting, according to an Atlanta Journal-Constitution analysis of a state database. Voters who come to the polls early must show identification, just as they would on election day, but those who mail in absentee ballots need not. The election board has investigated allegations of absentee ballot fraud in 13 of those counties since 1999.

In other counties, spikes in absentee voting have raised concerns about fraud.

Before the July 2004 primary election, twice as many voters in one Atkinson County Commission district applied for absentee ballots as in any other district. Supporters of the losing candidate alleged that the winner, Jerry Metts, registered several illegal

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immigrants and collected absentee ballots from seven of them, all in violation of state law. Investigators said one immigrant told them Metts had filled out his ballot.

After an investigation by the Georgia Bureau of Investigation, a grand jury indicted Metts in October 2004. Two months later, however, a judge dismissed the charges.

Metts acknowledges that he collected absentee ballots but he says he didn't know state law prohibited candidates from submitting ballots on voters' behalf, according to his lawyer, Shea Browning. Metts denies registering illegal immigrants.

The election board is awaiting the results of an administrative court hearing before deciding whether to impose civil penalties against Metts.

Critics of the new voter identification law note that it would not have prevented the alleged improprieties in Atkinson County or other cases involving absentee ballots. The only check of an absentee voter's identity is an election officer's effort to determine whether the signature on the ballot matches the signature on the voter's registration record.

Randy Evans, a lawyer for the Georgia Republican Party and its appointee to the election board, said the incidence of absentee ballot fraud shows that "we're not short of people who want to defraud the system."

But he said: "That's actually encouraging. That means we're detecting it."

Staff writers Nancy Badertscher and Sonji Jacobs contributed to this article.



GEORGIA 2006

Letters on voter ID under fire
200,000 mailed out after law struck down

By ERNIE SUGGS
The Atlanta Journal-Constitution
Published on: 10/13/06

Less than a week after a judge struck down Georgia's photo ID requirement for voters because it violated the state Constitution, nearly 200,000 letters — not the originally reported 20,000 — were sent out to registered voters, notifying them they may not have a valid driver's license or state-issued photo ID.

Photo ID is not required to vote Nov. 7. A state judge ruled Sept. 19 that Georgia's voter ID law violated the state Constitution.

David Worley, a Democratic appointee to the State Election Board, is threatening to file a complaint with the U.S. Justice Department, charging the board with voter suppression for mailing the letters after the law was struck down.

The letter suggests that if a voter does not have a photo ID, they will not be allowed to vote on Election Day.

"Essentially, this is a taxpayer-funded voter suppression effort by the Republicans and a willful violation of the court's order," Worley said. "I think it is a violation of the Voting Rights Act, and I intend to take whatever legal action is available, including filing a complaint with the Justice Department. This shows the lengths to which Republicans are willing to go to stay in power."

The "Dear Georgia Voter" letter was part of a voter education campaign designed to remind voters about the January legislation that required voters to show one of six forms of government-issued photo identification at the polls. **Worley said that in early September the State Election Board voted to send out 300,000 letters to Georgians who were on the voter registration list but who did not have a driver's license.**

Tex McIver, the vice chair of the election board who authorized the \$55,000 mailing of the letters, said the board was only acting on an earlier order by U.S. District Judge Harold L. Murphy to educate the public about changes in Georgia voting law.

But Worley said letters should not have been sent out after the law was struck down in state court.

"I think it was necessary to send out the letter, but once the judge issued his order [voiding the law],

that necessity evaporated," Worley said. "At that point, sending out the letters was intentionally misinforming the voters. "

Worley said that at a Sept. 22 State Election Board meeting, he asked if the letters had been mailed.

"The vice chair said that at the time the order came down on the 19th, all but 20,000 of the letters had gone out," Worley said.

But according to a printing and postal delivery schedule provided on Wednesday by the State Elections Division of the Secretary of State's office, there were 79,496 letters delivered to the post office for mailing on Sept. 20 and another 115,747 sent on Sept. 25.

McIver said that he was told by staffers that only 20,000 letters had not been mailed and authorized that final batch to be sent after the Sept. 19 ruling. He said had he known that nearly 200,000 letters had not been sent, he would have still authorized the shipment.

"It doesn't change my opinion at all. I am under a federal order to educate these voters and that is what we were doing," McIver said of the letters mailed after the ruling.

"[Worley's] complaints were that this was adding to voter confusion, but everything we did was to prevent confusion," McIver said. "The letter should not confuse anybody. In it, we said that if you don't have a driver's license, go get a free one. That letter never said you can't use the 17 forms [of ID to vote]. It did say get a free ID. It also said you can vote absentee. It was not confusing."

But Jennifer Owens, executive director of the League of Women Voters of Georgia, isn't buying it. She said she has fielded several calls from confused voters and her office is in the process of mobilizing grass-roots efforts to meet with potential voters around the state to educate them on the voting process.

"From where we are sitting, this is one of the worst things that could happen as far as voter confusion," Owens said. "It certainly sends quite a clear message to those voters that they might have to show a driver's license. And if they are not paying attention to court rulings, they are not sure what they are gonna do. It raises red flags."

Carolyn Gray said her 90-year-old mother, Corrie Gray, received one of the letters.

Corrie Gray, who is black, has been voting for decades in Temple with a voter registration card and other forms of ID. She has never had a driver's license.

"She gets this letter, that she does not have photo ID. I knew that the photo ID had been blocked, so I was wondering why is this coming to her, when we know, it is not required," said Carolyn Gray. "If I had not been paying attention, I would have been running around trying to get her a photo ID. For her and a lot of elderly black folks, getting a photo idea is hell on wheels."

Worley said that he was going to ask Secretary of State Cathy Cox — who chairs the State Election

Board — to call an emergency meeting next week.

Chris Riggall, Cox's spokesman said it is unprecedented that the elections board would have sent out the letters, since traditionally it was the job of the election division of the Secretary of State's Office. The General Assembly put the elections board — which is majority Republican — in charge of informing voters of the changes in voting law, Riggall said.

"There is a majority on the election board, which [Cox] is not in, that has made sure that Tex [McIver] would be the point person and the board has directed the elections division to stay out of this project," Riggall said. "It has been a situation in which the board, under Mr. McIver's leadership, has undertaken this and they have called the shots."

McIver said sending the letters after the judge's ruling has been helpful.

"By continuing to mail them, it helps me refine that list," said McIver, adding that several people have responded to the letters telling the state that they do have driver's licenses. "This was a way of building a better, cleaner, smarter, more accurate list."

Current law, which will be in effect for the Nov. 7 elections, allows voters to show one of 17 forms of identification, including some non-photo ID such as a utility bill or Social Security card. It also allows voters to sign a statement swearing to their identity if they can't produce identification.

Election board letter

Dear Georgia Voter,

You are receiving this letter from the State Election Board because your name appears on a list of registered voters who may not have a driver's license or photo ID card from the Georgia Department of Driver Services (DDS).

If you DO have a Georgia driver's license or an unexpired photo ID from DDS, we ask that you contact your county Voter Registrar's office and let them know. You do NOT need to do anything else.

If you DO NOT have a Georgia driver's license or an unexpired photo ID from DDS you can receive a FREE Georgia Voter Identification Card at your local Voter Registrar's office in the county where you live.

You do not need a FREE Georgia Voter Identification Card to vote IN PERSON, if you have ANY of the following so long as it is valid and contains your photograph:

- a U.S. military identification card;

- a state or federal employee identification card;
- a U.S. Passport; a tribal identification card; OR,
- a photo identification card issued by any branch, department, agency, or entity of Georgia, any other state, or the United States.

All Georgia voters can vote ABSENTEE BY MAIL. You do NOT have to have any excuse and you do NOT need a photo ID.

For more information or if you have any questions, call your county Voter Registrar's office; or visit www.sos.state.ga.us to get more information on how to get a FREE Voter Identification Card.

7:58 AM February 22, 2006

Toss fraud charges, party leader asks

Associated Press
February 22, 2006

ANDERSON, Ind. -- The chairman of the Madison County Democratic Party is seeking to have voter fraud charges against him dismissed because the court in which they were filed was not selected at random.

A judge asked prosecutors and attorneys for Tom Ashley on to file briefs on their arguments following a court hearing Tuesday.

Ashley, 71, of Anderson was arrested in December 2004 on voter fraud charges resulting from a state and federal probe of the 2003 municipal election. Ashley is accused of offering to illegally deliver absentee ballots cast by two Anderson residents.

Prosecutors filed all the cases against Ashley and some others in the Judge David Hopper's court. But Ashley's attorney, Jeff Lockwood, argued that the cases involved different voters and prosecutors should have filed the cases in courts picked at random as required by an Indiana Supreme Court ruling.

Deputy Prosecutor Steve Koester said the cases were filed in the same court because all the alleged crimes took place during a specific time in 2003. "That's the local rule we go by," he said.

Lockwood disagreed.

"If that is the case every burglar would be considered a co-defendant," Lockwood said. "This is a manipulation of the system by the prosecutor's office."

Hopper gave Lockwood 10 days to file supporting documents and Koester five days to answer those pleadings.

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12 charged in Lake Co. voter fraud

Associated Press

HAMMOND, Ind. -- Twelve more people, including a former East Chicago city councilman and a Lake County sheriff's deputy, have been accused of involvement in voter fraud during the 2003 primary elections in Lake County.

The 56 felony counts issued Wednesday against the 12 mean that 34 people are now face criminal charges related to the 2003 election.

"With the May primary election less than six weeks away, this latest round of charges serves as a reminder that we take our citizens right to a fair and legal election process seriously," Lake County Prosecutor Bernard Carter said.

Indiana Attorney General Steve Carter said the new charges were the latest sign that Lake County residents were tired of public corruption.

"Each time there are more arrests and more charges filed, more pieces to the puzzle come to light," Carter said.

Among those charged was former East Chicago Councilman Randall Artis, 49. He was charged with seven felony counts, including allegations he induced a person to apply and to vote in a precinct where she did not live and induced a person to commit perjury.

Artis, a councilman from 1992 until his resignation last year, pleaded guilty in September to federal conspiracy and fraud charges in a \$20 million sidewalk project that prosecutors say was done to influence voters before the city's 1999 primary election.

A message seeking comment was left for his defense attorney, Thomas Vanes of Merrillville. Artis has not yet been sentenced for the sidewalk project convictions.

Others charged included a sheriff's deputy who also is a precinct committeeman. He faces felony charges of receiving and examining ballots and inducing others to commit perjury.

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Voting system change unlikely

*By Joe Wessels
Post contributor*

Voting absentee in Kentucky isn't likely to become as easy as it is in Ohio anytime soon.

Ohioans are enjoying the benefit of their first election cycle where any or no excuse is good enough to qualify for an absentee ballot. Previously, a voter had to be working at the polls, out of the county on Election Day or incapacitated to qualify for an absentee ballot.

Now, just asking earns the privilege and many have. Thus far there have been 28,000 requests turned in to the Hamilton County Board of Elections alone. That's up from 19,000 actual absentee ballots counted in 2002, the last gubernatorial election, said John Williams, executive director of the Hamilton County Board of Elections.

But not in Kentucky. Easing the requirements for absentee voting - which some claim is another form of early voting - has not even been raised in the Kentucky General Assembly during the three years Secretary of State Trey Grayson has been in office, said Les Fugate, communications director for Grayson.

"We are far from that," Fugate said. "Kentucky will probably not be going to no-excuse voting for some while."

The reason: Concern about fraud. While so-called "no excuse" absentee voting makes it easier for voters to vote, it also increases the chance for corruption, a major problem in the commonwealth, Fugate said.

"Absentee votes provide a little easier way to rig the system," Fugate said. "And there's little demand from the citizenry to change (the law)."

Fugate pointed to criminal indictments that grew out of the May 2006 primary in Bath County, Kentucky as a reason to be cautious about

relaxing absentee voting requirements. There a candidate for county attorney was accused of buying votes through absentee voters.

In another case, a high-profile state senator in eastern Kentucky is under investigation for voting improprieties, Fugate said.

In Ohio, however, elections officials are concerned they'll be swamped come Nov. 7. The combination of a state law that prohibits votes from being counted prior to the close of polls on Election Day, new identification requirements and new electronic voting machines could be just too much to handle.

Beyond that just the length of the ballot is daunting. Ballots are printed on 8 ½ X 17 inch paper this year and in some parts of the county the ballot is four pages long, three pages in the rest of the county.

Williams said he is working with new electronic equipment that scans ballots and may utilize a feature that can scan the documents - but not count the votes - to ease the vote-counting chaos Nov. 7. The saved data can then quickly count the scanned ballots on Election Day.

"We are working on procedures to handle things smoothly," Williams said.

Previously, punch card ballots could be piled on top of one another and be run through a machine quickly.

With new scanned ballots, the machines are slower and could dramatically slow the vote-counting process if they are not scanned ahead of time, Williams said.

Williams said the new procedures have created new challenges for his employees, but overall he thinks the new rules are positive.

"I would like to think it's a good thing," he said. "If everybody does their part, it should be a good thing."

Voters can request absentee ballots through noon on Nov. 4, but must have them back to the Board of Elections before 7:30 p.m. Nov. 7 to be counted.

Voters can visit <http://www.hamilton-co.org/BOE/> to download the absentee voter ballot request form.

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Posted on Fri, May. 12, 2006
Kentucky.com

Vote fraud is suspected in Bath County

CLERK SAYS ATTORNEY GENERAL'S OFFICE IS INVESTIGATING

By Samira Jafari

ASSOCIATED PRESS

PIKEVILLE - A Bath County election official suspects the high number of absentee ballots this year are indicative of vote fraud and says officials from the state attorney general's office are investigating.

"Looks like a lot of vote-buying going on," Bath County Clerk Glen Thomas said yesterday. "We've had the attorney general's office here, yes."

Vicki Glass, spokeswoman for Attorney General Greg Stumbo, wouldn't confirm or deny any investigation into Bath County or other districts. She said state and federal investigators "are looking into voter-related issues out in the field in various counties across the state," but declined to elaborate.

So far, Bath County has reported 586 absentee ballots either mailed out or cast on voting machines -- that's a 64 percent jump from the 239 reported during the primary in 2002, the last major election year.

"A large number of absentee ballots are a concern in any case," said Assistant U.S. Attorney Ken Taylor, though he declined to discuss specific local elections. "Absentee ballots historically have been a way for a person buying votes to ensure he's getting what he's buying."

Thomas said vote-buying in Bath County is no secret, but few will admit that it's going on. He said investigators from Stumbo's office obtained information on every voter who required voting assistance at the ballot machine, but "until they can get somebody to come forward, they can't do anything."

In the past, voter assistance has been a way for some political workers to accompany voters at the booth and influence their vote with cash.

Kentucky election officials anticipate more than 31,000 absentee ballots for the May 16 primary because of the large number of local and judicial races and what is known as a "perfect storm" -- a phenomenon every 24 years when almost every judicial seat is open.

In 2002, some 31,235 absentee ballots were either mailed out or recorded in courthouse machines for the May primary. As of this week, more than 17,000 were mailed out and nearly 10,000 votes were cast on machines.

There's a handful of counties reporting significant increases in absentee ballots that are considered high, sometimes as much as three times the number in 2002.

Christian County reported 163 in 2002 and 471 this week; Kenton County reported 224 in 2002 and 585 this week; and McCracken County reported 89 in 2002 and 320 this week.

State election officials stressed that increases in absentee ballots could also be a result of a hotly contested local race or more people working outside of their home counties who don't want to take time off from their jobs on voting day.

But Clay County Sheriff Edd Jordan said major increases in absentee ballots should always be a big concern.

In 2002, Jordan shuttered voting machines for the primary when some 300 people lined at the courthouse to cast absentee ballots. Jordan said he shut down the machines because the crowd had grown unruly, and even though he couldn't prove it, he suspected vote-buying as well.

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The number of absentee ballots mailed out or cast on machines in Clay County has dropped from 884 in May 2002 to 296 this week -- a 66 percent decrease.

Jordan credits his actions in 2002 and keeping a close watch on the machines since then for the decline.

"So far this year, it's been clean as a whistle," Jordan said, "and I hope it stays like that."

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Panel acts to restore elections credibility

By William Lamb
ST. LOUIS POST-DISPATCH
Monday, Jan. 30 2006

ST. CLAIR COUNTY

In an effort to restore credibility to the electoral process in East St. Louis, the St. Clair County Board agreed Monday night to promote more cooperation among county election officials and the East St. Louis Board of Election Commissioners.

The 21-6 vote to accept recommendations of an ad-hoc vote-fraud review committee came hours after two East St. Louis women were sentenced in federal court for their roles in exchanging cash for Democratic votes in the November 2004 election.

County Board Chairman Mark A. Kern appointed the committee in August, two months after five East St. Louis Democrats, including party Chairman Charles R. Powell Jr., were convicted of conspiracy to commit vote fraud. The bipartisan committee, which met a dozen times over five months, recommended continued funding of the East St. Louis Election Board at its current level of \$97,143 annually, backing away from a proposal to cut the annual appropriation to the state-mandated minimum of \$21,200.

In addition, the St. Clair County clerk's office will be encouraged to work more closely with the Election Board in training poll workers, educating voters and upgrading antiquated voting equipment.

The six County Board members who objected - all Republicans - said the document would do little to bring accountability to the process.

"It's a step in the right direction," said Steve Reeb, a Republican. "We just didn't go far enough."

Earlier Monday in U.S. District Court in East St. Louis, Sheila Thomas, a former Democratic precinct committeewoman, was sentenced to 18 months in prison and two years of supervised release for her role in the vote-buying scheme. Yvette Johnson, a former volunteer in the city's code-enforcement department, was sentenced to two years' probation, including five months of home confinement.

Thomas and Johnson, who were convicted in June, were the first suspects to be sentenced for their role in the scheme, which prosecutors said involved the transfer of \$79,000 from the St. Clair County Democratic Party to precinct committeemen in East St. Louis.

Prosecutors alleged that Democratic Party officials in East St. Louis distributed the money among city residents in increments of \$5 and \$10 to buy votes for prominent Democrats, including Kern, who was mayor of Belleville at the time. He defeated Reeb in the race for County Board chairman, in part because of a strong showing in East St. Louis.

Three others who were also convicted in June for their role in the vote fraud

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scheme are still awaiting sentencing. Kelvin L. Ellis, 55, the former director of regulatory affairs for East St. Louis, and Jesse Lewis, 56, a precinct committeeman, are scheduled to be sentenced on Feb. 6. Powell, 61, the chairman of the East St. Louis Central Committee, is due to be sentenced on Feb. 13. Three other committeemen and an election worker pleaded guilty in March.

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SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/national/1110AP_Vote_Fraud_Trial.html

Monday, January 30, 2006 - Last updated 10:04 a.m. PT

Workers are sentenced in vote fraud case

By JIM SUHR
ASSOCIATED PRESS WRITER

EAST ST. LOUIS, Ill. -- A former Democratic election worker in this impoverished city was sentenced Monday to a year and a half in federal prison for scheming to buy votes in the November 2004 election. A City Hall volunteer also accused in the scheme was given probation.

U.S. District Judge G. Patrick Murphy said the case reflected an American election process "under attack" by fraud.

Former precinct committee member Sheila Thomas and her attorney, Paul Sims, declined to comment after the sentencing. Yvette Johnson told reporters: "I'm just glad that it's over."

The two were convicted last year of felony conspiracy to commit vote fraud, along with a local Democratic Party chairman, a former city official and another precinct worker who are expected to be sentenced in February.

Prosecutors said the defendants schemed to buy votes with cash, cigarettes and liquor. Their case rested largely on secretly recorded audiotapes in which the defendants could be heard talking about paying \$2, \$5 or more per vote to get key Democrats elected in East St. Louis.

The city of 31,500 people, across the Mississippi River from St. Louis, became one of the nation's poorest cities with the decline of its smokestack factories and the exodus of whites in the 1960s. Its schools were broke for years and the deed to City Hall once went to a man to cover a multimillion-dollar judgment over a jail beating.

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Belleville.com

Vote fraud panel attracts little interest

BY ALIANA RAMOS
News-Democrat

Since its appointment, the Vote Fraud Review Committee has struggled to get public input about ways to address vote fraud in St. Clair County.

In June, five Democratic party members were convicted of vote buying by a federal jury.

"After the trial, this (vote fraud) became a big deal," said Robert Hillebrand, the spokesman for the committee, and former St. Clair County judge. "Both (political) parties saw that some action should be taken."

The Vote Fraud Committee has met about seven times since September and has had little or no participation from residents, said Hillebrand. About 20 people attended the last meeting in East St. Louis in December.

Hillebrand credits poor attendance because the meetings have not received enough publicity. "Also, a lot of people got real incensed about this after the trial, but now interest has tapered off," he said.

Hillebrand said the committee's mission is to put together recommendations for the St. Clair County Board. The committee hopes to submit its report by the end of the month, he said.

"We want to get input and hear what people have to say and what suggestions they may have," Hillebrand said.

So far, recommendations the committee has received included providing more training and better compensation for election workers, and educating the public about what is vote fraud. At the East St. Louis meeting, county clerk candidate Matt Hawkins suggested creating photo voter identification cards.

A spokesman for the American Civil Liberties Union in Illinois disagreed with the idea of creating a photo identification card in order to vote.

"It creates essentially, a poll tax," said Ed Yohnka, director of communications for the ACLU in Illinois. "Now, voter registration cards are sent in the mail. It (a photo) would create real impediments for seniors, and for those who do not have transportation to get to a site."

Yohnka also was concerned about the price it would cost to get the photo ID and said it would not guarantee that vote fraud would stop.

"This would compel them to pay to vote, for something that is a constitutional right," he said. "There could still be fraud with a voter ID card. We see that all the time with driver's licenses."

Illinois State Election Board General Counsel Steve Sandvoss said a county clerk could not legally impose a photo ID because there is no provision for such a measure in the Illinois code of statutes. "It's up to election judges to enforce the laws."

St. Clair County residents will have one last chance to meet with members of the Vote Fraud Committee, before the group turns its recommendations in to the County Board. The last planned public meeting is at 7 p.m. Tuesday at the O'Fallon Log Cabin, in O'Fallon Community Park.

Contact reporter Aliana Ramos at aramos@bnd.com or 239-2507.

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Kentucky.com

Secretary of State to investigate fraud allegations in Clay County

By Art Jester, Jennifer Hewlett And Jim Warren
HERALD-LEADER STAFF WRITERS

State and federal officials will investigate an alleged vote-fraud scheme yesterday in six of Clay County's 20 precincts, Secretary of State Trey Grayson said last night.

"This will be high priority for the (state) attorney general's office and the U.S. attorney to pursue," Grayson said. "That one sounds like something happened."

Grayson said his office received about 15 phone calls regarding possible fraud in Clay County. The alleged fraud involved deliberate misinformation about the voting process, he said.

Poll workers allegedly told voters that they had already cast their vote, even though voters were still looking at a screen that only summarized their selections.

The "voter would leave without the ballot being cast," he said.

Someone would then delete or alter what a voter had put on the ballot, he said.

Clay County has been plagued for decades by allegations of election fraud and vote-buying, but some county leaders had thought a recent federal drug-and-corruption case might make this year different.

"We've got some hope for a clean election," the Rev. Doug Abner, pastor of the Manchester Community Church, said last month. "We ain't had one in 150 years -- probably ain't never had one."

Vicki Glass, spokeswoman for state Attorney General Greg Stumbo, declined to comment on the allegations other than to say that agents were sent to counties where there were allegations of vote fraud or other violations.

After all polls closed, Glass said the attorney general's office had received 184 complaints statewide.

Most machines work well

Meanwhile, voters in Fayette County and elsewhere generally adjusted quickly and smoothly to new electronic voting machines.

"Everything went better than normal," said County Clerk Don Blevins.

Grayson said he was "pleasantly surprised by the voter's reaction, especially in Fayette County, which was the largest jurisdiction with all new equipment."

Deanna Smith, 41, a school counselor, seemed to speak for most voters regarding the new machines.

"I was concerned that maybe they would be too high-tech for some older people who weren't too used to computers, but they were quite simple," she said after voting at Bluegrass Community & Technical College on Leestown Road.

Rose Gavenois, a Harrods Hill precinct voter, saw a generational advantage to the new equipment.

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"I think the younger people will like them because they're like a video game," she said.

Although there were some voting machine problems in Fayette County early in the day, most were minor and were corrected promptly.

Kitty Ware, election coordinator for the Fayette County Clerk's office, said technicians were called to six or seven precincts to correct problems. The county usually has four to six such calls.

Meanwhile, statewide voter turnout seemed below the 35 percent predicted by the Secretary of State's office.

"It was poor, but not surprising," said Ferrell Wellman, an Eastern Kentucky University journalism professor and election night analyst for WLEX-TV.

In Lexington, the turnout was about 25 to 26 percent, and statewide turnout was about 18 to 19 percent, Wellman said.

Voter fraud proceedings under way

*By David Phelps
The Natchez Democrat*

VIDALIA — Jury selection in the trial of Henrietta Williams concluded late Wednesday, setting the scene for the first of Ferriday's five voter fraud defendants to have her day in court.

Williams will face a sole charge of filing or maintaining false public records. The charge stems from a complaint about the absentee ballot of Maude Williams from the 2004 Ferriday mayoral election.

Williams is also facing 21 other counts of the same nature associated with the ballots of Estella, Lillie and Frederick White from the same election.

Four others, Justin Conner, Willie Robinson, Emerson Slain and James Skipper, are co-defendants in that matter.

After Monday's continuance, attorneys for the Louisiana Attorney General's office said they had planned to try Williams on all of her charges separately.

But Wednesday, the state's lead attorney on the case, Butch Wilson, said a late disclosure of additional discovery materials relating to the Whites' case led them to pare down her trial to the one charge, which carries a maximum penalty of five years in prison and/or a \$5,000 fine.

It took all day for Wilson, David Caldwell, his assistant, and defense counsel William Yarbrough to interview and argue about who would sit in judgment over Williams.

Just more than half of the 200 subpoenaed potential jurors reported for duty.

Many had either received excused absences, had moved away, or had not been able to be found by Concordia Parish Sheriff's deputies charged with hand-delivering the subpoenas.

It took only two panels — of 14 people each — of prospective jurors to find the six members and one alternate who will hear the case.

Each panel was questioned at length by both sides and then the lawyers retired to chambers for the selection process.

During this process, each side was granted six peremptory strikes. Ad hoc Judge Sharon Marchman also considered requests from both sides for causal strikes of potential jurors whose answers to questions drew suspicion as to their impartiality. One prospective juror

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said — “I know the defendant and would tend to believe her over someone I’ve never met.”

After the causal strikes, each side made their peremptory strikes. While any potential juror could be singled out to be excused, the side making the request had to give a race-neutral reason for doing so.

The first panel yielded four jurors, the rest came from the second group.

Four of the six jurors are female. All are white. The alternate is a black male.

The defendant is black.

All six jurors must vote unanimously to convict.

The trial begins at 9 a.m. today. Marchman said a decision on whether to try to wrap it up in one day would be made in the afternoon.

Under Louisiana law, when a crime is not necessarily punishable by hard labor, a six-person, one-alternate jury is used.

When hard labor is necessarily the punishment — as in cases involving violent crimes — a 12-person, two-alternate jury is used.

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September 28, 2006

Federal Officials to Oversee St. Landry Parish Election

The federal Department of Justice announced Thursday they will be stepping in to oversee Saturday's elections in St. Landry Parish.

This will be the first time that federal officials will observe a St. Landry Parish election.

According to the St. Landry Parish commissioner of courts, they'll be in place to make sure that all procedures are followed correctly.

Clerk of Court Charles Jagneaux says officials are looking for election fraud, vote buying, and any irregularities in the election system.

According to local voting authorities, the announcement came as a surprise.

Federal authorities will arrive in Opelousas on Friday to discuss their role in the voting process.

Possible fraud cases highlight need for election reform

By DAVID ABRAMS, Staff Writer

The Anne Arundel County Board of Elections has reported seven cases of possible "double voting" from the last presidential election, and one criminal case is pending in state court.

While elections officials stress that fraud isn't rampant in the state, the issue is taking on new urgency as the 2006 contests approach.

The General Assembly last week overrode the governor's vetoes of bills that will allow people to vote up to a week before an election and cast provisional ballots anywhere in Maryland.

"The word 'fraud' is coming about more and more," said Barbara Fisher, the county's elections chief. "I think people are thinking there's a lot more of it than there really is. But I'm not trying to downplay it."

State Prosecutor Robert A. Rohrbaugh said he has received 17 complaints of double voting statewide.

"We investigate all the allegations the various state boards of elections forward to us," he said. "We just don't ignore them."

Next month, Christopher E. Gummer of Parkville will face charges in District Court in Annapolis of voting twice, according to court documents. The charge, which carries a \$2,500 fine and up to five years in prison, is being prosecuted in Annapolis because the state elections board is located here.

Mr. Gummer and his attorney, Paul Feeley, could not be reached for comment.

Mr. Rohrbaugh said he could not comment on the pending cases being handled by his office, which is empowered to investigate election violations statewide.

But with statewide elections coming this November, where voters will pick a governor, congressmen, county executives and County Council members, Republicans are warning that changes to the law this late in the game could lead to fraud. Democrats, meanwhile, say

they want to make sure there are as few roadblocks to people voting as possible.

"Vote early, vote often, vote everywhere, and no ID required," said Del. Don Dwyer Jr., R-Glen Burnie. "That causes me great concern. It was the Democratic majority in this state that made that decision."

There are more than 3 million voters in the state, according to the state Board of Elections. That includes about 1.7 million Democrats and more than 900,000 Republicans.

In Anne Arundel County, there are about 300,000 registered voters, including 135,000 Democrats and nearly 120,000 Republicans.

State Elections Administrator Linda Lamone said that with only one criminal case pending after an election where 2.4 million people cast ballots in 2004, "The numbers speak for themselves."

But Mr. Dwyer said he believes there is more voter fraud in Maryland than the numbers show.

"If those numbers are factual, I'd have to say that's a pretty good batting average," Mr. Dwyer said. "But I would also say that based on the interviews with all of the elections officials, the concern of fraud is high on the radar screen."

Mr. Dwyer said he saw a young couple and an elderly woman at three different polling sites on Election Day in 2004, and saw at least one of them vote at two. But he lost a piece of paper where he wrote down the names.

"I witnessed it with my own eyes," Mr. Dwyer said.

He decided to conduct a survey, and mailed out a questionnaire to all 24 election boards in the state. Eleven responded, and six said they had "reported incidents of vote fraud," or "double voting," to the State Board of Elections Administrator that have "not been addressed, charged or prosecuted."

Mrs. Fisher also said she supports requiring voters to present identification at the polls, and her board supports requiring potential voters to present proof of citizenship when registering. Both proposals have failed in the legislature.

Mrs. Fisher said the state board doesn't have to report back to a county board to confirm whether any action was taken.

"The reason I said 'Yes'(to the fraud questionnaire) is we send information to them for informational purposes only," Mrs. Fisher said.

Nine of the boards reported that they support requiring identification at the polls and proof of citizenship on registration forms.

Ms. Lamone said local board members are entitled to their opinions, and she doesn't take a position on legislation, but "We have a history of trusting the voters in Maryland."

House Speaker Michael E. Busch, D-Annapolis, said lawmakers will do everything they can to ensure a secure system.

"No one condones any fraud in any type of election," he said. "Any election board that thinks they are going to face that should come to Annapolis or to the local governments and make sure they have the resources that fraud or any other contempt of the election could be stopped or stymied."

The state is completing a new database that will help make the system more reliable, where poll workers will be able to look up voter information in real time.

Jim Praley, an attorney for the county elections board, said there is a delicate balance when changing election rules.

"I dare say no system is perfect," he said. "Part of the tension is on the one hand you want to remove as many barriers as possible and allow as many people to vote as possible. On the other hand, you want to have strict controls."

Mr. Praley said double voting is a loaded term, because any provisional ballots are checked before the vote is counted.

As an attorney with the county board for 20 years, Mr. Praley said he could remember only two cases of voter fraud. In one case, a man voted under multiple different names.

"He had registered his cat to vote, I believe," Mr. Praley said.

- No Jumps-

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Posted on Wed, May. 17, 2006
Kentucky.com

Election brings few surprises; allegations of vote buying surface

ROGER ALFORD
Associated Press

FRANKFORT, Ky. - Voters ousted two Democratic legislators in Tuesday's primary election, one of them a veteran House leader, while the only two Republicans with opposition won handily.

The Democratic casualties included state Rep. Gross Lindsay of Henderson, chairman of the House Judiciary Committee who has served in the legislature for 23 years, and Chuck Meade, a first-term Democrat from Floyd County in eastern Kentucky. Eleven other Democratic incumbents survived the primary, which was marred by allegations of voter fraud.

"It looks like we might have some fraud issues to deal with," said Les Fugate, spokesman for Secretary of State Trey Grayson. "We've got allegations of vote buying."

Senate President David Williams, R-Burkesville, easily defeated two challengers to win the Republican nomination for his seat, and one of his Senate Republican allies, Julie Denton, R-Louisville, also won her party's nomination.

Williams had stirred controversy earlier this year by engineering a deal to give the University of the Cumberlands, a private Baptist college, \$11 million in state funding for a pharmacy school.

In a primary election fraught with allegations of improprieties at the polls, especially in the mountain counties, Kentucky voters also chose four Democratic challengers to face the state's Republican delegation in Congress.

John Yarmuth, founder of an alternative weekly newspaper in Louisville, will challenge five-term Republican U.S. Rep. Anne Northup in November for the 3rd District seat.

In the 2nd District, state Rep. Mike Weaver of Radcliff defeated James Rice of Campbellsville and takes on Republican U.S. Rep. Ron Lewis, who is in his sixth full term in the fall.

In the 1st District, former one-term U.S. Rep. Tom Barlow defeated Eric Streit of Paducah and Jim Blook of Scottsville. Barlow will challenge six-term U.S. Rep. Ed Whitfield in November.

And in the 5th District, Kenneth Stepp of Barbourville won the nomination over James Tapley and will face 13-term Republican U.S. Rep. Harold "Hal" Rogers in the 5th District.

In Louisville, voters chose a Supreme Court nominee who could become the first black to serve on the state's highest court if he wins in the general election. That nominee, Court of Appeals Judge William E. McNulty, will face Jefferson County Circuit Judge Ann O'Malley Shake in November. If Shake wins, she would be only the third woman to serve on the Supreme Court.

Despite relatively low voter turnout across Kentucky, election officials received numerous allegations of improprieties at the polls on Tuesday. Some voters voiced suspicions that their votes may have been changed on new electronic voting machines after they left the booth.

Fugate said turnout was on track to add up to about 35 percent of the state's registered voters, who will choose their parties' nominees for the largest general election in state history, involving more than 4,000 races.

Problems reported across the state ranged from hiccups with new electronic voting machines to

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allegations of vote fraud to people being wrongly purged from voter rolls, Fugate said.

Fugate said his office fielded allegations of vote tampering mainly from Clay County voters, who suspected that their votes were changed on new electronic voting machines after they left the booth.

"We've told various authorities to look into this," Fugate said.

By early afternoon, at least eight voters - including an elected official - reported being improperly removed from voter rolls. Warren County Commonwealth's Attorney Chris Cohron reported that his name was among more than 8,000 names purged last month by the state, but he was ultimately allowed to vote.

The secretary of state's office last month purged the names because they were also registered in either Tennessee or South Carolina. However, a judge ruled on Monday that those purged could vote as long as they could prove they were Kentucky residents.

After discovering he had been dropped from the voter rolls, Cohron was lucky that the clerk of court was at his polling place and able to help speed his return to active voter status.

"You got me on that one," Cohron said of his being dropped from the rolls. "I assume it was some sort of clerical error."

Turnout varied from county to county, Fugate said. In Jefferson County, voting was light, but places such as Scott County saw heavier turnout, he said.

"It really depends upon what's on the ballot locally and how important those races are to people," Fugate said.

Officials received more than 100 calls to an election hot line telephone number where people could report voting problems, said Vicki Glass, spokeswoman for the attorney general's office.

Posted on Thu, Jul. 13, 2006

Bath County candidate indicted in alleged vote-buying scheme

SAMIRA JAFARI
Associated Press

PIKEVILLE, Ky. - A Bath County candidate for judge-executive and seven others have been charged in vote-buying schemes, in which they allegedly helped voters cast absentee ballots under false pretenses, according to two federal indictments unsealed Thursday.

Danny Michael Swartz, who ran against Judge-Executive Walter ShROUT and Harold Hunt in the May 16 primary, was charged with conspiracy and buying votes in the indictment handed down by a federal grand jury July 7. ShROUT won the primary.

Tammy Brown Manly and David Allen Hunt, two ShROUT supporters in Bath County, about 110 miles northwest of Pikeville, were also charged in the same scheme.

The indictment was unsealed after the three were arrested Thursday. They were released the same day.

Five others were charged with conspiracy and buying votes in the primaries for judge-executive and county attorney, though the second indictment from July 7 does not identify the candidates that would have benefited from the scheme. William Mike Butcher, Anthony "Buck" White, Norman Lewis Crouch and Steven and Belinda Jean Crouch, who are married, were also arrested and released Thursday.

A total of 525 voters cast absentee ballots in the Bath County Courthouse within the two weeks before the primary. State law allows voters who need assistance using voting machines to be assisted by another person.

The defendants allegedly directed voters to tell voting officials that they were blind, disabled or illiterate in English, or that they would be absent on election day. According to the indictment, 254 voters claimed they needed assistance casting absentee ballots.

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Butcher accompanied 75 voters to the booth. Manly accompanied 44.

The defendants also allegedly paid some voters between \$30 to \$60 to sway their vote.

Bath County Clerk Glen Thomas told the Associated Press in a May 11 interview that he alerted federal and state investigators to his district after watching hundreds of absentee ballots roll in that week.

"Looks like a lot of vote-buying going on," Thomas said at the time.

The number of absentee ballots cast this year in Bath County was nearly double the 239 reported during the primary in 2002, the last major election year.

Swartz and Hunt did not return messages from the Associated Press Thursday. Manly's number was unlisted, and she could not be reached for comment.

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Secretary of State to investigate fraud allegations in Clay County

By Art Jester, Jennifer Hewlett And Jim Warren
HERALD-LEADER STAFF WRITERS

State and federal officials will investigate an alleged vote-fraud scheme yesterday in six of Clay County's 20 precincts, Secretary of State Trey Grayson said last night.

"This will be high priority for the (state) attorney general's office and the U.S. attorney to pursue," Grayson said. "That one sounds like something happened."

Grayson said his office received about 15 phone calls regarding possible fraud in Clay County. The alleged fraud involved deliberate misinformation about the voting process, he said.

Poll workers allegedly told voters that they had already cast their vote, even though voters were still looking at a screen that only summarized their selections.

The "voter would leave without the ballot being cast," he said.

Someone would then delete or alter what a voter had put on the ballot, he said.

Clay County has been plagued for decades by allegations of election fraud and vote-buying, but some county leaders had thought a recent federal drug-and-corruption case might make this year different.

"We've got some hope for a clean election," the Rev. Doug Abner, pastor of the Manchester Community Church, said last month. "We ain't had one in 150 years -- probably ain't never had one."

Vicki Glass, spokeswoman for state Attorney General Greg Stumbo, declined to comment on the allegations other than to say that agents were sent to counties where there were allegations of vote fraud or other violations.

After all polls closed, Glass said the attorney general's office had received 184 complaints statewide.

Most machines work well

Meanwhile, voters in Fayette County and elsewhere generally adjusted quickly and smoothly to new electronic voting machines.

"Everything went better than normal," said County Clerk Don Blevins.

Grayson said he was "pleasantly surprised by the voter's reaction, especially in Fayette County, which was the largest jurisdiction with all new equipment."

Deanna Smith, 41, a school counselor, seemed to speak for most voters regarding the new machines.

"I was concerned that maybe they would be too high-tech for some older people who weren't too used to computers, but they were quite simple," she said after voting at Bluegrass Community & Technical College on Leestown Road.

Rose Gavenois, a Harrods Hill precinct voter, saw a generational advantage to the new equipment.

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"I think the younger people will like them because they're like a video game," she said.

Although there were some voting machine problems in Fayette County early in the day, most were minor and were corrected promptly.

Kitty Ware, election coordinator for the Fayette County Clerk's office, said technicians were called to six or seven precincts to correct problems. The county usually has four to six such calls.

Meanwhile, statewide voter turnout seemed below the 35 percent predicted by the Secretary of State's office.

"It was poor, but not surprising," said Ferrell Wellman, an Eastern Kentucky University journalism professor and election night analyst for WLEX-TV.

In Lexington, the turnout was about 25 to 26 percent, and statewide turnout was about 18 to 19 percent, Wellman said.

Posted on Sun, Oct. 01, 2006

Voter fraud charges still tripping up voting rights group

ANDREW WELSH-HUGGINS
Associated Press

COLUMBUS, Ohio - An advocacy group that registered about a million voters two years ago is wrestling with new charges of voter fraud and sloppy work weeks before crucial midterm elections.

In Philadelphia, the city's voter registration office has rejected about 3,000 cards submitted by the Association of Community Organizations for Reform Now since April because of missing information or invalid addresses.

Election officials in three of Ohio's largest counties have cited problems with hundreds of voter registration cards. ACORN is accused of submitting cards with nonexistent addresses, forged signatures and, in one case for someone who died seven years ago.

"In my opinion there's a lot of words but little action in terms of fixing the problem," said Matt Damschroder, the elections board director in Franklin County in Ohio.

County election officials in Denver forwarded about 200 cards to the secretary of state's office after discovering identical handwriting on signatures. Colorado officials investigated similar problems two years ago.

ACORN, which has about 220,000 members nationally, registered 1.2 million people to vote in 2004 and is running voter registration drives in 17 states this year.

The nonprofit dispatches workers and volunteers to poor neighborhoods, gas stations, courthouses and other places to sign up new voters such as April Harris, 40, a car wash manager in Jacksonville, Fla., who said the group's pitch "made me feel I can try to change things."

Voter registration has become a battle cry for parties and advocacy groups in recent years. In the Nov. 7 election, Democrats hope to regain control of the U.S. House and narrow or erase the GOP majority in the Senate. Ohio, which gave President Bush the White House in 2004, has tight campaigns for governor and U.S. Senate this fall in two of the most closely watched races in the country.

ACORN also was accused of fraud in 2004 in Ohio, Florida, Minnesota, North Carolina and Virginia and in 2003 in Missouri.

Prosecution is rare, and federal lawsuits against the group were dismissed in Florida. More often, the allegations have led to changes in state law.

ACORN says it's working to reduce problems, and officials with the Ohio group promise to fire any workers found committing fraud.

"We'll continue to personally encourage people to register to vote and exercise their franchise, and we're going to continue to stand up for people's voter rights," said Kevin Whelan, a spokesman for the New Orleans-based group.

Such statements do little to appease critics. Even groups supporting the organization's efforts question why fraud allegations keep cropping up.

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"They're sort of their own worst enemy," said Bill Faith, who directs Ohio's largest homeless advocacy group and shares many of ACORN's goals.

"They want low-income people to register to vote but because of the kind of problems that come from their program, it provokes a reaction from the Legislature that actually makes it harder to run such programs," Faith said.

The Denver Election Commission says it's been unsuccessful in working with ACORN to reduce problems with voter registration cards.

ACORN says it meets regularly with election officials to address concerns. The Colorado chapter has registered about 42,000 voters since 2004.

"We hold our workers to a very high standard, we ensure they make every vote count and we're going to continue to do that work," said Ben Hanna, head ACORN organizer in Colorado.

In Franklin County, prosecutors are looking at almost 400 cards the county elections board said included already registered voters or people with the wrong address.

The elections board is also looking at hundreds of other ACORN cards with alleged irregularities. The Hamilton County board is concerned about errors and missing information on hundreds of ACORN cards, while problems with about a dozen cards were reported in Summit county.

Meanwhile, ACORN continues a largely successful legal campaign to reduce voting obstacles for the poor. In September a federal judge in Ohio threw out a requirement that individuals who register voters - instead of groups - must turn in the completed forms, in a lawsuit brought by ACORN and other voting rights groups.

ACORN has filed a similar suit against Georgia's voter registration laws. It won a similar case in Washington state this year and in Maryland last year.

In a steady rain outside the Franklin County Courthouse, ACORN employee Carlos McCoy - wearing sunglasses and juggling a black umbrella and clipboard - politely but assertively approaches person after person, asking if they're registered to vote.

Only 17, McCoy is already a veteran ACORN canvasser, having worked at similar jobs since 2004. A high school senior, he spent a few days registering voters for \$9 an hour before school started.

He attributes problems with other ACORN workers to inexperience and asking the wrong questions. He says he took the job for the money but also because he likes being involved in politics and community organizing. A resident of the city's poor south side, he says the work affects his life.

"You want where you live to be taken care of," McCoy said.

The Advocate.com

Oct 11, 4:40 PM EDT

Report: Voter fraud may be overstated

By WILL LESTER
Associated Press Writer

WASHINGTON (AP) -- The most common form of voter fraud involves absentee ballots, including forgery and coercion in getting older or ailing voters to fill them out, according to a preliminary report to the U.S. Election Assistance Commission.

But the report, delivered in May, suggested that reports of polling place fraud involving "dead" voters and voting by felons and non-citizens might be overstated. The researchers said there is far more anecdotal evidence about voter fraud than specific verifiable claims.

"On balance, more researchers find it to be less of a problem than is commonly described in political debate," the report said.

"Many times people put their own partisan spin on voter fraud and voter intimidation," EAC Chairman Paul DeGregorio said Wednesday.

DeGregorio said the report was only preliminary and cautioned that more investigation is needed to understand the amount of voter fraud in this country.

"Many times you see people attempting to commit fraud, but it never gets to the level of being reported," said DeGregorio, a former elections official in St. Louis. He noted a case of more than 1,400 suspect voter registration cards being investigated in St. Louis.

The preliminary report was prepared by Tova Wang, an elections expert at the Century Foundation think tank and Job Serebrov, an Arkansas attorney.

Conservatives have argued the problem of voter fraud is severe in some states, while liberals generally argue that voters face too many restrictions.

New state laws requiring voters to present identification at polling places have faced legal challenges in states such as Arizona and Georgia.

"It's absolutely a serious problem," said Thor Hearne, counsel to the American Center for Voting Rights. "It's an unfortunate reality, particularly in battleground states."

Those problems include voter fraud and voter intimidation, he said.

The final voter fraud report is expected after the Nov. 7 midterm elections, DeGregorio said.

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Posted on Thu, Apr. 13, 2006

Election leaders to battle vote fraud

Local county clerks and election board chiefs from both sides of the river have formed a task force in an effort to battle vote fraud.

They met Monday in St. Louis to discuss common problems.

The group decided to form the task force and meet quarterly. According to metro-east county clerks, the first thing on the agenda is to share vital records and registered voter information. Sharing the information will enable the election authorities to cross-check voter information and help eliminate duplicate voter registrations and the registrations of deceased voters.

For more about the task force, see the Friday edition of the News-Democrat.



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Woman is sentenced to service, meditation in vote fraud case

By Robert Patrick
ST. LOUIS POST-DISPATCH
Saturday, Apr. 01 2006

A woman who filled out St. Louis voter registration cards for well-known, dead local politicians in 2001 was sentenced Friday to probation, community service and transcendental meditation training for election fraud and drug violations.

Michelle Robinson, 36, pleaded guilty of 13 election law violations as well as possession of crack cocaine and a crack pipe.

Robinson was part of Operation Big Vote, a bid to boost the participation of black voters in the 2001 mayoral election.

Big Vote turned in thousands of cards on Feb. 7, 2001. Election workers noticed the names of several dead former aldermen, triggering state and federal criminal investigations.

Robinson admitted in court Friday that she had filled out 13 fake cards, including ones for now-deceased Aldermen Albert "Red" Villa and Nellene Joyce, whose daughter is St. Louis Circuit Attorney Jennifer Joyce.

Other cards turned in by Big Vote workers had made-up names and nonexistent or vacant addresses. Some cards were filled out multiple times for the same person.

Robinson got four years of probation on both the drug and election charges but could face three years in jail if she violates her probation.

She also must complete 180 hours of community service and get training in transcendental meditation. Circuit Judge David Mason has advocated the relaxation and stress-management program for years.

Six other Big Vote workers pleaded guilty in December of 2004. Five were sentenced to probation and 100 hours of community service. One, who had a prior drug conviction, got the nine months that he had already spent in jail. One is still being sought.

A St. Louis jury found Nonaresa Montgomery, head of Big Vote, guilty in February 2005 of lying to a grand jury during the investigation. Montgomery lied when she told grand jurors that she had no way of tracking the cards that Big Vote turned in.

As part of a deal with prosecutors, Mason banned her from organized political activity, sentenced her to two years' probation and 80 hours of community service teaching young people about the importance of complying with voter registration laws.

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From Holland to Detroit, votes were cast by 132 dead people; Detroit's voting records are riddled with inaccuracies, casting doubt on elections' integrity

In Mich., even dead vote

From Holland to Detroit, votes were cast by 132 dead people; Detroit's voting records are riddled with inaccuracies, casting doubt on elections' integrity

Lisa M. Collins / The Detroit News
February 28, 2006

DETROIT -- Fred Douglas Henley would have been 75 years old when the city of Detroit says he walked into a polling precinct and voted on Nov. 8. Henley, however, died the day before the election, and his voting address long has been vacant and boarded up. Blanche Credit died in 2003. But she's recorded as voting in November, too.

Then there's Michael Hollingsworth, whom the Detroit Department of Elections says voted at his precinct despite serving a life sentence for first-degree murder. And Jennifer Pinkerton is recorded as voting, but she lives in Westland.

It's impossible to say whether Henley, Credit, Hollingsworth and Pinkerton are names used by someone to cast fraudulent votes or whether they simply represent clerical errors. But a Detroit News review of voter and registration files, criminal and death records shows that Detroit's election records are so plagued with mistakes and inconsistencies -- including voter registry rolls packed with as many as 20,000 dead people and roughly 100,000 wrong addresses -- that the overall integrity of Detroit elections is in question.

Detroit, experts say, may be a worst-case example of tainted election records. But the city isn't alone. Across Michigan, 132 people were listed as having voted in November's local elections although they had recently died, says Mark Grebner, whose company, Practical Political Consulting in East Lansing, analyzes voter rolls. About 26 of those were in Detroit, which held by far the largest election, Grebner said.

Problems such as these have prompted Secretary of State Terri Lynn Land to call for major statewide election reform in Michigan, including purging faulty voter rolls in virtually every jurisdiction.

The News' analysis of the city's Nov. 8 election found:

- Ballots recorded as being cast by voters who could not have voted legally because they had died, were serving a criminal sentence or did not live in the city. Felons can vote in Michigan, but not while serving a sentence.
- Nearly 500 names of individuals older than 95 were recorded as having voted on Nov. 8, including nearly 200 over the age of 100 born as early as 1858. While some of the records are correct, the birthdays in most cases were recorded in error.
- Clerical errors so pervasive that it is difficult to determine in many instances who actually voted. Incorrect addresses, wrong birthdates and expired residencies; typographical errors in names and addresses; and garbled spellings are regularly recorded and kept on the city's active voter list. Thousands of properties that are abandoned or vacant remain on the voter rolls.

Among the most common mistakes occur when election workers record a vote under a similar name, or confuse voters with their parents or other relatives.

The News did not review every vote cast, but instead targeted voter records based on several factors, such as the voter's birth year or voting history. Though limited and somewhat random searches were done, each search found voting records in error or highlighted names of voters who in fact could not have voted.

Difficulties in city record-keeping are compounded by the fact that many Detroiters are transient, and many do not have driver's licenses, making data hard to verify. For instance, the city recorded Lawanda Danette Williams as having voted Nov. 8 from her address at 19936 Ilene St. Williams has moved several times since living there.

"I couldn't have voted in Detroit. I was living in Southfield," Williams said. "That house has been vacant since 2002."

Detroit's newly elected clerk, Janice Winfrey, says she's ordered her staff to purge at least 50,000 names from the voter rolls by March; she's targeting bogus addresses as well.

"We've got a lot of cleaning up to do," Winfrey said.

Organized fraud isn't found

After years of research, Grebner and his partner, Alan Fox, have found roughly 350,000 outdated records in Detroit's voter rolls, including 20,000 names of deceased individuals and 50,000 names of people who have left Detroit. Grebner says another 30,000 entries in the system are duplicates: mainly, two spellings of the same name.

"That's worse than the average in the state by a considerable margin," he said. "And it allows for mismanaged elections and for the possibility of vote fraud because the records cannot be depended on. There are registrations for people that have died, for people that are living elsewhere, and that allows for situations where other people could vote with their names."

But Grebner says he's never found evidence of organized fraud in Detroit.

Winfrey says she's going to address the issue with aggressive training and recruitment of poll workers.

"Those in need financially may not be the best poll worker," Winfrey said. "We hope to find quality workers who want to be involved because of an intrinsic value, and not what they can get out of it."

Winfrey's new director of elections, Daniel Baxter, says cleaning the voter rolls is his first priority.

"We think if we can resolve the low-hanging-fruit issues, then one step at a time we can bring back the integrity of the process," Baxter said.

Although there's no proof of fraud, there have been numerous allegations of fraud and documented instances of violations of election law -- particularly relating to absentee ballots.

In October, The Detroit News reported how former Detroit City Clerk Jackie Currie hired election assistants to help people in hospitals, group homes and the elderly and infirm vote by absentee ballot -- sometimes in ways that appeared to violate restrictions on election workers helping disabled people mark ballots.

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Subsequently, state election officials said they also observed similar apparent violations of state law.

Prompted by the stories, the Federal Bureau of Investigation launched a probe into the city's absentee ballot program, and Wayne County Chief Judge Mary Beth Kelly ordered the state of Michigan and two consultants to oversee the counting of absentee ballots for the November election.

The federal investigation continues, and the FBI retains possession of the city's absentee ballots and other documents, Winfrey said.

In addition to cleansing voter rolls statewide, Land's reforms also would clarify rules for the handling of absentee ballots by local election officials -- a direct result of irregularities uncovered in Detroit.

Winfrey's efforts are already taking effect. Grebner says he was "shocked" when reviewing the city's election data this month.

"I was startled at how much improvement I see," Grebner said. "There was so little obvious error in the file, it didn't look like Detroit."

Issue isn't Detroit's alone

Problems with voter rolls do not stop at Eight Mile. The city of Holland, population 30,000, recorded 11 deceased people as having voted in November's local election, Grebner says.

"That a city 1 percent the size of Detroit would actually have a bigger problem with dead people voting than Detroit did, that says something," Grebner said.

Holland City Clerk Jennifer French says she had no idea there was such a problem.

"I'm not aware of any of those issues," French said. "That would surprise me a lot."

Keeping names of the deceased and nonresidents on the rolls is the problem, for it allows votes to accidentally be marked in those names, Grebner says. But Land's spokeswoman, Kelly Chesney, says purging voter rolls is complicated by restrictive federal rules governing the removal of names from voter lists. Substantial mailings and notifications are required.

"It was set up to protect voters from disenfranchisement," Chesney said.

It's also costly, which is why the state last year began to reimburse local governments for the initial costs of mailing the federally required notices when names are deleted.

Absentee vote teams abound

Although there's no evidence of widespread ballot fraud, numerous prominent Detroiters who have run for office have reported being contacted by people who offered to deliver votes and other considerations for a price.

Former Mayor Dennis Archer and mayoral candidate Freman Hendrix, among others, have told The News that it is common practice in Detroit for political operatives to approach candidates and request money and postage stamps in exchange for delivering absentee ballots.

The Rev. Horace Sheffield, a Detroit political insider who has run for office, says that all Detroit candidates have "their cadre of troops who get absentee votes."

"I've run for public office, and I've had these people approach me," Sheffield said. "Politicians do whatever they can do to secure votes and that includes paying people who are known throughout our history to obtain votes."

While such activity in the past could have impacted several thousand absentee ballots, enough to influence a City Council race, the numbers are not great enough to affect a mayoral race; Kilpatrick won by some 14,000 votes.

"If (fraud) is happening, it's minuscule," said State Rep. Lamar Lemmons III, D-Detroit. Some credit Lemmons with winning the election for Kilpatrick with his team of neighborhood activists who targeted unlikely voters.

"There's no organized, orchestrated mass voter fraud going on in the city, as people would like to believe."

You can reach Lisa M. Collins at (313) 222-2072 or lcollins@detnews.com.

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WWMT.com

Jury deadlocked in activist's fraud trial

ST. JOSEPH (AP) -

March 26, 2006 - 9:19AM

The jury in the election fraud trial of a Benton Harbor community activist is deadlocked on all five charges.

But yesterday, Berrien County Judge Al Butzbaugh denied a request by the Reverend Edward Pinkney's attorney to declare a mistrial.

The judge instead ordered jurors to resume deliberations Monday.

The charges stem from Pinkney's role in last year's recall election of City Commissioner Glenn Yarbrough. Pinkney is accused of offering cash payments to sway voters, trying to influence absent voters and improperly possessing absentee ballots.

The election results were later thrown out, and Yarbrough was re-elected to his seat.

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Dems try to stop voter ID measure

Aimed at poll fraud, it invites bias, they argue

BY KATHY BARKS HOFFMAN
ASSOCIATED PRESS

July 19, 2006

LANSING -- The Michigan Democratic Party, the Michigan Legislative Black Caucus and the Democratic caucuses in the state House and Senate filed a friend-of-the-court brief Tuesday in a case that could decide whether Michigan can require voters to show photo identification at the polls.

The Michigan Supreme Court voted 5-2 in April to issue an advisory opinion on the constitutionality of a 1997 state law requiring voters to show photo identification to get a ballot. A court spokeswoman said the ruling would be binding, although it could be appealed to the U.S. Supreme Court.

Former Attorney General Frank Kelley, a Democrat, issued an opinion nine years ago that the law violated the equal protection clause of the 14th Amendment of the U.S. Constitution, which guarantees U.S. citizens the right to vote.

Opponents of the law say the requirement would keep poor people, nondrivers and others away from the polls. They cite figures showing that about 370,000 of the state's registered voters do not have driver's licenses or state ID cards.

But supporters say the law is needed to prevent election fraud. The U.S. Justice Department, for example, has been investigating allegations that Detroit votes were cast last year in the names of dead people.

Michigan Republican Party Chairman Saul Anuzis supports the requirement, noting that Indiana recently began requiring photo IDs. Although Democrats in that state are challenging the law and saying they received hundreds of complaints about the requirement, Anuzis said that's largely a result of people who are still learning about the law.

"From the things that I read, apparently things went very well. There weren't any hitches," he said.

Democratic Gov. Jennifer Granholm, the Detroit chapter of the National Association for the Advancement of Colored People, the Michigan Civil Rights Commission, Kelley and

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several county clerks also are filing briefs with the court opposing the photo ID requirement.

They say the move to require photo IDs is aimed at keeping low-income and minority voters, who tend to support Democratic candidates, from voting, and they say worries about fraud are overblown.

"Voter impersonation at the polls -- which is the only form of electoral fraud addressed by the photo identification requirement -- is a nonexistent problem," the Michigan Democratic Party wrote in its brief.

Party Chairman Mark Brewer said in a news release that "this Republican law will have the same practical result as a poll tax; it will lead to the suppression of the vote of the poor, racial and ethnic minorities, and elderly and disabled voters."

"In an election year, the people of Michigan need to be especially vigilant in ensuring all election-oriented efforts are not a partisan power grab," he added.

But Anuzis rejected those arguments, noting that the House already has passed a bill offering anyone who couldn't afford to pay the \$10 fee to obtain a state ID card the chance to get one for free. The bill now is before the Senate Committee on Government Operations.

"If you want to vote, you can get an ID card. It doesn't keep anyone away from the polls," he said.

The high court has asked Republican Attorney General Mike Cox to submit separate briefs, one arguing that the law is constitutional and the other arguing it is unconstitutional.

The court also invited the state Bureau of Elections, Michigan Democratic Party and Michigan Republican Party to file arguments. It has yet to hear oral arguments in the case.

Supreme Court spokeswoman Marcia McBrien has said the court would decide whether the state law was constitutional on its face. She added that parties could challenge the state law in federal court.

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Small's absentee case will go to trial

By DEREK HARPER Staff Writer, (609) 272-7203
(Published: May 31, 2006)

MAYS LANDING — Atlantic City Councilman Marty Small will head to trial this summer over alleged absentee ballot crimes after he rejected two separate plea offers Tuesday.

After he confirmed Small was turning down both offers, Atlantic County Superior Court Judge Michael A. Donio tentatively scheduled the start of what likely will be a multi-week trial for Aug. 7.

The first rejected offer would have attempted to place Small in the pre-trial intervention program.

While the state was opposed to that, state Deputy Attorney General Ronald Epstein said if the court allowed Small to enter the PTI program, then the state would ask Small to give up both his school job and City Council seat. For three years Small also would not be allowed to vote or handle absentee ballots.

With the second rejected offer, Small would have pleaded guilty to the lesser charge of keeping a voter from voting.

In exchange, he would have been removed from City Council, paid a \$5,000 fine and served three years' probation. During that time, he would not be allowed either to run for election or handle absentee ballots.

The sticking points with both deals apparently were Small having to give up his 2nd Ward City Council seat or his job coordinating Atlantic City elementary school children's after-school activities, or both, attorney Stephen Funk said. He said the rejected deals "would prevent him (Small) from continuing to serve the people of Atlantic City."

A state grand jury indicted Small in November on 10 third-degree charges that alleged he was not the proper person to handle 10 separate Atlantic City residents' messenger absentee ballots.

The 11th fourth-degree charge alleged Small kept a person from voting by discarding otherwise valid absentee ballots.

All charges stemmed from last June's Atlantic City primary, in which now-Mayor Bob Levy triumphed over then-Mayor Lorenzo Langford in a race for the Democratic nomination. Levy, who won at the polls, then handily carried the November election, and ultimately did not need any of the votes Small is alleged to have handled.

If he is found guilty of just one of the 10 third-degree charges, Small, who has professed dreams of being a school athletic-program supervisor, could be stripped of his council seat and barred from future public employment.

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Epstein said the statutes list up to 51 years of imprisonment if Small is found guilty on all counts. Judge Donio said that estimate is far-fetched, a more likely term could be three to five years in prison.

If probation is involved, Donio said it could also mean up to 364 days in the Atlantic County jail. A day-reporting option also might not be available, Donio said, especially if Small were stripped of employment.

Further, if Small decides to plead guilty now, the penalty will be more severe and up to the discretion of the court.

Discussions between Small, Funk and state officials apparently continued up to the last minute. At about 10 a.m., state investigator Kim Husband and Epstein left Donio's courtroom to meet in an adjacent courtroom anteroom. About 15 minutes later, Epstein and Funk huddled in the hallway outside Donio's courtroom.

After Funk left to talk with Small, he returned with paperwork signifying his client would not take either plea.

Afterward, Small declined comment on Funk's advice, but Funk said while there was a risk going to trial, he said he was confident he and his client would prevail.

It is unclear what Small sought in exchange for his plea.

Many political observers, including City Council President Craig Callaway, said they believed Small was indicted because the state wanted someone to provide evidence against the absentee-ballot strategies used by Callaway and his friends and family.

Neither Epstein nor Husband would comment, and when asked what Small sought, Funk said "that's none of your business."

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<http://www.pressofatlanticcity.com/news/local/atlantic/story/6645908p-6513370c.html>

Voters testify in absentee-ballot trial involving A.C. councilman

By DEREK HARPER Staff Writer, (609) 272-7203

Published: Wednesday, August 16, 2006

MAYS LANDING — The so-called voters included new citizens who worked in Atlantic City's hospitality industry, noncitizens who knew they couldn't vote and a sickly widow and former election poll worker who thought she was signing a petition to get a good Democrat on the ballot.

And even though Atlantic City Councilman Marty Small was sitting just a couple of dozen feet away, no one recognized the popular City councilman who purportedly handled their ballot.

The second day of Small's absentee-ballot trial included hours of testimony from the nine people for whom records said Small delivered absentee ballot applications in the June 2005 primary.

During cross-examination, defense attorney Ed Jacobs tried to undercut the testimony while emphasizing that more people than Small worked the election.

Small faces eight third-degree charges of illegally taking an absentee ballot application to the Atlantic County Clerk's Office when he was not the authorized bearer. The ninth charge, a fourth-degree count, alleges that because Small discarded some ballots, he illegally kept a person from voting.

The ballots were ultimately not needed because Mayor Bob Levy, whom Small supported, won at the polls.

If convicted of any third-degree charges, Small faces removal from City Council, the loss of his Atlantic City School District activities coordinator job and being barred from any future public employment.

The first voter to testify, Amanda Medina, is a Trump Taj Mahal Casino Resort card dealer who now lives in Ventnor. She said she has never been a registered voter.

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At some point before the June 2005 primary, two Hispanic women came to her house and tried to get her to sign some school board election documents. In a hurry, Medina said she signed the unspecified papers to get them away.

"They told me they would take care of it all," Medina said.

But those were not her signatures on the civilian absentee ballot form, she testified, and she said no one ever gave her a ballot, even though one was cast.

Another person, Norma Cruz, testified through a Spanish interpreter that two black men visited her before the primary but left because of the language barrier. Another person brought a petition that she signed.

A Hispanic woman later visited her. "She told me someone had signed my signature using my name," she said. "And they came to see if I was an invalid" as the application said.

The last of nine voters to testify, Lillian Sfrizi, is an 84-year-old widow from Philadelphia who left the resort May 23, 2005.

She moved with difficulty in the courtroom, walking with a cane.

The former Democratic poll worker said people came to her North Bellevue Avenue home telling her they wanted her to sign a petition to put a person on the ballot. Then ill, she said she signed something on a clipboard. With a magnifying glass she identified her signature on an absentee ballot application Tuesday.

On cross-examination, she said she would never have signed the application because she knew the process and signed up to vote absentee after her husband died.

In other testimony, Jacobs attacked the state's case in a withering 50-minute cross-examination of Kim Husband, the state Office of Government Integrity's lead investigator.

Husband testified that the ballot bearer should know the voter, but when Jacobs asked him where that rule was written in the law, Husband couldn't answer. Jacobs then pointed out that the law said an Atlantic County voter or any relative could handle the ballot applications.

Jacobs prodded Husband until Deputy Attorney General Ron Epstein, who is handling the prosecution, could stand it no more.

"I object!" Epstein said. "There is no foundation that (Husband) knows the law."

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"I agree," Jacobs said with a slight smile. "There is no foundation."

Husband testified that he singled out Small because only 16 or 17 of the 75 absentee ballots applications that Small returned were actually used to vote. Jacobs asked Husband if he knew the average return rate on absentee ballots and other comparable figures, but Husband said he did not know.

Former Atlantic County Board of Elections Chairman Mark Stein's testimony also undercut the state's fourth-degree charge of hindering a voter.

Stein said the state attorney general's office had ordered the board to tell poll workers at noon on the primary Election Day not to accept provisional ballots without a court order. That decision changed earlier policy accepting provisional ballots from any problem voters, which is the current policy.

It helped Small, because it put some of the responsibility for the voter's inability to vote on the state.

Several city residents joined Small's half-dozen friends and family who sat behind the councilman. It included City Hall employee Floyd Tally, who entered the courtroom around 4:20 p.m. and later left to join City Council President Craig Callaway, Public Works Director David Callaway and others in the hallway outside.

The courtroom group included City Councilman Gene Robinson, who arrived at about 1:15 p.m., following the lunch break, and stayed until the 5 p.m. end.

Robinson is one of the more than 180 people Small's defense said they plan to call. On Monday, Jacobs successfully moved to have the prosecution's witnesses ordered to leave the courtroom. It is unclear if Robinson's appearance will keep him from testifying for Small.

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Everything Jersey

The Star-Ledger

Absentee ballot reforms could increase fraud

Monday, October 23, 2006

BY CARLY ROTHMAN

Star-Ledger Staff

Danes Exantus was shocked last June when he went to vote in a Roselle primary race for borough council and was turned away.

Poll workers said he had already cast an absentee vote, but Exantus, a 44-year-old Haitian immigrant, didn't remember filling out a ballot.

All he remembered was signing a bunch of papers a strange man had brought to his home one morning as he unloaded groceries from his car, and then giving the same man another bunch of signed papers from a package mailed to him by the Union County clerk.

Exantus thought the man was helping him register to vote.

"He stole my ballot," Exantus said. "Nobody can vote for me. This is not fair."

Exantus, who testified in a local election challenge last month, is one of a growing number of voters and critics who have raised questions about the state's new "no-excuse" absentee ballot law, passed in June 2005, which expanded the right to vote by absentee ballot from sick or out-of-town voters to any voter at all.

The law was supposed to boost participation by making voting more convenient. But critics say it may also put voters and candidates at increased risk of fraud in next month's election.

"Absentee balloting is the most common target of fraud. It's the most vulnerable link in our election system," said Toby Moore, a project manager for the Commission on Federal Election Reform at American University's Center for Democracy and Election Management.

Twenty-nine states currently offer no-excuse absentee voting, said Sean Greene, research director at electionline.org, a nonprofit, nonpartisan group tracking

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election issues with funding from the Pew Charitable Trusts.

Proponents of no-excuse absentee voting say it gives people more time to vote and cuts down long lines on Election Day.

"We were looking at the national trends, and looking to make voting in New Jersey more convenient," said Assemblyman David Mayer (D-Camden), one of the law's primary sponsors.

"Anything that makes access to the ballot easier for voters is a plus," said Sandra Matsen, advocacy coordinator and past president of the League of Women Voters of New Jersey, which supported the bill.

But some observers say there is conflicting data on whether absentee ballots actually increase voter turnout -- "It sort of depends who you talk to," Greene said -- and skeptics say absentee voting is a confusing process that removes traditional means of oversight, such as poll workers and challengers.

These were the concerns at the heart of the Roselle election challenge in which Exantus testified. It involved a local candidate for borough council who accused her opponent's campaign of encouraging inexperienced voters to cast absentee ballots, and then illegally helping voters to complete and deliver their ballots.

The case is now in its third appeal after a Superior Court judge threw out 31 suspect absentee ballots last month and overturned the election result.

The Roselle challenge could offer a glimpse of the future, as political campaigns statewide embrace absentee ballots as a way to reach out to new or infrequent voters.

"There's now a part of the get-out-the-vote effort targeted to people who don't vote very often," said Sen. Raymond Lesniak (D-Union). "It's very important for us as elected officials to ensure that the maximum number of people have the opportunity to vote."

Mayor Michael A. Pacio of Roseland is one such elected official. Currently running for re-election as a write-in candidate, Pacio said his campaign recently mailed absentee ballot applications to all registered voters in Roseland.

Absentee ballots are "good things for what I'm trying to do here," Pacio said. "Especially on write-ins, for some reason the machine scares (voters). This way ... they're not pressured, and they don't need to go to the polls that day."

But while Renee Steinhagen, executive director of the NJ Appleseed Public Interest Law Center, said there is nothing wrong with encouraging voters to cast

absentee ballots, she cautioned that a fine line exists between help and fraud.

"There's a difference between getting out the vote ... and then, in effect, voting for them," she said, noting the absentee ballot has no safeguards to ensure a voter is "not having an outsider standing over their shoulder."

Steinhagen, who helped represent the Roselle challengers independently of her job at the law center, said voters need to read the instructions and be savvy about the rules and process – which can be confusing.

Voting by absentee requires two steps. Voters must first apply to their county clerk for an absentee ballot. When they get the ballot in the mail, voters must fill out the ballot and other enclosed forms completely, and send the ballot to the election board in specially marked envelopes. Anyone assisting a voter in filling out any of these documents must sign them in front of the voter.

"If those rules aren't followed, the opportunity for fraud is enhanced," Steinhagen said.

Steinhagen supported New Jersey's expanded absentee ballot law when it first passed, but said she is now encouraging the New Jersey Public Advocate to examine the law to improve it.

Lesniak, the most powerful Democrat in Union County, agreed the process should be streamlined.

"It's not a simple ballot to figure out," he said. "I think election officials need to look at making it more understandable."

Although Danes Exantus is now a registered voter and understands the voting process, he said is angry and discouraged by what happened last spring. The June primary was the first time he tried to vote in a U.S. election -- and he said it will be his last absentee vote.

"I don't want to do that no more," he said.

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The Press of Atlantic City

Little proof, much distrust at Atlantic County meeting on ballot fraud

By THOMAS BARLAS Staff Writer, (609) 272-7201

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Updated: Thursday, June 1, 2006

PLEASANTVILLE — A town meeting called by Atlantic County officials to find evidence of messenger ballot fraud turned up more citizen frustration Tuesday night than hoped-for facts.

Residents complained of inaction by law enforcement, lax ballot-handling procedures and what they contended was malaise on behalf of election officials in investigating possible messenger ballot fraud.

While some residents promised to eventually provide proof of voter fraud, or direct investigators to people who could, a few were plainly distrustful of anyone involved in the election process.

Atlantic City resident Steve Young said he's already provided law enforcement with what he said was documented proof of messenger ballot-abuse, but no action was taken. He was reluctant to turn over more information to members of the Atlantic County Board of Chosen Freeholders, who called the meeting Tuesday.

"Whom would you trust?" he demanded, saying no one is guaranteeing protection for people who have been intimidated into signing for messenger ballots they never received.

Young eventually turned over copies of his alleged proof, with county officials saying they would forward them to the proper authorities.

Former Atlantic City Mayor Lorenzo Langford said Superior Court judges have already thrown out elections after ruling hundreds of votes were cast fraudulently.

"Anytime you have a judge say he has evidence in his hands of voter fraud, that's all the evidence you need," Langford said. "What was done (by law enforcement)? Absolutely nothing. It was three years ago. It doesn't take three years to find the guilty parties."

Tuesday's meeting at the city's municipal complex was called because of what the freeholders said has been years of voter fraud involving messenger ballot use primarily here and in Atlantic City. They claim an inordinate number of messenger ballots — totalling in the hundreds — helped swing election victories to candidates who initially lost based on voting machine tallies.

Atlantic County Prosecutor Jeffrey S. Blitz said after the last Atlantic City Board of Education election, in which messenger ballots played a large role in the outcome, that he is investigating voter-fraud claims. Blitz would only say that the investigation began before recent complaints about messenger ballot use in the Board of Education election.

Messenger ballots are part of the absentee ballot system. They are supposed to be used in the last seven days before an election by a person who is sick or confined and therefore can't get to the polls.

Republican Frank Blee and Democrat James Whelan, assemblymen who represent the 2nd Legislative District, which includes Pleasantville and Atlantic City, are both planning to introduce legislation that would change the way messenger ballots are used.

During Tuesday's meeting, local resident Gus Harmon told the freeholders he knows of at least one incident when a person who went to the polls to vote was told he had already voted via absentee ballot. That person had no knowledge of applying for an absentee ballot, he said.

An Atlantic City resident said she also knows of several elderly people who were intimidated into applying for absentee ballots, which they also never got. She alleged she saw people taking those ballots out of mailboxes.

Local resident Joseph Yeoman said he turned over 140 fraudulent absentee ballots to the Atlantic County Prosecutor's Office during the 2004 general election.

"They were all checked by handwriting experts who certified that the same person filled out the ballots," he said.

But the biggest call on Tuesday was to somehow unify to fight the alleged abuse of messenger ballots.

"This is not a white issue or a black issue or a Republican issue or a Democratic issue," he said. This is a people problem."

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Everything Jersey

TODAY'S SUNBEAM

Possible P.G. voting problems probed

Thursday, June 08, 2006

By CHRISTOPHER WEIR

Staff Writer

PENNS GROVE -- The Salem County Prosecutor's Office announced Wednesday it is conducting an investigation into possible voting improprieties in Tuesday's Democratic Primary Election in the Borough of Penns Grove.

Salem County Prosecutor John T. Lenahan said his office was contacted Wednesday by the Salem County Board of Elections and informed of several possible problems with the Penns Grove Democrat primary.

"The Board of Elections brought to our attention several possible improprieties which we will be investigating vigorously in the next several days," Lenahan said.

"Unusual" has been the word that several county officials have used to describe Tuesday's Democrat primary in Penns Grove in which the outcome was determined by a large amount of absentee ballots that were cast.

Democrats John Scarpaci and Sonya Worley, who received 398 votes and 405 votes respectively, defeated candidates Richard A. Rowe and Robert T. Walters, who received 269 votes and 261 votes respectively.

It was the absentee ballots cast in the Democrat Party election in the borough that made the difference. In all, 330 absentee ballots were turned in from Penns Grove Democrats.

Countywide, in the Democrat and Republican primary election together, a total of 435 absentee ballots were cast -- 330 of them from Penns Grove.

On the absentee ballots turned in from Penns Grove, 308 votes were cast for Scarpaci, 307 for Worley, 20 for Walters and 16 for Rowe.

The election was clouded in controversy prior to Tuesday with allegations of voter fraud levied by one Penns Grove Democrat organization against another.

Members of the Stevenson Club recently filed a complaint with the Prosecutor's Office against the Penns Grove Democrat Municipal Committee alleging voter fraud by the origination.

The complaint cited, among other things, a high number of absentee ballots that were filed in the community and the fact that many of the residents applying for the ballots selected only two messengers -- Irene Scarpaci, Chairperson of the Municipal Democrat Committee, and Jose Mercado.

Irene Scarpaci, the wife of candidate John Scarpaci, said she knows Mercado but that he's not a member of her organization.

John Scarpaci and Worley were backed by the Penns Grove Democrat Municipal Committee while Rowe and

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Walters were backed by rival Democrat organization, The Stevenson Club.

Irene Scarpaci said the high number of newly registered voters this year was due to an extensive get-out-the-vote campaign conducted by the Democrat Municipal Committee.

She also said that the large number of votes for her organization's candidates by people who cast absentee ballots were due to her organization promoting their candidates to the people when they conducted their voter drive.

"All of the absentee ballots that our organization turned in were within the restraints of the law," Irene Scarpaci said Wednesday. "If any of the members of the Stevenson Club have any problem with the law, I suggest they get in contact with their legislators."

Stevenson Club member and borough Councilman A.J. Crescenzi said his organization will be investigating the ballots of those who voted to make sure that they are all legal residents of Penns Grove.

Crescenzi said that if it turns out that some of the ballots were not legitimate, the Stevenson Club will be pursuing a legal course of action.

Chairperson of the Board of Elections Carol Waddington Wednesday described the Penns Grove election as "different and unusual."

Waddington said that she doesn't remember an election where that many absentee ballots were cast in a town the size of Penns Grove. She also said it was odd that only a few messengers were selected to deliver a large number of the absentee ballots.

"It's not unusual for messengers to carry five to 10 ballots, but this was just more than the ordinary amount," Waddington said. "At the same time, it's not illegal, and there is no limit to the amount of ballots a messenger can handle."

Waddington said she couldn't recall an election whose outcome was determined by such a large number of absentee ballots.

Waddington also said it was also unusual that the majority of people casting absentee ballots chose Scarpaci and Worley, and that those people didn't choose candidates in other races such as sheriff, freeholder, or senator.

In the Democrat sheriff's race, for instance, only 79 of the 330 absentee voters cast a ballot for candidate William Higgins. Likewise for county freeholder. Out of the 330 ballots, Beth E. Timberman received only 53 votes and Jeff Hogan received only 47 votes. There had been a potential from those absentee ballots for Higgins, Timberman and Hogan to each to receive up to 330 votes.

The same was reflected in the U.S. Senate and U.S. House of Representatives races. Only 206 of the 330 voters picked a Democrat Senate candidate and only 57 voters chose a Democrat House candidate.

County Clerk Gilda Gill on Wednesday echoed Waddington's opinion that the election was different than usual.

"Penns Grove always has a good amount of absentee ballots, but this year's number was unusually high," Gill said.

Suspect voter cards found

By *Jo Mannies*

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Tuesday, Oct. 10 2006

St. Louis Election Board officials say they've discovered at least 1,492 "potentially fraudulent" voter registration cards - including three from dead people and one from a 16-year-old - among the thousands pouring in before today's voter registration deadline for the Nov. 7 election.

City Republican elections director Scott Leiendecker said the board's staff expects to find even more bogus voter-registration applications among the thousands remaining to be processed. The board plans to turn all the questionable cards over to city Circuit Attorney Jennifer Joyce for investigation and possible prosecution, said board chairman Kimberley Mathis.

The board says all the questionable cards were turned in by one group - the Association of Community Organizations for Reform Now, commonly known as ACORN.

Brian Mellor, the group's election counsel, said that it welcomed any prosecutions of workers who turn in fraudulent cards. "We try very hard to monitor the employees, but there are chances of things slipping through," he said.

Mellor said his group pays the workers \$8 an hour to register voters and not by the number of registrations they collect.

But Mellor added that he was angry that Leiendecker had said nothing about the questionable cards during a meeting Tuesday afternoon. Leiendecker replied the cards weren't the purpose of the meeting, which he said focused on missing information on some of the voter registrations.

Statewide, ACORN has turned about 40,000 new voter registrations in recent weeks, Mellor said. About 15,000 were collected in the city of St. Louis and 5,000 in St. Louis County. The rest were primarily in the Kansas City area.

ACORN's voter-registration collections have come under fire in recent weeks in several states, including Ohio and Pennsylvania. Mellor and national ACORN communications director Kevin Whelan said that most of the allegations have turned out to be unfounded. Mellor detailed the findings of various investigations into ACORN's 2004 voter-registration activities that he said also turned up no wrongdoing.

In St. Louis three years ago, the city Election Board reported finding more than 1,000 suspicious voter registration cards turned in by ACORN. No one appears to have been prosecuted in that case, although Joyce's office has obtained convictions regarding fraudulent voter-registration cards turned in by people working for other, now-defunct groups.

The latest batch of questionable cards tied to ACORN included one that attempted to register Miya Hinton, who is listed as a 20-year-old residing at an address in the 4800 block of Sacramento Avenue. It turns out that Hinton is 16 and lives at a different address in that block.

Her mother, Monique Hinton, alerted the Election Board after the family received the board's standard letter confirming the new registration. Hinton

says she became concerned about how someone had obtained some of her daughter's personal information, such as the correct month and day she was born.

"Her rights are being violated," Hinton said.

Miya Hinton's signature appears to have been forged on the voter registration card, Leiendecker said.

Hundreds of the questionable voter-registration cards have suspicious signatures, with some showing similar handwriting, said Bettie Williams, board voter registration supervisor.

The circuit attorney's office said it couldn't comment until it received the cards.

Whelan and Mellor also disputed a separate controversy, ignited by a local political blog, pubdef.net, where a former ACORN employee alleged that she and other voter-registration workers had been told to promote the candidacy of state Auditor Claire McCaskill, a Democrat running for the U.S. Senate.

Both ACORN officials said that's not true and that ACORN workers are only promoting Proposition B, the Nov. 7 ballot proposal to increase Missouri's minimum wage to \$6.50 an hour, from the \$5.15 an hour it is now. That ballot proposal is the chief reason why ACORN has been so active in registering Missouri voters, they said.

McCaskill said she knew nothing about ACORN's activities; a state Republican Party spokesman said it was concerned about the blog's account.

Election Board questions about voter roll names 'shows system is working'

By **Jo Mannies**

POST-DISPATCH POLITICAL CORRESPONDENT

Wednesday, Oct. 11 2006

Missouri Secretary of State Robin Carnahan on Wednesday praised the St. Louis Election Board's staff for raising questions about the validity of at least 1,492 new voter registrations, including three from dead people and one from a 16-year-old.

"It shows the system is working," Carnahan said. She added that the discovery of the questionable registrations should not be interpreted as "voter fraud," since no votes have been cast.

Wednesday was Missouri's deadline for voters seeking to register in the Nov. 7 election.

However, Missouri Republican Party executive director Jared Craighead contended Wednesday that the questionable registrations "underscores the need" for stricter voter identification requirements in Missouri.

The state GOP party supports the new state law that would require voters on Nov. 7 to show government-issued photo identification - such as drivers license or passport - before they can vote. The Missouri Supreme Court is considering the fate of that law, which was blocked by a lower-court judge. Among other things, the judge cited the costs of the birth certificates or other documents needed to get the IDs.

Carnahan, a Democrat, said that the voter identification law would have done nothing to curb those who seek to register bogus voters. "History has shown that most of the voter fraud in this state has involved absentee ballots, where people don't show up at the polls," she said. Carnahan noted that the voter ID law did not mandate such IDs for absentee voters.

Missouri Democratic Party spokesman Jack Cardetti said, "Any registration that turns out to be fraudulent should be prosecuted."

Meanwhile, the Missouri Republican Party announced that it was filing a complaint with the Federal Election Commission against the group accused of collecting the questionable registrations - the Association of Community Organizations for Reform Now.

City Republican Elections Director Scott Leiendecker said that no other group was being accused of submitting questionable voter registrations.

The Democrat

Jury convicts Williams

By David Phelps
The Natchez Democrat
March 10, 2006

VIDALIA — It took the Attorney General's office all day to make its case against Henrietta Williams.

It took the jury just 16 minutes to find her guilty of tampering with the absentee ballot of Maude Lee Williams.

"We feel like justice was done," Assistant Attorney General David Caldwell said. "This kind of thing needs to stop, and I think the jury sent a clear message."

The state sent the jury a pretty clear message itself, putting eight people on the stand who gave testimony that the women who signed as witnesses on Maude Williams' ballot affidavit had not been present at her house when she signed — or didn't sign, a matter of debate — her ballot April 1, 2004.

The ballot affidavit in question — the ballot itself is not a matter of public record — contained Maude Williams' personal information in a hand everyone, from the defendant to the state's handwriting expert, agreed was that of Henrietta Williams.

Filling out information on an absentee ballot for an infirm person, as the 80-year-old Maude Williams certainly appeared in court to be, is not a crime, if that person is registered as handicapped with the registrar of voter office, which she was not.

The state wasn't worried about that, however. It was the signatures of the two witnesses on the affidavit that were the basis of the filing or maintaining false public records charge.

Caldwell and Butch Wilson, who led the prosecution, put five witnesses on the stand, who all said Shirley Mason and Eloise Polk were not present at the time of the ballot's signing.

"What is a witness?" Wilson asked in his closing argument. "It's a person who's there and sees something happen. If you're not there, you can't be a witness."

This made the witness signatures false information, the filing of which is a crime.

Defense counsel William Yarbrough argued that two of the state's witnesses, Polk and Mason, had lied during their initial interview with authorities — in which they said they had watched Maude Williams sign — and were lying this time as well.

As for two other of the state's witnesses — Maude Williams' granddaughters Renacia Reed and Felicia Williams, the later who filed the complaint — Yarbrough said in his closing statement they were upset because they had wanted to take their grandmother's ballot to vote for the losing candidate in the election.

And, finally, Yarbrough argued for a close reading of the ballot affidavit.

“Even if Mason and Polk signed it elsewhere, there is no false information on the document,” he said.

Time and again, Yarbrough tried to make Maude Williams' signature an issue, but the state countered that Henrietta Williams was not accused of forgery. Ad hoc Judge Sharon Marchman, working through laryngitis, agreed with the state.

The jury did, too, to Wilson's satisfaction.

“With the clear and incontrovertible evidence the state put before the jury, there wasn't much else they could have done,” Wilson said.

The speed of the verdict didn't surprise him either.

“I'm not surprised by anything a jury does.”

Henrietta Williams will be sentenced April 4. She could receive up to five years and or a \$5,000 fine. A pre-sentencing investigation will take place before the hearing.

She was remanded and Marchman set her bond at \$25,000. Friends of hers said they expected her to post the bond.

Yarbrough said his client plans to appeal the verdict.

The trial was just the opening salvo in the Ferriday voter fraud saga.

Williams is one of five Ferriday residents accused of 21 counts of forging, filing false ballots and conspiracy relating to the absentee ballots of Estella, Lillie and Frederick White.

The Attorney General's office decided to try Williams first on the sole unrelated count after a late disclosure of discovery material prompted the continuance of the other matters.

The two sides will hold a status conference after the April 4 sentencing hearing.

October 11, 2006

U.S. Says Blacks in Mississippi Suppress White Vote

By ADAM NOSSITER

MACON, Miss., Oct. 5 — The Justice Department has chosen this no-stoplight, courthouse town buried in the eastern Mississippi prairie for an unusual civil rights test: the first federal lawsuit under the Voting Rights Act accusing blacks of suppressing the rights of whites.

The action represents a sharp shift, and it has raised eyebrows outside the state. The government is charging blacks with voting fraud in a state whose violent rejection of blacks' right to vote, over generations, helped give birth to the Voting Rights Act of 1965. Yet within Mississippi the case has provoked knowing nods rather than cries of outrage, even among liberal Democrats.

The Justice Department's main focus is Ike Brown, a local power broker whose imaginative electoral tactics have for 20 years caused whisperings from here to the state capital in Jackson, 100 miles to the southwest. Mr. Brown, tall, thin, a twice-convicted felon, the chairman of the Noxubee County Democratic Executive Committee and its undisputed political boss, is accused by the federal government of orchestrating — with the help of others — “relentless voting-related racial discrimination” against whites, whom blacks outnumber by more than 3 to 1 in the county.

His goal, according to the government: keeping black politicians — ones supported by Mr. Brown, that is — in office.

To do that, the department says, he and his allies devised a watertight system for controlling the all-determining Democratic primary, much as segregationists did decades ago.

Mr. Brown is accused in the lawsuit and in supporting documents of paying and organizing notaries, some of whom illegally marked absentee ballots or influenced how the ballots were voted; of publishing a list of voters, all white, accompanied by a warning that they would be challenged at the polls; of importing black voters into the county; and of altering racial percentages in districts by manipulating the registration rolls.

To run against the county prosecutor — one of two white officeholders in Noxubee — Mr. Brown brought in a black lawyer from outside the county, according to the supporting documents, who never even bothered to turn on the gas or electricity at his rented apartment. That candidate was disqualified. Whites, who make up just under 30 percent of the population here, are circumspect when discussing Mr. Brown, though he remains a hero to many blacks. When he drove off to federal prison to serve a sentence for tax fraud in 1995, he received a grand farewell from his political supporters and friends, including local elected officials; whites, on the other hand, for years have seen him as a kind of occult force in determining the affairs of the county.

Still, many whites said privately they welcomed the Justice Department's lawsuit, which is scheduled for trial early next year.

"In my opinion, it puts the focus on fair play," said Roderick Walker, the county prosecutor Mr. Brown tried to oust, in 2003. "They were doing something wrong."

Up and down South Jefferson Street, though, in the old brick commercial district, the white merchants refused to be quoted, for fear of alienating black customers. "There's a lot of voting irregularities, but that's all I'm going to say," one woman said, ending the conversation abruptly.

The Justice Department's voting rights expert is less reserved. "Virtually every election provides a multitude of examples of these illegal activities organized by Ike Brown and other defendants, and those who act in concert with them," the expert, Theodore S. Arrington, chairman of the

political science department at the University of North Carolina at Charlotte, wrote in a report filed with the court.

Mr. Brown is coolly dismissive of the case against him. He has no office at the white-columned Noxubee County Courthouse, but that is where he casually greets visitors, in a chair near the entrance. A loquacious man, he both minimizes his own role and portrays himself as a central target. Far from being the vital orchestrator portrayed by the government, “when I was in Maxwell prison in ’95 and ’96, the show went right on,” he said.

There are so few whites in the county, Mr. Brown suggests, that the tactics he is accused of are unnecessary to keep blacks in office.

“They can’t win anyway unless we choose to vote for them,” he said with a smile. “If I was doing something wrong — that’s like closing the barn door when the horse is already gone.”

He sees the lawsuit against him as merely the embittered reaction of whites who feel disenfranchised, and he scoffs at a consent decree signed last year in which county officials agreed not to harass or intimidate white candidates or voters, manipulate absentee ballots, or let poll workers coach voters, among other things. “I wouldn’t sign my name,” Mr. Brown said.

But the Justice Department is pressing ahead with its suit, and wants to force Mr. Brown to agree to the same cease-and-desist conditions as his fellow county officials.

The state’s Democratic establishment has hardly rallied around Mr. Brown; privately some Democrats here express disdain for his tactics. Instead, he is being defended by a maverick Republican lawyer who sees the suit as an example of undue interference in the affairs of a political party.

“To do what they want to do, they would virtually have to take over the Democratic Party,” said the lawyer, Wilbur Colom, adding that Mr.

Brown's notoriety had made him the focus of the investigation. "I believe they were under so much pressure because of Ike's very sophisticated election operation. He is a Karl Rove genius on the Noxubee County level."

In Jackson, though, a leading light in Mr. Brown's own party, Mississippi Secretary of State Eric Clark, a longtime moderate in state politics, refused to endorse him.

"Anybody who tries to prevent people from voting is breaking the law," Mr. Clark said. "I certainly suspect some of that has been going on."

Back in Macon, in the shadow of the courthouse green's standard-issue Confederate monument, Mr. Brown spoke of history: "They had their way all the time. They no longer have their way. That's what it's all about." The case is "all about politics," he said, "all about them trying to keep me from picking the lock."

But Mr. Walker, the county prosecutor, insisted the past had nothing to do with the case against Mr. Brown. "I wouldn't sit here and pretend black people haven't been mistreated," he said. "I hate what happened in the past. But I can't do anything about it."

Article published Aug 1, 2006

Voter fraud concerns raised

By Reuben Mees

With a special election less than a month away that could shift the balance of Hattiesburg's power structure, representatives of candidates and political interests are trying to make sure the potential for voter fraud is minimized.

Scott Tyner and Clint Martin, Hattiesburg residents who worked as poll watchers for Mayor Johnny DuPree in the 2005 election, spoke to the Hattiesburg Election Commission Monday and asked what would be done to address claims Tyner made following the June 7, 2005, municipal election. Tyner was a poll watcher at the Woodley precinct.

Tyner, whose complaint will be heard next week, has alleged that white poll workers at Woodley allowed a few white residents to vote more than once while steps were taken to prevent a few black residents from voting there.

"I take issue to certain people being denied their inalienable rights," Martin said.

Election commission chairwoman Karlynn Courtney said that with the Aug. 29 election confined to one precinct, it should be easier for the commission to respond to any reported incidents.

"If a poll worker sees something they need to call one of the election commissioners immediately or City Hall, and we will do our best to respond and resolve it," she said.

Tyner said he would like the commission to have a more diverse group of poll workers in this and future elections.

Tyner made his initial Woodley complaint Aug. 5, 2005, but it was not addressed at the time because the election commission disbands after a municipal election.

Meanwhile, new appointees to the election commission were caught up in the department head standoff at City Hall. The appointees were not approved until two weeks ago.

Republican mayoral candidate Betsy Rowell, who also complained shortly after the 2005 election regarding practices at the Rowan precinct and the handling of a ballot box, said she believes such problems need to be addressed at the state level.

She did not file a formal complaint.

"We need voter ID," Rowell said. "That solves a lot of issues, but that's a stretch."

But she also said getting nonbiased people working the polls is a critical issue as well.

"What is important is to have people who conduct those elections be people who are neutral. These are people who are appointed by the mayor. That is part of the process that needs looked at," she said.

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Sue Bush, who was at the meeting representing candidate Dave Ware, said it will be important to analyze recent voter registrations as well as get good poll workers to reduce any possibility of fraud.

"There is potential for it (voter fraud) to be there, and we are going to try to keep it from happening," Bush said.

As of Monday morning, 474 people in Ward 4 had registered for the special election, Forrest County Deputy Circuit Clerk Carolyn Nelson said. About 170 of those were new voters while the remainder were change of addresses, she said.

During the 2005 election, there were just under 5,000 registered voters in Ward 4, City Clerk Eddie Myers said.

Registrations postmarked on or before July 30 still are arriving and will be added to the voter rolls.

Nelson said the voter registration bank is purged on a monthly basis as the circuit clerk's office receives information from the city or other voting jurisdictions that voters have moved or died.

Paper ballots will be used in the special election, and that decision has caused some criticism.

Myers said the election commission selected paper ballots because they are cheaper to produce and the city does not have to rent optical scan machines or use electronic machines election officials have not been trained on.

"If someone comes in to vote under a different name, they can do that just as easily whether it's a paper ballot or a machine," he said.

Paper ballots are typically counted at the precinct immediately after the polls close and then sent to City Hall for certification later in the evening.

Election results, however, are not official until the election commission rules on all provisional or affidavit votes cast on the day of the election, Ward 4 election commissioner George DeCoux said. That could take two or more days depending on voter turnout.

Article published Aug 11, 2006

Commission addresses voter fraud concerns

By Reuben Mees

The seven poll workers at each of the three voting precincts in the Aug. 29 special election will represent both a political and racial cross section of city residents, Hattiesburg Election Commission members said Thursday.

"We expect to have a diverse group," Ward 4 Commissioner George DeCoux said.

His comments came after a public hearing in which Scott Tyner and Clint Martin expressed concerns over issues they saw while working as poll watchers during the 2005 municipal elections.

The concerns came forward after the election commission re-formed in mid-July to prepare for the special election to fill the Ward 4 City Council seat.

Tyner, who was stationed at the Woodley precinct in 2005, complained of instances where he alleged black voters were turned away from the polls without being advised of their right to vote by affidavit ballot, while white voters in similar situations were given a regular ballot and allowed to vote.

Election law states that any voters who believe they are registered at a specific precinct can cast an affidavit ballot there and the election commission is responsible for determining within days of the election if the vote is valid.

Tyner, who said he has been closely studying election and voter fraud issues for the past six years, cautioned the election board that election fraud occurs a little at a time.

"When you've got a few people cheating here and a few people cheating there, you've got 5 percent and that's enough to make a difference in an election," he said.

Commission Chairwoman Karlynn Courtney said the commission decided to use some of the best poll workers they knew from all five wards of the city to work this election.

"The (election) code says we should get poll workers from the precinct, but it does allow us to go outside the precinct or outside the ward when we feel it's necessary," she said.

While Tyner mentioned several poll workers by name, Courtney said those people would not be working the polls in the special election to avoid any potential problems.

Both Tyner and Martin said they believe that having a diverse group of individuals working the polls is the best solution.

"I think election officials should be more diverse," Martin said. "If it's a predominantly white area, there should be some black folks in there and vice versa if it is a predominantly black area."

Martin, who was a poll watcher at the Timberton precinct, complained that a group of developmentally challenged individuals were assisted while voting. Commissioner Daisy Lee

Wade said she responded personally to that situation and made poll workers aware of their responsibilities.

Tyner, however, agreed with the commission that paper ballots are the fairest way to keep potential fraud from the election.

"I am glad y'all chose paper ballots," he said. "They do have their problems, but there are far more problems with the machines that haven't been resolved yet."

The election commission opted to use the paper ballot because it is cheaper and does not require special training to use as do the new touch-screen machines that are being used in this year's statewide races.

City Clerk Eddie Myers said paper ballots have been the norm for special elections since at least 1992.

While Tyner spoke as a Democratic poll watcher, Democratic Executive Committee member Brown Miller said the party was not backing Tyner's complaint.

"We didn't authorize any poll watcher during this election to represent our party," Miller said. "We've got as good a system here as they do anywhere, and we always have a task on our hands to find people who can be fair and learn what you try to train them."

Immigration: Lawmakers debate use of ID to fight voter fraud

By ASSOCIATED PRESS
August 3, 2006

New Mexico legislators testify at one of 26 House hearings held to explore immigration issues

LAS CRUCES -- State Rep. Justine Fox-Young, testifying at a U.S. House field hearing Thursday, argued stronger voter identification is needed to prevent fraud, but others cautioned such requirements could discriminate against minorities.

The hearing was scheduled to investigate issues related to voting by noncitizens, but U.S. Rep. Vernon Ehlers, R-Mich., chairman of the House Committee on Administration, said he wanted to hear more about all types of fraud. "I kept trying to steer away from that," he said. "It's part of the problem, but it's not the whole problem."

At a later hearing in Phoenix, government officials also argued that stronger voter identification is needed to prevent illegal immigrants from casting ballots.

Fox-Young, R-Albuquerque, said it's hard to determine the extent of voting by illegal immigrants in New Mexico. She suggested voters should be required to show proof of citizenship, such as a federal voter-identification card that includes a photo.

"There is no systematic method for detecting fraud," she said.

Kathleen Walker, an El Paso immigration attorney and president elect of the American Immigration Lawyers Association, said any requirement to show identification would be difficult for some groups.

Kimmeth Yazzie, a program specialist with the Navajo Election Administration, said an ID requirement would be difficult for Navajos, many of whom live in rural areas without physical addresses and don't like to have their photos taken for religious reasons.

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Ehlers said he thinks certain organizations are taking advantage of immigrants by registering them to vote and using their identities to commit fraud. He said he doubts there's much of a problem with individuals who aren't citizens trying to cast ballots.

U.S. Rep. Zoe Lofgren,

D-Calif., a committee member, said the 26 hearings around the country represent an attempt to draw attention from a stalemate between the House and Senate regarding immigration reform, along with other problems.

"The Republicans have been in charge of this. They have the Senate and the House, and they haven't done anything," she said. "These field hearings aren't a suitable answer to that lack of action."

Ehlers and U.S. Rep. Steve Pearce, R-N.M., who was invited to participate in the two-hour meeting in his home district, said that's not the case.

"We're not distracting anyone," Ehlers said.

The problem we have here is the Senate has never sent the (immigration) bill to us, and it has nothing to do with whether we're holding hearings or not."

Pearce said he has been concerned about voting irregularities for some time. Although the last federal election was two years ago, Pearce said it often takes time for hearings to be scheduled.

"I think the main thing we did was bring the issue out publicly and talk about it on the record," he said.

Comments

By Linda Bence (Submitted: 08/05/2006 12:20 pm)

Why is it so hard to understand, Maria, that if you are supposed to be tested for your verbal and written understanding of our language in order to become a citizen, that you should be able to function well enough to vote. Those who required translation in order to vote JUST might NOT be citizens. Developmentally disabled CITIZENS in our country are allowed assistance with voting with a person of their choice. If they can prove they are citizens, they should be allowed to vote whether or not they understand

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who or what they are voting for. The problem with the last election with Florida is that apparently a large number of Israelis are allowed to vote with dual citizenship and they were too stupid to punch their chads.

By Maria Leyba (Submitted: 08/05/2006 6:53 am)

Linda Bence: would you also like to cut voting rights for developmentally disabled folks too? I mean your proposal would include them too. Strip them of those rights, right? They can't understand so they got no vote.

By Linda Bence (Submitted: 08/05/2006 12:14 am)

Where is there discrimination if EVERYONE is required to produce proper documents that you are a U.S. citizen that entitles you to vote. If every race and nationality is asked for the same documents, there is no discrimination. If you are unable to provide these documents because you do not understand what is asked for, you should not be voting. Voters should become informed. All persons seeking U.S. citizenship must show ability to read and understand English in order to gain citizenship. So, if you don't understand what is required for voting, you are most likely NOT entitled to vote.

By paul david (Submitted: 08/04/2006 1:28 pm)

Is there any evidence that voter registration fraud is a problem? The BIG fraud is in denying people the right to vote, miscounting or destruction of ballots, and tampering with machines. I doubt Rep. Young Fox's Republican constituents really support a national ID program.

By Eric Scott (Submitted: 08/04/2006 7:48 am)

Ed would you prefer the Supreme Court selecting our President from now on?

By ed forde (Submitted: 08/04/2006 7:39 am)

Apparently they have not heard the threats of certain Hispanic Immigrant groups to deliberately register noncitizens to vote, with the goal of electing officials who would change or eliminate all laws related to immigration, such as open borders.

By Lewis Morris (Submitted: 08/04/2006 7:06 am)

Preventing crime outweighs bruised egos.

The Albuquerque Tribune

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URL: http://www.abqtrib.com/albq/nw_national_government/article/0,2564,ALBQ_19861_4612936,00.html

White House linked to Election Day ploy

By Associated Press
April 11, 2006

WASHINGTON - Democrats plan to ask a federal judge today to order GOP and White House officials to answer questions about possible phone jamming in a civil lawsuit alleging voter fraud.

Democrats said the phone-jamming scheme was designed to keep New Hampshire Democrats from getting out the vote in the 2002 Senate race.

When staff and volunteers were to make phone calls to get Democrats to the polls, Republicans are said to have planned to keep phone lines busy.

Repeated hang-up calls that jammed telephone lines at a Democratic get-out-the-vote center occurred in a Senate race in which Republican John Sununu defeated Democrat Jeanne Shaheen, 51 percent to 46 percent, on Nov. 5, 2002.

Phone records introduced in criminal court Monday show key Republican figures in the scheme had regular contact with the White House and the Republican Party as the plan was unfolding.

It has been suggested Republicans and the White House made plans in a series of phone calls made within a three-day period around Election Day 2002.

The records show President Bush's campaign operative James Tobin, who was recently convicted in the case, made two dozen calls to the White House as the phone jamming operation was finalized, carried out and then abruptly shut down.

The national Republican Party, which paid millions in legal bills to defend Tobin, says the contacts involved routine election business and it was "preposterous" to suggest the calls involved phone jamming.

The Justice Department has secured three convictions in the case but hasn't accused any White House or national Republican officials of wrongdoing, nor made any allegations suggesting party officials outside of New Hampshire were involved. The phone records of calls to the White House were exhibits in Tobin's trial but prosecutors did not make them part of their case.

Besides the conviction of Tobin, who was the Republicans' New England regional director, prosecutors negotiated two plea bargains: one with a New Hampshire Republican Party official and another with the owner of a telemarketing firm involved in the scheme. The owner of the subcontractor firm whose employees made the hang-up calls is under indictment.

Phone records show that most calls to the White House were from Tobin, who became Bush's presidential campaign chairman for the New England region in 2004. Other calls from New Hampshire senatorial campaign offices to the White House could have been made by a number

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of people.

A GOP campaign consultant in 2002, Jayne Millerick, made a 17-minute call to the White House on Election Day, but in an interview said she did not recall the subject. Millerick, who later became the New Hampshire GOP chairwoman, said she did not learn of the jamming until after the election.

A Democratic analysis of phone records introduced at Tobin's criminal trial show he made 115 outgoing calls - mostly to the same number in the White House Political Affairs Office - between Sept. 17 and Nov. 22, 2002. Two dozen of the calls were made from 9:28 a.m. the day before the election through 2:17 a.m. the night after the voting.

There were also other calls between Republican officials during the period that the scheme was hatched, conducted and canceled.

Prosecutors did not need the White House calls to convict Tobin and negotiate the two guilty pleas.

Whatever the reason for not using the White House records, prosecutors "tried a very narrow case," said Paul Twomey, who represented the Democratic Party in the criminal and civil cases. The Justice Department did not say why the White House records were not used.

The Democrats, in their civil case motion, said they were entitled to know the purpose of the calls to government offices "at the time of the planning and implementation of the phone-jamming conspiracy . . . and the timing of the phone calls made by Mr. Tobin on Election Day."

While national Republican officials have said they deplore such operations, the Republican National Committee said it paid for Tobin's defense because he is a longtime supporter and told officials he had committed no crime.

By Nov. 4, 2002, the Monday before the election, an Idaho firm was hired to make the hang-up calls. The Republican state chairman at the time, John Dowd, said he learned of the scheme that day and tried to stop it.

Dowd, who blamed an aide for devising the scheme without his knowledge, contended the jamming began on Election Day despite his efforts. A police report confirmed the Manchester Professional Fire Fighters Association reported the hang-up calls began about 7:15 a.m. and continued for about two hours. The association was offering rides to the polls.

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Article published Dec 18, 2005

Bar codes on ballots proposed to fight voter fraud Also: 5,000 reasons to remember

Pataki

Dan Barrick & Meg Heckman

Monitor staff

If the phone-jamming trial of former national Republican operative James Tobin was the main attraction in last week's voter-fraud revue, the tiff between Warren Henderson and Kathy Sullivan over alleged fraud in last month's mayor's race in Manchester was a mere sideshow.

But Henderson, chairman of the state Republicans, hopes the Legislature remembers the Manchester dispute when the new session opens. A proposal from the House Election Law Committee is designed to protect the state from the prospect of unscrupulous voters who take advantage of same-day registrations by lying on domicile or citizenship affidavits.

The plan would be to mark the ballots of same-day registrants with special bar codes that match their registration cards, to identify specific votes in the event of an affidavit challenge and election recount. That's according to Rep. Bill O'Brien of Mont Vernon, who led the election law subcommittee that studied the issue.

For those who missed the Manchester mess while paying attention to the higher-profile Tobin trial, Henderson filed an additional election-law complaint against Geoff Wetrosky, who stayed with Democratic Party Chairwoman Sullivan while working as campaign manager for incumbent Mayor Bob Baines, who lost to Republican Frank Guinta.

Last month, Henderson filed multiple complaints and contacted the police after Wetrosky was spotted removing Guinta signs and taking them back to Sullivan's house. Democrats said the signs were taken from the public right-of-way, not private property, and the police found no evidence to the contrary.

Last week, Henderson asked the attorney general to investigate Wetrosky for voting in Manchester on a same-day registration, then skipping town. And he criticized Democrats for "picking and choosing the wrongdoing they condemn."

"All he was (doing) was flopping in Kathy Sullivan's house. He has no ties to New Hampshire," Henderson said.

Sullivan called Henderson a "jerk" and told the AP he was trying to ruin the life of Wetrosky, a young campaign worker who Sullivan said plans to return to New Hampshire after a trip home to South Dakota for the holidays.

Henderson believes the state's open voting laws provide an invitation to fraud.

No one on the election law subcommittee wanted to scrap same-day registration. This would open a "Pandora's box of problems," like potentially diminishing the state's high voter turnout, said O'Brien, a Republican. Marking ballots and registration cards with matching codes is an alternative.

Meanwhile, Republicans are watching to see if Wetrosky - a former John Kerry campaigner whose salary in Manchester was paid by Kerry, according to Roll Call - comes back to the Granite State. Attempts to reach him at his mother's house in Beresford, S.D., were unsuccessful.

More to come?

After Tobin was convicted for his role in the plot to jam Democratic phone banks in 2002, the prosecution said the federal government's investigation is ongoing.

Former state Republican executive director Chuck McGee and GOP consultant Allen Raymond both pleaded guilty for their involvement last year, and both testified that Tobin was the link between them.

Henderson said he believes the matter ended with those three, and the prosecutor's statement was just a stock response. But state Democrats suggest that others were involved. Specifically, they'd like to link the case to the allegations of corruption swirling about former House majority leader Tom DeLay and lobbyist Jack Abramoff, who were indicted on different matters last fall.

Four days before the 2002 election, New Hampshire Republicans received \$5,000 from DeLay's political action committee and \$5,000 each from two Indian tribes represented by Abramoff, who has close ties to DeLay. The total nearly equals the \$15,600 that McGee sent Raymond to pay for the phone jamming a few days later.

Little that came out in testimony in Tobin's trial suggested additional involvement, save for McGee's mention of "a gentleman by the name of Darrell Henry" who was "up from Washington volunteering." After McGee's boss, then-chairman John Dowd, ordered him to call off the phone plot, a disgruntled McGee mentioned his displeasure to Henry in the Manchester field office.

Henry surprised McGee by indicating he had heard about the plan and would "call some of his associates to pick up where we left off." That didn't make sense, McGee testified, because he had submitted a list of six specific numbers to Raymond for a telemarketing firm to jam. "I took it as bravado," McGee said. "I just took it as (Henry) was trying to be a nice guy and make me feel good."

But Sullivan believes Henry's name is a sign of a broader "culture of corruption" in the Republican Party. Henry was no college kid volunteering on election day; he's the director of government affairs for the American Gas Association in Washington.

Henry did not return calls placed to his office and cell phone last week.

Return visit?

Anti- eminent domain advocate Logan Darrow Clements appeared on Fox News's Hannity & Colmes Thursday to announce a rally in Weare next month.

Remember Clements? He's the Californian who was so rankled by the U.S. Supreme Court's Kelo vs. New London eminent-domain decision last June that he came up with a proposal to seize Justice David Souter's Weare farmhouse and replace it with the Lost Liberty Hotel.

In the Kelo case, a five-justice majority upheld the right of the city of New London, Conn., to take private property for the purposes of redevelopment and tax-base expansion. On Fox News, Clements invited viewers to join him in Weare Jan. 21 and 22 for a signature-harvesting effort. Clements needs just 25 signatures to get the Lost Liberty Hotel plan on the March town meeting ballot, but he said his goal is 3,000 signatures, for the sake of emphasis.

The weekend doesn't need to be all work, Clements said. On his freestarmedia.com site, he's urged like-minded folks to "make a vacation of it. New Hampshire offers great options for the whole family: skiing, snowmobiling, ice fishing, throwing snowballs at rotten politicians."

With Hannity encouraging him, Clements called his own effort "a modern-day Boston Tea Party" and a chance to home-school "five special needs students"- aka the justices who wrote the majority opinion. If Lost Liberty is a success, Clements said, he'll go on to propose economic development projects at the homes of the other four justices, too.

Pataki goes Platinum

New York Gov. George Pataki became one of the crowd when he spoke at a holiday party Wednesday for GOP donors in Concord. By pledging \$5,000, Pataki became the first of the potential 2008 presidential candidates to join the state party's Founders program, which recognizes major donors.

Massachusetts Gov. Mitt Romney and Senate Majority Leader Bill Frist of Tennessee have made themselves available for fundraisers but not pledged themselves, said Henderson, the party chairman.

The Republican State Committee launched the Founders program this fall to give special recognition to top-tier annual contributors and to encourage more donations. In the

Founders program, those who give \$1,000 are known as Directors, those who contribute \$5,000 are Platinum members and those who put up \$10,000 are Chairman's Select donors.

So far, there are two members of the Chairman's Select club: U.S. Sens. Judd Gregg and John Sununu.

Pataki joined six other donors in the Platinum ranks: state Rep. Jim Coburn of Windham, Fidelity Investments, Manchester mayor-elect Guinta, Rep. Richard "Stretch" Kennedy of Contoocook, former state senator and gubernatorial candidate Bruce Keough of Dublin, and former ambassador Joe and Augusta Petrone, also of Dublin.

Five donors have contributed at the \$1,000 Directors level.

On a roll

Speculation is growing among competitors in the eight-team Feds Bowling League that the judicial chambers at U.S. District Court in Concord contains a secret candlepin lane.

Judge Steven McAuliffe, who presided over the Tobin trial, is captain of the top team (McAuliffe's Marauders) in the federal standings at Boutwell's Bowling Center.

McAuliffe himself has an 89 average after 27 strings, including the second best men's triple of the season. In one three-game stretch he rolled a scorching 309.

----- End of article

Dan Barrick & Meg Heckman

Monitor staff

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From Capitol Hill Blue

POLITICS

Did White House help jam phone calls in election?

By LARRY MARGASAK

Apr 11, 2006, 01:25

Republican officials describe the two-dozen calls to the White House around Election Day 2002 as normal conversations about a close Senate race in New Hampshire.

Democrats have suggested in a court filing that another subject was discussed: a GOP scheme that jammed phone lines to keep state Democrats from being encouraged to vote.

The phone-jamming operation has led to three federal convictions and a pending indictment. Prosecutors have not raised questions in court about the White House conversations _ but records of the calls were available to them as criminal court exhibits.

The records show that Republican campaign operative James Tobin, who recently was convicted in the case, made two dozen calls to the White House within a three-day period around Election Day 2002 _ as the jamming operation was finalized, carried out and then abruptly shut down.

The national Republican Party, which paid millions in legal bills to defend Tobin, says it was "preposterous" to suggest the calls involved phone jamming.

Democrats have filed a motion asking a federal judge to order GOP and White House officials to answer questions about the phone jamming. The filing is part of the Democrats' civil lawsuit that alleges Republican voter fraud and seeks monetary damages.

Repeated hang-up calls that jammed telephone lines at a Democratic get-out-the-vote center occurred in the race that brought victory to GOP Sen. John Sununu. He defeated Democrat Jeanne Shaheen, 51 percent to 46 percent, on Nov. 5, 2002.

Besides the conviction of Tobin, the Republicans' New England regional director, prosecutors negotiated two plea bargains: one with a New Hampshire Republican Party official, and another with the owner of a telemarketing firm involved in the scheme. The owner of the subcontractor firm whose employees made the hang-up calls is under indictment.

The phone records show that most calls to the White House were from Tobin, who became President Bush's presidential campaign chairman for the New England region in 2004. Other calls from New Hampshire senatorial campaign offices to the White House could have been made by a number of people.

Virtually all the calls to the White House went to the same number, which currently rings inside the political affairs office. In 2002, White House political affairs was led by now-RNC chairman Ken Mehlman. The White House declined to say which staffer was assigned that phone number in 2002.

"As policy, we don't discuss ongoing legal proceedings within the courts," White House spokesman Ken Lisaius said.

A GOP campaign consultant in 2002, Jayne Millerick, made a 17-minute call to the White House on Election Day, but said in an interview she did not recall the subject. Millerick, who later became the New Hampshire GOP chairwoman, said in an interview she did not learn of the jamming until after the election.

A Democratic analysis of phone records introduced at Tobin's criminal trial show he made 115 outgoing calls _ mostly to the same number in the White House political affairs office _ between Sept. 17 and Nov. 22, 2002. Two dozen of the calls were made from 9:28 a.m. the day before the election through 2:17 a.m. the night after the voting.

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Prosecutors did not need the White House calls to convict Tobin and negotiate the two guilty pleas.

Whatever the reason for not using the White House records, prosecutors "tried a very narrow case," said Paul Twomey, who represented the Democratic Party in the criminal and civil cases. The Justice Department did not say why the White House records were not used.

The Democrats said in their civil case motion that they were entitled to know the purpose of the calls to government offices "at the time of the planning and implementation of the phone-jamming conspiracy ... and the timing of the phone calls made by Mr. Tobin on Election Day."

While national Republican officials have said they deplore such operations, the Republican National Committee said it paid for Tobin's defense because he is a longtime supporter and told officials he had committed no crime.

By Nov. 4, 2002, the Monday before the election, an Idaho firm was hired to make the hang-up calls. The Republican state chairman at the time, John Dowd, said in an interview he learned of the scheme that day and tried to stop it.

Dowd, who blamed an aide for devising the scheme without his knowledge, contended that the jamming began on Election Day despite his efforts. A police report confirmed the Manchester Professional Fire Fighters Association reported the hang-up calls began about 7:15 a.m. and continued for about two hours. The association was offering rides to the polls.

Robert Kelner, a Washington lawyer representing the Republican National Committee in the civil litigation, said there was no connection between the phone jamming operation and the calls to the White House and party officials.

"On Election Day, as anybody involved in politics knows, there's a tremendous volume of calls between political operatives in the field and political operatives in Washington," Kelner said.

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Voter Challengers Will Be Allowed

A federal appeals court has cleared the way for political parties to challenge voters' eligibility at polling places throughout Ohio, ruling early Tuesday that their presence on Election Day was allowed under state law.

Overturing the orders of two federal judges from the day before, a three-judge panel of the 6th U.S. Circuit Court of Appeals ruled 2-1 early Tuesday to grant emergency stays that will allow Republicans and Democrats one challenger per precinct each.

The judges also consolidated the two appeals, which stemmed from separate lawsuits in Cincinnati and Akron.

Plaintiffs' appeals to the U.S. Supreme Court were unsuccessful. Early Tuesday, Justice John Paul Stevens, who handles appeals from Ohio, refused a request to stay the 6th Circuit decision.

Republicans say they wanted challengers in many polling places because of concerns about fraud. Democrats have accused the GOP of trying to suppress Democratic turnout.

Hundreds of thousands of voters have been newly registered in a state President Bush and Sen. John Kerry both say they need to win.

The 6th Circuit judges said that while it's in the public interest that registered voters cast ballots freely, there is also "strong public interest in permitting legitimate statutory processes to operate to preclude voting by those who are not entitled to vote."

They also said smooth and effective administration of the voting laws means that the rules can't be changed hours before the election.

The dissent by Judge R. Guy Cole said the citizens of Ohio have the right to vote without the "threat of suppression, intimidation or chaos sown by partisan political operatives."

He said partisan challengers are seeking to target precincts that have a majority black population, and that when "the fundamental right to vote without intimidation or undue burden is pitted against the rights of those seeking to prevent voter fraud ..." the court must err on the side of voters.

Mark Weaver, legal counsel for the Ohio Republican Party, said Republican challengers had been told Monday to show up outside the polls pending the appeals court ruling. "We think the 6th Circuit made the right decision," he said.

"The state law is an important safeguard against election fraud," he said. David Sullivan, a spokesman for the Ohio Democratic Party, said Democratic challengers would be at the polls to protect voters' rights.

"It is unfortunate that a court of appeals has permitted the Republican Party to continue its plan to challenge voters on Election Day, but we were prepared for this outcome," he said in a statement released Tuesday.

Stevens acted on his own in what is known as a chambers opinion that did not involve the other Supreme Court justices. Technically, the plaintiffs could ask that all justices be consulted, but - given the time constraints

- the full court rarely disagrees with one of its individual justices in such matters.

"That reasonable judges can disagree about the issue is clear enough," Stevens wrote. "The allegations of abuse made by the plaintiffs are undeniably serious - the threat of voter intimidation is not new to our electoral system - but on the record before me it is impossible to determine with any certainty the ultimate validity of the plaintiffs' claims."

Two federal judges ruling on separate cases Monday had barred political party representatives from challenging voters at polling places throughout Ohio, saying poll officials should handle disputes over voter eligibility.

U.S. District Judge Susan Dlott in Cincinnati said plaintiffs in a lawsuit likely would be able to prove that Ohio's law allowing polling place challengers was unconstitutional. The GOP appealed her ruling to the 6th Circuit.

Dlott said the presence of challengers inexperienced in the electoral process questioning voters about their eligibility would impede voting.

She ruled in a lawsuit by a black couple who said GOP plans to deploy challengers to largely black precincts in heavily Republican Hamilton County, which includes Cincinnati, was meant to intimidate and block black voters.

In the second case, U.S. District Judge John Adams of Akron said poll workers are the ones to determine if voters are eligible. Adams ruled in a suit by the Summit County Democratic Party, which claimed the law allowing registration challenges is unconstitutional because it does not give a disqualified voter a chance to appeal in time to cast a ballot.

He wrote that representatives could not be at the polls for the sole purpose of challenging voters' qualifications.

The 6th U.S. Circuit Court of Appeals said the Ohio law authorizing the presence of challengers at the polling places is presumed to be constitutional and "has been on the books for a decade." Based on the two lower court rulings, Secretary of State Kenneth Blackwell's office had told county elections boards to bar all challengers from polling places.

After the appeals court disagreed in its overnight ruling and allowed the challengers, secretary of state spokesman Carlo LoParo said he assumed poll workers wouldn't learn of the news until voting began at 6:30 a.m. Tuesday.

"Our concern at this point is trying to figure out a way to get that information to Ohio's poll workers," he said. Also Monday, the Ohio Supreme Court clarified that political parties are allowed one challenger apiece for each precinct. The GOP registered about 3,500 challengers, and

Democrats say they've registered thousands but won't give a specific number. Under state law, voters may be challenged on their citizenship, age or residency.

Poll workers generally would challenge someone if his or her signature didn't match the one in the poll book, or if the poll worker recognized the individual as someone who didn't belong in that precinct.

Republicans have said they plan to check names of voters against lists of absentee ballots and of people who have died recently.

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August 31, 2006

Ohio to Delay Destruction of Presidential Ballots

By IAN URBINA

With paper ballots from the 2004 presidential election in Ohio scheduled to be destroyed next week, the secretary of state in Columbus, under pressure from critics, said yesterday that he would move to delay the destruction at least for several months.

Since the election, questions have been raised about how votes were tallied in Ohio, a battleground state that helped deliver the election to President Bush over Senator John Kerry.

The critics, including an independent candidate for governor and a team of statisticians and lawyers, say preliminary results from their ballot inspections show signs of more widespread irregularities than previously known.

The critics say the ballots should be saved pending an investigation. They also say the secretary of state's proposal to delay the destruction does not go far enough, and they intend to sue to preserve the ballots.

In Florida in 2003, historians and lawyers persuaded state officials not to destroy the ballots in the 2000 presidential election, and those ballots are stored at the state archive.

Lawyers for J. Kenneth Blackwell, the Ohio secretary of state, said although he did not have the authority to preserve the ballots, Mr. Blackwell would issue an order in a day or two that delays the destruction and that reminds local elections officials that they have to consult the public records commissions in each county.

Federal law permits, but does not require, destroying paper ballots from federal elections 22 months after Election Day.

The critics say their sole interest in the question is to improve the voting system.

“This is not about Mr. Kerry or Mr. Bush or who should be president,” said Bill Goodman, legal director of the Center for Constitutional Rights, a New York group that is part of the lawsuit. “This is about figuring out what is not working in our election system and ensuring that every cast vote counts.

“There is a gap between the numbers provided in the local level records, which until recently no one has been allowed to see, and the official final tallies that were publicly released after this election, and we want to figure out why that gap is there.”

The planned action of Mr. Blackwell, a Republican who is running for governor, and the threatened suit could draw attention to possible irregularities in the election that he supervised.

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The suit would follow what researchers call the first time anyone other than county and state officials in Ohio have been given such extensive access to the main material from the previous presidential election.

After eight months inspecting 35,000 ballots from 75 rural and urban precincts, the critics say that they have found many with signs of tampering and that in some precincts the number of voters differs significantly from the certified results.

In Miami County, in southwestern Ohio, official tallies in one precinct recorded about 550 votes. Ballots and signature books indicated that 450 people voted.

The investigation has not inspected all 5.6 million ballots in the election because the critics were not given access to them until January. That followed an agreement by the League of Women Voters, a plaintiff in another election suit against the state, that it was not contesting the 2004 results, Mr. Goodman said.

The new suit, to be filed in Federal District Court in Columbus, would be argued on civil rights grounds, saying the state deprived voters of equal treatment.

Last week, lawyers sent a legal notice to Mr. Blackwell notifying him that suit was pending and asking him to issue an administrative order directing the 88 county election boards to retain the 2004 records.

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“The decision of who decides whether the records will be preserved is quite simply not the secretary’s to make,” said Robert A. Destro, a lawyer for the secretary of state’s office.

Mr. Destro said preservation decisions belonged to the county public records commissions, the county boards of elections and the Ohio Historical Society.

“But by issuing this order,” Mr. Destro added, “the secretary of state will prevent any records from being destroyed for at least several months while this matter is studied more closely.”

Steven Rosenfeld, a freelance reporter formerly with National Public Radio, said the investigative team analyzed three types of sources. They are poll books used by officials to record the names of voters casting ballots, signature books signed by voters and used to verify that signatures match registration records, and optical scan and punch card ballots, used by 85 percent of the voters in the state. The rest used touch-screen machines.

“We’re not claiming that what we found reveals a huge conspiracy,” Mr. Rosenfeld said. “What we’re claiming is that what we found at least reveals extremely shoddy handling of ballots, and there are some initial indications of local-level ballot stuffing.”

In Miami County, Mr. Rosenfeld said, the team found discrepancies of 5 percent or more in some precincts between the people in the signature books and the certified results.

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In 10 southwestern counties, he said, the team found thousands of punch card ballots that lacked codes identifying the precinct where the ballot was cast. The codes are typically necessary for the machines processing the ballots to “know” to record which candidate receives the votes.

Mr. Rosenfeld is a co-author of a book that The New Press is to publish next month, “What Happened in Ohio?: A Documentary Record of Theft and Fraud in the 2004 Election.” The other co-authors are Harvey Wasserman, an election rights advocate and an adjunct professor of history at Columbus State Community College, and Robert J. Eitrakis, a lawyer who is running for governor as an independent.

Robert F. Bauer, a lawyer from Washington who represented Mr. Kerry and the Democratic National Committee on voting issues before the 2004 election, was skeptical about the critics’ case.

“The major discrepancies that they are identifying are not materially different than what has already been highlighted,” Mr. Bauer said.

On Tuesday, Mr. Kerry sent a fund-raising e-mail message calling for support for Representative Ted Strickland, the Democrat who is running for governor. Mr. Kerry wrote that Mr. Blackwell “used his office to abuse our democracy and threaten basic voting rights” in 2004.

Multiple suits failed in challenging the 2004 election in Ohio, and most studies after the election concluded that irregularities existed, but that they would not have changed the outcome.

In January 2005, the Democratic members of the House Judiciary Committee issued a report finding “massive and unprecedented voter irregularities and anomalies” in the election.

In March 2005, the Democratic National Committee issued a report that said 2 percent of the Ohio electorate, or “approximately 129,543 voters,” had intended to vote but did not do so because of long lines and other problems at polling stations.

But the report said those and other frustrated voters “would not have erased Bush’s 118,000 vote margin in the state.”

The Columbus Dispatch

Ohio's Greatest Online Newspaper

500 new voters might not exist

State activists might be charged over questionable registrations

Friday, August 11, 2006

Robert Vitale and Mark Niquette

THE COLUMBUS DISPATCH

Workers paid by a liberal group to register voters in Franklin County have turned in more than 500 forms with nonexistent addresses and potentially fake signatures, elections officials said yesterday.

Board of Elections Director Matthew Damschroder said he has forwarded the cards to county authorities for possible criminal charges.

Elections workers verifying new voter forms discovered signatures with the same handwriting, addresses that were for vacant lots and incorrect information for voters who already were registered, Damschroder said. One card had the name of an East Side man who's dead.

All the questionable cards were turned in by workers for Ohio ACORN, a group that's also paying people to gather signatures for a proposed November ballot initiative to raise the state's minimum wage.

Katy Gall, the group's head organizer, said ACORN is cooperating with the investigation and already has fired some of its paid circulators.

"We are interested in seeing people who are gaming the system prosecuted," she said.

ACORN, the Association of Community Organizations for Reform Now, faced similar problems in 2004 during a drive that added 189,000 new voters to Ohio's rolls. Prosecutors were unable to trace the originators of some falsified forms, but one ACORN worker was indicted by a Franklin County grand jury.

State law now requires people paid for registering voters to add their own names to the forms. James Lee, a spokesman for

Secretary of State J. Kenneth Blackwell, said the new provisions make it easier to investigate problems.

Lee said Blackwell's office also has had inquiries recently about potential voter-registration fraud in Cuyahoga and Summit counties.

In its six Ohio offices, ACORN has about 50 circulators who are paid between \$8 and \$11 an hour, Gall said. The group has eight circulators in Columbus.

Gall complained that the state's election-law changes make it harder for groups to catch problems because circulators must submit forms directly to elections offices in person or by mail.

In 2004, ACORN began running its own checks on voter forms before submitting them to the Franklin County Board of Elections.

Lee, however, said internal checks are still possible.

It's a felony in Ohio to submit voter-registration forms with false information. The penalty is up to 18 months in jail.

Damschroder said he doesn't think the fake forms were submitted by people intending to cast fake ballots in November.

"I think it's just somebody out there trying to make a fast buck," he said.

ACORN is helping lead the coalition that collected more than 765,000 signatures to put the minimum-wage issue on the Nov. 7 ballot, but Gall said the group has no concerns about the signatures its circulators obtained.

Franklin County elections workers will verify those collected locally, Damschroder said.

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THE PLAIN DEALER

Voter registrations examined for fakes

Friday, August 11, 2006

Aaron Marshall and Diane Suchetka

Plain Dealer Reporters

Potentially fraudulent voter registration cards have turned up in at least three Ohio counties, and 500 have been turned over to a prosecutor to determine if a crime has been committed.

Matt Damschroder, director of the Franklin County Board of Elections, said the 500 cards his office referred to County Prosecutor Ron O'Brien Wednesday were collected between March and July by workers for ACORN, the Association of Community Organizations for Reform Now.

"From my perspective, both ACORN and the public are being defrauded by these apparently illegal voter registration forms," Damschroder said.

Problems include multiple cards in the same handwriting, people being registered to vote at vacant lots and people being registered with a bogus birthdate or address.

Similar problems have surfaced in Cuyahoga and Summit counties.

Election workers in Cuyahoga County are reviewing an unspecified number of cards that appear to be duplicates of those already on file, except for one piece of information such as a birth date or Social Security number.

They cannot tie those cards to any group, Board of Elections spokeswoman Jane Platten said.

She said it will be up to the board to decide whether to hand the cards over to the prosecutor.

In Summit County, Board of Elections Director Bryan Williams said this week he will ask the board to investigate about a dozen potentially bogus registration cards

submitted by people believed to have been hired by ACORN.

In Franklin County, Damschroder said that the board has met weekly with the organization since March to try to avoid faked voter registration forms.

Katy Gall, head organizer for Ohio ACORN, said the group had "red-flagged" a number of cards. "As part of our own quality control system, we had been setting aside cards that looked to have obvious problems," she said.

ACORN, which has collected 12,000 cards in Franklin County, pays workers by the hour, not by the signature, Gall said. It has fired a number of workers this year, she said.

Gall said a new election law that requires individuals, not groups, to turn in the cards, makes it more difficult for ACORN to detect fraud. "It really limits our ability to do quality control on voter registration because we don't hand into the board of elections, the circulator does."

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Voters report fake calls

Instructions to change polling place don't come from board of elections

Friday, October 22, 2004

Suzanne Hoholik

THE COLUMBUS DISPATCH

The caller interrupting a North Side couple's dinner earlier this week said he was from the Franklin County Board of Elections.

He told the elderly woman that her voting site had changed and that on Nov. 2 she and her husband should cast their ballots at a South Side precinct. The caller even left the phone number of the board.

Her husband, who didn't want their names published out of fear of retribution, called the board, sat through a long menu of automated options and finally spoke with an employee.

"They said there was no way in the world they would make such a call," he said. "I think it's hankypanky and somebody in the election is trying to kill some votes."

At no time, Elections Director Matthew Damschroder said, does the board call voters.

"The only communication from the board of elections is printed on official board of elections paper with the logo," he said.

"If they're saying they're the board of elections, that's a violation of the law. My recommendation to them would be to cease and desist."

His office has received about a dozen calls since last week from voters checking on similar calls.

Damschroder said there are two scams: The caller tells voters their precincts have changed or the caller offers to pick up an absentee-ballot application, deliver the ballot to the voter and return the completed ballot to the elections office.

By law, the elections board mails absentee ballots and the only deliveries are made to voters in nursing homes by both a Republican and Democratic elections worker. The only person who can return an absentee ballot, besides the voter, is an immediate family member.

Poll information

Polls will be open from 6:30 a.m. to 7:30 p.m. Nov. 2. Voters are responsible for knowing their polling place and should contact their board of elections by phone or visit its Web site to verify their voting location. Boards of elections will not call voters to verify but might mail a reminder card.

► Delaware: 740-833-2080

www.co.delaware.oh.us/boe/

► Fairfield: 740-687-7000

www.electionohio.com/fairfield/

► Franklin: 614-462-3100

www.co.franklin.oh.us/boe/

► Licking: 740-349-8683

www.lcounty.com/boe/

► Madison: 740-852-9424

► Pickaway: 740-474-1100

► Union: 937-642-2836

Source: County boards of elections

Election scam

The Franklin County Board of Elections does not make phone calls to voters. If you receive a call, contact the board at 614-462-3100 or at boe@co.franklin.oh.us.

Source: Franklin County Board of Elections

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"People are calling saying, 'I got a call last night when I was watching Oprah from this group,' " Damschroder said. "By law, the board of elections does not give anybody a ballot to deliver."

Carlo LoParo, spokesman for Secretary of State J. Kenneth Blackwell, said he hadn't heard about the scams. But he said he was glad to hear that voters who had received calls reported them to the elections board.

"Election fraud, voter intimidation or providing voters with wrong information is unacceptable," he said. "Anyone engaging in this activity will be prosecuted to the fullest extent of the law.

"Anyone contemplating this type of malicious activity should think twice."

All county boards of elections already had planned to send cards informing voters of their voting precinct, Damschroder said, a move that could combat some of these calls.

"The cards will be dropped (in the mail) next Monday for delivery Wednesday," he said.

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Everything Jersey

The Times

Aide tells of tossed ballots

Testimony differs from election chief

Wednesday, September 27, 2006

BY LINDA STEIN

TRENTON -- In what can only be described as surreal testimony at the trial to overturn the May mayoral election, Mayor Douglas Palmer's campaign manager testified yesterday that he shredded three absentee ballots and a volunteer for the Tony Mack campaign claimed that a dead woman voted.

At issue in the trial -- prompted by a lawsuit filed by Mack and now in its third week before Superior Court Judge Linda R. Feinberg -- is whether the irregularities uncovered in that election rise to a level of fraud which would mandate a new election.

Yesterday, Bandele McQueen, Palmer's campaign manager, said that he was instructed by Mercer County Superintendent of Elections Bettye Monroe to destroy three absentee ballots found at the Palmer campaign headquarters late in the afternoon on Election Day.

McQueen said Monroe instructed him to destroy the ballots because she had allowed those voters, Rebecca Lyles, Paulette Dowling and Bruce McKay, to vote instead at their polling places on the voting machines.

This corroborated earlier testimony from Lyles.

Asked by Mack's lawyer, Scott Capriglione, if it was proper to destroy ballots, McQueen said: "I was following the directions of the superintendent of elections."

In previous testimony Monroe denied that she told McQueen to shred the ballots.

Late yesterday, Mercer County Republicans issued a press release saying they are calling on Gov. Jon Corzine to ask Monroe to step down from her appointed position.

Cathy Tramontana, the chairwoman of the Mercer County Republican Committee, called McQueen's testimony "the straw that broke the camel's back. How much longer can we allow Ms. Monroe to continue making a mockery of the election process?"

Monroe could not be reached for comment.

McQueen also denied that Palmer campaign workers were forced to fill out absentee ballots, saying it was an option provided so that "if they worked from 6 a.m. to 8 p.m. they would have a chance to vote."

Shuantae Bellamy, who volunteered for the Mack campaign, said he observed politically biased behavior by poll workers at the East 12 poll, where he had been a challenger.

Poll workers would make phone calls to help people find their proper polling spot when they clearly planned

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to vote for Palmer while not providing such aid to those who seemed to favor other candidates, Bellamy said.

One woman voter whose name was similar to her mother's expressed surprise on seeing the poll book because it appeared that her mother, who was deceased, had voted, Bellamy testified.

After the election, Bellamy said he was reviewing the poll books for the Mack campaign at the superintendent's office. While there he said he saw Ruth Cunningham, a Palmer worker, put a poll book into a folder and leave with it. He also alleged that Cunningham gave a poll book to Charles Hill, another person involved in the Palmer campaign. The poll book contains names and signatures of people who voted.

"She put the book directly in the folder and gave it to him," Bellamy said when cross-examined by Rocky Peterson, Palmer's lawyer. Bellamy said he complained to Monroe that the books were taken off the premises.

"Who else am I supposed to tell? She runs the place," Bellamy said.

Daniel R. Toto, a campaign consultant for Mack, said there were problems at several polling spots on May 9. He rushed to West 16, where a machine was accidentally shut down early in the morning, and told the poll workers they must give voters provisional ballots rather than turn them away.

At another spot in the North Ward, he discovered police were not allowing voters to park near the polling spot, he said. Also, some people in the North Ward were sent to Lawrence to vote and had trouble finding their polling spot, Toto said.

"People not knowing where to go to vote was rampant," he said.

Toto also described a long wait at the county clerk's office for the results which he said were finally given by somebody from Councilman Manny Segura's campaign, not a county official.

When the trial resumes at 9 a.m. today, Feinberg said she plans to rule on whether to allow Capriglione to call Palmer to the stand. Peterson objected to that, saying there was no reason to call the mayor. Capriglione said he also plans to recall Monroe to the stand, in what is likely the last day of the plaintiff's case.

Linda Stein can be reached at lstein@njtimes.com or (609) 989-6437.

New York Times

July 13, 1996

NEW JERSEY DAILY BRIEFING; Ballot Fraud Charges Filed

By TERRY PRISTIN

Andrew Amato, a Hoboken City Councilman, was indicted yesterday on charges that he paid seven people \$40 each to apply for fraudulent absentee ballots on behalf of the Republican candidate for Hudson County Executive. The candidate, William Macchi of Jersey City, was easily beaten by Robert C. Janiszewski, the incumbent, and was not aware of the illegal activity, said Patrick Sharkey, an assistant prosecutor for Hudson County. Some of the voters thought they were being paid for work on the Macchi campaign, Mr. Sharkey said.

Tribune

GOP questions reliability of registered voters list

By Kate Nash (Contact)
Wednesday, September 20, 2006

SANTA FE — With the general election 49 days away, state Republican Party officials claim they're being stonewalled in their effort to prevent fraud at the polls.

Party members have asked for documents they say could expose whether non-residents or non-U.S. citizens could be registered and vote.

Their requests have gone largely unanswered by Gov. Bill Richardson's administration, the Republicans say.

"We could have determined anyone who is deceased, not a U.S. citizen or who lives out of the state," said Marta Kramer, Republican party executive director. "The 2006 election is going to be at risk for widespread voter fraud."

However, spokesmen for two departments involved in the matter deny withholding information and say they've complied with the requests or are working on them.

The Secretary of State's Office is working on the party's request for the names of people whose voter registration cards were returned to the state earlier this year — more than 201,000 of them.

Spokesman Ray Baray said the office is waiting on the Attorney General's Office to determine which parts of the voter-card information it can release to the party.

The Republicans say that list could give them information on people who are registered but shouldn't be.

With that information, the party could then petition to have those voters removed from the rolls. The deadline to do that is Sept. 26.

"We think it's public information and we should be able to get it," Kramer said.

The party also asked the Taxation and Revenue Department for information on non-U.S. citizens who have been issued drivers' licenses.

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It received a stack of documents from the Taxation and Revenue Department, much of which was redacted.

A letter to GOP officials says information that doesn't have to be disclosed because of attorney-client or executive privilege was redacted or excluded from the response.

Department spokesman David Harwell said the redacted information is protected by a federal law that protects drivers' privacy rights.

The department "always complies with public information requests and has nothing to hide," he said.

The GOP also requested the results of an audit of the documents immigrants used to get drivers' licenses in the state.

Harwell said that audit will be complete this fall.

More than 30,000 immigrants in New Mexico have received licenses since a 2003 law allowing them to be issued using a Mexican-government-issued identification card.

The Republicans say they'd like to know that immigrants who aren't U.S. citizens aren't registering to vote.

"We know in Tijeras they were allowing people to get drivers' licenses, what else are they allowing them to do? Are they allowing them to register to vote?" Kramer asked.

The November election includes a gubernatorial race, a matchup for attorney general, and a contest in the state's 1st Congressional District.

The Associated Press contributed to this report.

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NEW MEXICAN

State to probe claims of vote buying

By Andy Lenderman The New Mexican
February 21, 2006



Attorney General Patricia Madrid

Several investigators from the state Attorney General's Office were scheduled to arrive in Española today to look into allegations of voters being paid for their votes in the city's election.

The Rio Grande Sun quoted anonymous voters in its Feb. 16 edition that said they were offered money to vote early in the Española municipal election.

For example, one source told the Sun that a campaign operative voted for him in the voting booth.

The mayor's seat and four city council seats are up for grabs. The election is March 7, but early voting has already begun. "No one is allowed to buy a vote, period," Attorney General Patricia Madrid said in a Monday news release. "It is a felony ... to offer a bribe for a vote." Madrid called the Sun report "disturbing." Secretary of State Rebecca Vigil-Giron, the state's chief elections official, said she has consulted Madrid about the election. Vigil-Giron also said she received a call that an early voter in Española was not offered assistance when she needed it, was asked to recite the alphabet by a poll worker and was asked whom she was voting for.

"That's ridiculous. Intimidation," Vigil-Giron said. "Is this something that has raised a red flag? Yes, definitely."

There are two slates of candidates running for office in Española. One is led by mayoral candidate and current Councilor Joseph Maestas, called "Moving Española Forward." The second is called "Team One Choice" and is led by former City Councilor Floyd Archuleta, who also is running for mayor. Each team has four candidates for the open council seats.

Maestas said his team demanded an investigation into the matter from Madrid's office after the Sun's story broke.

"The 'Moving Española Forward' team feels that if it's true, the people of Española deserve better," Maestas said. "And if laws have been broken, those that broke them need to be prosecuted to the fullest extent."

Archuleta said he welcomes any investigation and that he is not aware of any of his workers behaving that way.

"I am confident of our campaign workers out there, that they're doing everything properly and legally," Archuleta said.

He said his team has several campaign workers in the field, and many have offered to give people a ride to the polls. Many campaigns around New Mexico have offered voters a ride to polling places.

"And I'm not aware of anyone in our campaign group that is offering any money or any kind of gifts for people's vote, and I would not tolerate any worker that would do that," Archuleta said. "So if there is any of that, I would terminate that person from campaigning."

Contact Andy

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Washington Times

Voter fraud uncovered in New Mexico

Washington, DC, Nov. 9 (UPI) -- Observers watching the counting of New Mexico's 2004 provisional and absentee ballots have uncovered evidence of voter fraud, Opinion Journal said Tuesday.

O.J. political diarist John Fund said the Bernalillo County clerk "told media outlets that observers had discovered instances of voter fraud" during the attempt to qualify 18,000 provisional and absentee ballots cast in last week's presidential election.

"In counting the first 5,000 provisional ballots," Fund reported, "observers turned up ⁵³ instances of individuals voting more than once. They also found four voters who were dead and dozens of felons attempting to vote. In two cases, the same individual tried to vote three times: early, absentee and on Election Day."

The issue is not likely to die a quiet death. New Mexico Secretary of State Rebecca Vigil-Giron asked the state supreme court Monday to overturn a lower court ruling allowing Republican observers into the polls in Sandoval and Dona Ana counties. Vigil-Giron, a Democrat and elected official, is also seeking permission to evict the observers the Bernalillo County clerk allowed in to watch the counting, contending that New Mexico law does not provide for observers to be part of the review process.

President Bush currently leads in New Mexico, a state he lost by 366 votes in 2000 after a disputed vote count. In the 2004 count, Bush is ahead by 8,300 votes, or about 1 percent.

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Everything Jersey

The Times

Voting testimony continues in election fraud trial

Thursday, September 21, 2006

BY ROSE Y. COLÓN

TRENTON -- The question of how three electoral employees processed 56 absentee ballot applications in 15 minutes was the focus of yesterday's trial over charges of fraud in the city's May 9 mayoral elections.

The validity of the absentee ballot applications was questioned by an attorney for losing mayoral candidate Tony Mack.

Mack, a Mercer County freeholder, is seeking to void the results of the city's mayoral race which propelled Mayor Douglas H. Palmer to a sixth term.

Mack contends Palmer's election team committed several voting infractions involving absentee ballots.

Palmer has repeatedly denied the accusations saying Mack filed the lawsuit because he simply can't accept he lost the election.

The process used to review 56 absentee ballot applications came under fire yesterday when Scott Capriglione, an attorney representing Mack, said the handwriting on the applications was not properly reviewed -- suggesting that the ballot applications were processed in a big hurry to help with Palmer's re-election.

Capriglione claimed it was virtually impossible for three people to diligently process 56 applications in only 15 minutes, as the 3 p.m. deadline for filing approached.

He said it was unclear whether some election workers actually signed applications on behalf of applicants.

Capriglione said applications that were not properly filled out should not have been certified.

The absentee ballot applications in question were processed between 2:15 p.m. and 2:30 p.m., according to three witnesses, one of whom was County Clerk Paula Solami-Covello.

Bonnie Epps, an 18-year employee of the county clerk's election office, said it was not unlikely that three employees could process 56 applications so quickly because each takes only "about two minutes."

Epps said applications are stamped when received and the signature on the document is compared to a digital signature in the voter registry.

An absentee ballot is then printed and mailed out to the applicant, she said.

Solami-Covello testified that Epps and two other employees followed protocol when processing the 56

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absentee ballot applications.

She said the only employees authorized to process applications were Epps, Mercer County election supervisor Brian Basford and temporary worker Helen Holmes.

She said a total of 480 absentee ballots were sent out to voters before the May 9 election.

Solami-Covello said she was not directly involved in the mayoral election process because it was a city election and not a county race.

Capriglione claimed Solami-Covello's workers don't accurately keep track of visitors or absentee ballots. He said the visitor's log supports his allegation because it does not contain the names of everyone who visits the office.

"Visitors should sign the log but they are not required by law to do so," Solami-Covello said.

Sarah Crowley, an attorney for Solami-Covello, said the visitor's log is irrelevant because absentee ballot applications may be downloaded via the Internet or photocopied from newspaper advertisements.

Deputy County Clerk Walker Worthy was also asked to testify at the trial.

Worthy said he did not observe any irregularities regarding the reading of election booth vote cartridges or the tally of votes on May 9.

Attorneys representing Mack have alleged that fraud committed on election night includes the delivery of seven unsealed bags containing provisional ballots and the destruction of several other ballots.

A Palmer attorney disputed the claim that the clerk's office hadn't kept track of visitors and absentee ballots handed out.

"Those allegations are nonsense," said Rocky Peterson, an attorney defending the Palmer election campaign.

The trial is expected to reconvene Monday.

Contact Rose Y. Colón at rocolon@njtimes.com or (609) 989-5702.

Ballot probe yields charges

Albany Housing Authority ex-employee is indicted for alleged role in effort to manipulate absentee voting

By **MICHELE MORGAN BOLTON**, Staff writer

First published: Friday, December 16, 2005

Correction: An earlier version of this story contained some errors. Jamie Gilkey is 45 years old. Michael Brown and Jestin Williams are no longer defendants in a federal civil rights lawsuit filed in the case. The date of the 2004 Albany County legislative special election was April 27.

ALBANY -- An Albany County grand jury has indicted a Democratic Party insider for his role in an alleged conspiracy to manipulate absentee ballots in the 2004 primary for County Legislature.

Jamie Gilkey, 47, is named in a sealed indictment that Albany County Judge Stephen W. Herrick is expected to open this morning, sources familiar with the case said Thursday.

At issue are about 160 absentee ballots applied for by predominantly poor and minority tenants of the Albany Housing Authority, where Gilkey worked. The ballots were released by the county Board of Elections to Gilkey and Common Council member Michael Brown to deliver to the voters before the April 27 election. The grand jury was asked to determine if Gilkey improperly filled out the voters' applications by designating himself as the one to personally distribute the paper ballots.

"I have nothing I can say about anything," Gilkey said, when reached on his cellphone Thursday.

District Attorney David Soares declined public comment on any aspect of the grand jury process.

Soares' Public Integrity Unit has been investigating for six months after the newly elected district attorney pledged to provide a single system of justice for every Albany County resident.

Gilkey, a former reporter for The Record newspaper in Troy, recently worked at the Albany Public Library after losing his housing authority position.

He now freelances as a reporter with the Scotia-Glenville Spotlight.

Gilkey is also a defendant in a federal civil rights lawsuit filed by attorney Paul DerOhannesian on behalf of county legislators Lucille McKnight, Wanda Willingham, the Albany NAACP and several voters who sued in April 2004 under the U.S. Voting Rights Act.

Brown and Gilkey were supporting candidates Jestin Williams and Marilyn Hammond for county legislative seats against incumbents McKnight and Willingham.

In the primary, Willingham held a narrow lead over Williams, while Hammond led McKnight by a handful of votes.

State Supreme Court Justice Joseph Teresi ordered a revote for March in the Willingham-Williams race, and Willingham won. In the November general vote, McKnight ran on the Working Families Party line and defeated Hammond.

Last January, in a deposition in the lawsuit, Gilkey invoked the Fifth Amendment protection against self-incrimination 60 times when asked about his role in the disputed primary and handling of absentee ballot applications.

In July, Brown invoked the constitutional protection more than 160 times while under oath and even refused to acknowledge that he knew Gilkey or was a member of the Democratic Party.

The federal lawsuit also names the Albany Housing Authority, where Gilkey and Williams worked. In February, the housing authority settled its part of the litigation by agreeing to prohibit its employees from having anything to do with residents' voting activities.

Albany County Attorney Michael Lynch, who represents the Board of Elections, declined comment, citing pending litigation.

Michele Morgan Bolton can be reached at 434-2403 or by e-mail at mbolton@timesunion.com.

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Ward leader denies fraud

Democrat Jamie Gilkey charged with falsifying ballot in 2004 legislative primary

By **MICHELE MORGAN BOLTON**, Staff writer

First published: Tuesday, December 20, 2005

ALBANY -- A Democratic city ward leader denied allegations Monday that he intentionally altered an absentee ballot for a county legislative primary in February 2004 and then knowingly filed the forgery with the Albany County Board of Elections.

Jamie Gilkey of 89 Columbia St. was released on his own recognizance shortly after Albany County Judge Stephen W. Herrick read a two-count sealed indictment charging him with second-degree forgery and first-degree filing a false instrument.

Gilkey faces up to seven years in state prison if convicted of both felonies.

Attorney William Dreyer represents the Albany Public Library worker and freelance newspaper reporter. He entered a plea of not guilty for Gilkey and had no further comment.

Criminal charges unveiled on Monday follow a six-month investigation by District Attorney David Soares' new Public Integrity Unit. Soares wouldn't say if more charges are pending in what some see as one of the largest voter fraud cases in the state.

"There was an attempt here to deprive a person of liberties," Soares said. "I made a promise to prosecute cases with one standard of justice. We have done our job."

Gilkey is accused of altering the paperwork of Deborah Williams-Muhammad at or near her New Hope Terrace home on Feb. 11, 2004, by crossing out the address where the ballot should be sent -- writing, instead, "Hold for Jamie Gilkey."

Then, on Feb. 17, Gilkey, "did knowingly offer or present a written instrument containing a false statement ... with the intent to defraud the Albany County Board of Elections," according to documents.

Gilkey is also named in a federal lawsuit filed by county legislators Lucille McKnight and Wanda Willingham, the Albany NAACP and several voters, including Williams-Muhammad, who sued in April 2004 under the U.S. Voting Rights Act.

At issue are about 160 absentee ballots applied for by poor, sick and minority tenants of the Albany Housing Authority, where Gilkey worked. The ballots were released by the county Board of Elections to Gilkey and Common Council member Michael Brown to deliver to the voters before the March 2 election that year.

Last January, in a deposition in the lawsuit, Gilkey invoked the Fifth Amendment protection against self-incrimination 60 times. Brown later invoked the Fifth Amendment 160 times.

Monday, NAACP executive board member Aaron Mair said Gilkey is a pawn in a decades-old political machine: "My belief is, at the end of the day, you have to look to the party chairwoman who has pretty much turned a blind eye. Her silence speaks volumes."

City treasurer Betty Barnette leads the county Democratic Party.

"I, just like others in the county, will be watching the merits of this case unfold," Barnette said, scoffing at the thought she knew anything about the alleged scam: "No one has called me from Mr. Soares' office. Unless Mr. Mair has some proof, I would ask him to leave me alone."

Plaintiffs in the federal case called for a criminal investigation based on testimony in a state court proceeding and federal depositions, said their lawyer, Paul DerOhannesian: "(They) feel there are changes that the county of Albany needs to implement to avoid the manipulation and tampering of absentee ballots which it has failed to control," he said. "Effecting those changes is why we are pursuing the federal lawsuit."

RapidCityJournal.com

Friday, March 31, 2006

Indians still face obstacles in voting

By Mary Clare Jalonick, Associated Press Writer

LAKE ANDES — When Charon Asetoyer went to vote a few years ago, she was met with unfriendly words and an offensive gesture. A white man, apparently unhappy with the idea of an American Indian walking into the polls, asked her in vulgar terms what she was doing there.

She told him she was there because she had a right to vote and went back to her car to wait for him to leave. Only after he sped away did she walk inside.

Discrimination against Indians is commonplace here, she said. And nowhere is that more evident than in the polling booth.

Asetoyer, an Indian who lives on the Yankton Sioux Indian Reservation in the quiet flatlands of southeastern South Dakota, compares her home to the South in the 1960s.

“It’s outright racism,” she said.

Many on this reservation say that kind of behavior is normal in Charles Mix County, a poor, rural section of South Dakota farm country where Indians constitute about one-third of the population. Asetoyer, a quietly determined activist who moved here from California years ago, calls it a land-based struggle, where many of the conflicts are “border issues.”

The problem is not limited to South Dakota. As Congress considers reauthorize parts of the Voting Rights Act, many Indians say they aren’t satisfied with federal and state protections of their voting rights. Although the landmark law has brought them a long way from the day when some state governments required they be “civilized” to cast ballots, they say they still suffer from intimidation, restrictive voting requirements and long distances to polling places.

“There’s no question that there still is some subtle discouragement,” said former Sen. Ben Nighthorse Campbell, R-Colo., a member of Colorado’s Northern Cheyenne Tribe. “We’ve come a long way but we have a long way to go.”

A year away from reauthorization — parts of the Voting Rights Act are set to expire in 2007 — members of Congress are keeping quiet about possible changes to the law. But tribes expect changes, and they worry that could reverse a growing electoral clout among many Indian nations in their states.

Recent successes for Indian voters include the 2002 Senate election in South Dakota, when Sen. Tim Johnson, a Democrat, barely won re-election with 524 votes and a huge increase in turnout on reservations. In Washington state, a surge of Indian votes had a major effect on Democratic Sen. Maria Cantwell's narrow win in 2000. In Arizona, reservations helped seat Democratic Gov. Janet Napolitano in 2002.

Despite these achievements, tribes point to restrictive voting laws throughout the country. South Dakota's new voter identification law — passed after Johnson's election — requires residents to show photo identification at the polls, a problem for many on the reservations who don't have IDs. The law permits those without identification to sign an affidavit, but opponents argue there is confusion about what is allowed. The American Civil Liberties Union has challenged other voter-identification statutes seen as restrictive to Indians in Albuquerque, N.M. and Minnesota.

"The tribes are still very concerned about the targeted efforts to disenfranchise their vote," Jacqueline Johnson, executive director of the National Congress of American Indians, said. "We are having to change a mindset that exists."

Others imply the problems are exaggerated. Chris Nelson, South Dakota's Republican secretary of state, focuses on the positive — a huge differential in Indian turnout between 2000 and 2004, after two major Senate races — and said he has seen little evidence of voter intimidation.

Nelson said he is willing to support removing some federal protections on South Dakota's reservations. Shannon and Todd Counties — historically home to the state's largest population of Indians — are included in Section 5 of the Voting Rights Act, meaning that any major changes in election policy there must be federally approved.

Nelson said that thousands of local decisions have gone through the department without being rejected. The state is working to ensure that the Indian vote is protected, he said, lessening the need for federal help.

"Has the preclearance requirement done anything to improve the ability of Indians to vote in those counties? The answer is no," Nelson said.

He said the increase in turnout has nothing to do with federal law but with interest in particular elections and strong get-out-the-vote efforts in the state.

Former Sen. Campbell disagrees.

"If those federal protections weren't there, Indians wouldn't have a chance at voting," he said. "The law probably ought to go farther."

Indians in Washington and on the reservations are reluctant to say what exactly they would like to change about the Voting Rights Act, because there isn't much consensus yet. Some suggest adding counties with increased federal protections, instead of

removing them, and expanding a section of the law that allows bilingual assistance in polling stations.

Others suggest a larger number of polling places, more Indian poll watchers and more general oversight on election day.

One issue they all agree on is that current protections need to be retained.

“There are going to be some changes, and we really need to watch what those changes are,” Robert Cournoyer, chairman of the Yankton Sioux tribe, said.

Sen. Johnson said that Congress will have to maintain some protections to keep Indians’ trust in the system — and voting levels high.

“There’s still a lack of trust and confidence between Native Americans and state institutions, and keeping some federal oversight is something that Native Americans want to have,” he said. “Its presence contributes to a higher confidence level.”

If current trends continue, say some on the Yankton reservation, Indians could start to have more of a say about what happens in Washington. As their numbers have increased at the ballot box, Indian activists say the age-old perception that votes don’t count on reservations is slowly dissipating.

Oliver Semans, an Indian who has organized several South Dakota get-out-the-vote campaigns, said he has tried to strengthen participation by equating low voting levels with high poverty levels. This has worked to some extent, he said.

“You give us 20 years, we’ll have our country back,” Semans said.

Indians in Charles Mix County appear slightly less confident as tensions have escalated in recent years.

The county received national attention during the 2004 election, when the state ousted Senate Democratic Leader Tom Daschle in favor of Republican Sen. John Thune. The night before the election, Daschle’s campaign asked for a temporary restraining order against Republican poll watchers who were allegedly intimidating Indian voters. A judge granted the order for Charles Mix County, a ruling Republicans charge was purely political.

This year, a group of people in the county are quietly circulating a petition to divide the county, separating the reservation from the whiter areas.

Petition sponsors have not publicly identified themselves, but Asetoyer and others speculate it is intended to keep Indians off the county commission.

Sharon Drapeau, a native of the Yankton reservation who narrowly lost a race for the

county commission, said it may get worse for Indian country before it gets better as tensions rise.

“You have to get that scab off and let it bleed to clean it,” she said.

Some provisions of Voting Rights Act expire in 2007

Most aspects of the Voting Rights Act, first passed by Congress in 1965, will never expire. But some key provisions will expire in 2007 without congressional action:

- **Clearance:** This section of the law, commonly known as Section 5, requires local officials in nine states to get any changes to voting practices or procedures cleared beforehand by federal officials to ensure that local officials do not try to discriminate against minorities. Those nine states are Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Virginia and Texas. Parts of seven other states are affected — California, Florida, Michigan, New Hampshire, New York, North Carolina and South Dakota.

- **Language requirements:** Requires that large communities of people who speak limited English must have access to ballots in their native language. Under the requirement, known as Section 203, local jurisdictions must provide bilingual ballots and election materials if more than 5 percent of the voting age population or at least 10,000 citizens fall into a certain language minority group. The illiteracy rate of the minority group must also be higher than the national average. Only four minority groups are covered: American Indians, Asian Americans, Alaskan natives and Hispanics.

- **Election monitoring:** Allows the attorney general to assign federal election examiners and poll watchers to certain areas.

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South Dakota poll worker faces forgery charges

© 2002 CNN

Saturday, November 2, 2002, Pierre, South Dakota (CNN) — A South Dakota election worker will be arrested on charges of forging absentee ballot applications, the state's attorney general announced Friday.

Many voters will continue with older voting technology, while newer methods are being tested around the country. CNN's Kate Snow reports.

Becky Red Earth-Villeda, also known as Maka Duta, is expected to be charged on multiple counts of forgery in Minnehaha County, where Sioux Falls is located, according to a statement from Attorney General Mark Barnett.

"Maka Duta will be arrested in the ordinary course of events," said Barnett. *"No evidence has been obtained that shows she has cast or made an attempt to cast actual ballots."*

A local Sioux Falls newspaper, the Argus Leader, reported that the woman apparently tried to burn the original applications, but then decided to retrieve them, according to Barnett.

The woman told the attorney general she copied the applicants' names from the original documents because they had been filled out wrong, then she apparently tried to replicate the voter's signature on the corrected form, the newspaper reported.

County auditors alerted the state's Division of Criminal Investigation about allegations of bogus ballot applications, according to Barnett's office. At least 30 DCI agents are working on the case and have interviewed over 400 people in 25 South Dakota counties.

DCI agents also conducted a lengthy interview with Maka Duta Tuesday.

The information obtained is still being processed.

"Voters should proceed as normal and go to the polls on the 5th," said Barnett.

It is not clear how many absentee ballot applications are believed to have been forged, but Barnett told the Argus Leader between 80 and 100 are suspected in one county alone.

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Agents probe election wrinkle

STORY TOOLS

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Shelby County General Elections Sample Ballot

Imposter alleged, but vote goes on

By Halimah Abdullah and Marc Perrusquia

Contact

August 3, 2006

Hours before polls were set to open to decide the largest ballot in Shelby County's history, agents with the Tennessee Bureau of Investigation opened a late-night criminal probe at the elections operation center.

Elections officials called in the TBI after someone impersonating a precinct official picked up ballot supplies, including a list of registered voters, for Precinct 49-1, said election commissioner O. C. Pleasant Jr.

Election Commission chairman Gregory Duckett and Dist. Atty. Gen. Bill Gibbons also confirmed that TBI agents were at the operations center investigating a single precinct.

The TBI action began late Wednesday afternoon as election workers made last-minute preparations for today's vote, which features the largest ballot in Shelby County history with 141 races.

Duckett said the loss of the precinct box and the investigation would not affect the integrity of the election.

"Some precautionary measures have been put in place to insure that the election will not be compromised," Duckett said.

The day before an election all the officers in charge of the county's 279 precincts come to the operations center and pick up metal ballot boxes and election supplies, said election commissioner Richard Holden.

The supplies include things such as ballot applications, signs, and the poll book with the names of registered voters.

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When picking up their supplies, the officers are supposed to present an appointment letter and identification.

Elections officials discovered the problem when the real precinct worker arrived at the operations center, Pleasant said.

"They said somebody had come by and picked it up on your behalf. She said, 'No, I didn't send anybody by,' " Pleasant said.

Precinct 49-1 is located at Alton Elementary School at 2020 Alton in South Memphis. It is a majority black precinct with 843 voters.

"It's being put under surveillance to watch and see if anybody comes during the night to try and do something at the polling place," Pleasant said.

The TBI has been leading a Voter Task Force to answer criminal and legal questions during the elections, a signal of continuing concerns with the process that began with allegations of vote fraud in last fall's District 29 state Senate race.

In June, three Shelby County poll workers were indicted on charges they faked votes in an effort to throw that election to Ophelia Ford.

As voting begins this morning, voters will brave predicted 100-degree temperatures and could face waits of more than an hour and an additional eight to 10 minutes in the voting booth.

Throw in the three-way split in the hotly contested GOP Senate race. Mix in the at-times vitriolic tenor in the 20-candidate Ninth Congressional District primaries and the 44-candidate Charter Commission race. Toss in dozens of ballot-stretching judicial elections and newer model touch-screen voting machines and you get a recipe for a potential political perfect storm.

The U.S. Justice Department will have observers at the polls to ensure compliance with the Voting Rights Act.

"Candidates have been working pretty hard on getting out the vote," said Marcus Pohlmann, a political science professor at Rhodes College.

"That, coupled with the sheer number of races and the handful that are actually contested, will mean that turnout will be high."

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If early-voter turnout -- 78,899 -- is any indication, such predictions will bear out. That turnout reflects 13 percent of the county's 604,000 registered voters. The earlier record was 24,000 votes cast four years ago in the county primary.

"Don't be surprised Thursday night if the results are late coming -- it's the longest ballot in Tennessee history and most counties are using voting machines they've never used before," said State Election Coordinator Brook Thompson. "I expect it is really going to be a late night."

Thompson expects between 1.2 million and 1.3 million of Tennessee's registered voters to cast ballots. Some 447,910 voters cast ballots during the three-week early voting period.

Tennessee is the only state holding an election today. The state Constitution says judicial and county general elections shall be held on the first Thursday in August.

Reporters Pamela Perkins and Richard Locker contributed to this story.

commercialappeal.com - Memphis, TN

Indicted poll worker denies being on the run

By Marc Perrusquia

Contact

June 23, 2006

As a 69-year-old grandmother, Verline Mayo couldn't help but chuckle when asked about authorities' claims she was a fugitive who led deputies on a two-day chase.

The now-fired Shelby County poll worker was indicted Tuesday on charges she faked votes to help Ophelia Ford win last fall's District 29 state Senate race. But when it came time to book her, authorities couldn't find Mayo.

By Wednesday, when Dist. Atty. Gen. Bill Gibbons announced indictments against Mayo and two other election workers, she still hadn't been found.

"It's safe to say that this individual was tipped off and is evading arrest," Gibbons told reporters at a Wednesday morning news conference.

Mayo turned herself in minutes later, then bonded out of jail.

Safe at home Thursday, Mayo vented, denying the charges against her and insinuations she had run from the law.

"I had a good feeling they were going to charge me," Mayo said by phone from her North Memphis home. "... (But) nobody tipped me off."

Mayo said she initially didn't know she was wanted. She said she plans to file a complaint against the Sheriff's Office for "Gestapo" tactics used in pursuing her. She said deputies followed her to a hospital and later "broke into" her daughter's house.

Sheriff's spokesman Steve Shular said deputies were only doing their jobs when they pursued Mayo to a Baptist hospital and later went through a window at a relative's home.

"Once there's a warrant for someone's arrest, we're instructed to go get them," he said.

Shular said the sheriff's fugitive office received a warrant to arrest Mayo about 3:30 p.m. Tuesday and went to Baptist where she was being treated in the emergency room for a minor injury. But she checked out moments before deputies arrived.

A deputy later called Mayo and told her of the warrant but "the call was disconnected by Ms. Mayo," Shular said. On Wednesday morning, deputies briefly searched the North Memphis home of Mayo's daughter after entering through a window. Deputies believed the home possibly was Mayo's primary residence, giving them legal authority to enter, he said.

Meantime, the Tennessee Bureau of Investigation is probing Gibbons' concern that someone may have leaked indictment details to Mayo, said TBI spokesperson Jennifer Johnson.

As for Mayo, who faces 20 felony counts of voting fraud, she says she's innocent but has few resources to fight back.

"I deny all these charges," she said. "(But) the only justice you can get is what you pay for."

-- Marc Perrusquia: 529-2545

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commercialappeal.com - Memphis, TN

Three Shelby County poll workers charged with election fraud

By Marc Perrusquia

Contact

June 21, 2006

Three Shelby County poll workers and three others have been charged with election fraud in connection with Ophelia Ford's razor-thin Dist. 29 state senate victory last fall.

Poll workers Gertrude Otteridge and Mary L. McClatcher have been indicted on multiple counts of making false entries on election documents, official misconduct and other crimes.

A third poll worker, not yet in custody, also was charged.

Three voters also were indicted late Tuesday by a Shelby County grand jury for illegally registering or voting in the Sept. 15 special election.

Dist. Atty. Gen. Bill Gibbons is scheduled to release details at an 11 a.m. news conference Downtown.

The charges follow an investigation by The Commercial Appeal last winter that found that someone forged the names of two dead voters on ballots cast in the Sept. 15 election in Precinct 27-1, a now-dissolved North Memphis precinct that voted heavily for Ford.

Ford, a Democrat, defeated Republican challenger Terry Roland by just 12 votes in a race in which 8,748 ballots were cast, and her victory came under intense scrutiny. Following intense political tussling, that included a lawsuit in federal court, the Senate voted in May to void Ford's victory and oust her from office.

She has not been charged with any wrongdoing.

Marc Perrusquia: 529-2545

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Chillicothe Gazette

Board dismisses situation over multiple vote

The Gazette staff

The Board of Elections Tuesday unanimously voted to take no further action in a situation concerning a resident who voted twice in the November election.

Kenneth Hitchens was present at the meeting and explained it was just a misunderstanding and he didn't vote twice on purpose.

After he voted Oct. 24 at the board of elections office during a visit to change his address, he simply forgot about it, Hitchens said. Then, a few days later when he received his voter registration card with his precinct on it, he went to his polling place to vote.

"I just did what the card said," Hitchens said.

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Pittsburgh **LIVE**.com

THE
Valley
INDEPENDENT

Ballot fraud constant concern

By Rich Cholodofsky
TRIBUNE-REVIEW
Friday, April 16, 2004

GREENSBURG - All that prevents absentee ballot fraud is a carefully crafted signature, county elections officials said this week.

Handwritten names on applications for absentee ballots and also on the envelopes sent along with ballots provide a safeguard against bogus voting.

"It's signature comparison. That's the only method anyone can use. How else would you know?" said Paula T. Pedicone, director of the Westmoreland County Election Bureau.

Signature comparisons are used by most stores to ensure shoppers are the proper owners of credit cards.

Elections officials said signatures also are the best method to properly identify voters who cast absentee ballots usually sight unseen. Signatures of registered voters are kept on file with county election bureaus and compared with a new signatures required of them before they vote.

Absentee ballots bear new signatures required as part of an application request and also on the envelope sent with the ballots.

"The only reason we wouldn't count an absentee ballot is if the envelope isn't signed. The signature is the key, if it is not there or if (the ballot) is too late," Pedicone said of why a ballot would be discounted.

The county election bureau must receive applications for absentee ballots by April 20 for voters to participate in the April 27 primary. All properly signed ballots must be returned to the county by 5 p.m. April 23.

Elections officials concede that the absentee ballot system could be targeted for potential fraud, but the signature requirement has prevented most attempts.

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Pedicone said she can't recall any instances in Westmoreland County where the validity of absentee ballots was called into question.

Just seven years ago in Fayette County, authorities prosecuted three people, including former U.S. Rep. Austin J. Murphy, for a scheme in which absentee ballots were forged with the names of residents at a Wharton Township nursing home.

Authorities were able to use handwriting experts to determine the ballots in question were not signed by the nursing home residents.

Fayette County set up a procedure in which each application for an absentee ballot is numbered to protect against potential fraud.

Laurie Nicholson, director of the Fayette County Election Bureau, could not be reached for comment.

State officials said there are no other election laws or requirements in place specifically geared to prevent fraud.

"After (signatures), it is for each county to decide what to do," said Pennsylvania Department of State spokesman Brian McDonald.

Other forms of identification will be required this year for all first-time voters, both via absentee ballots and at the polls.

Under the federal government's Help America Vote Act, all first-time voters are required to present identification in addition to a signature comparison. Most other forms of identification, including drivers' licenses, firearms permits or bank statements, can be used, McDonald said.

The secondary identification also is required for first-time voters who cast absentee ballots. Voters will be required to send in a copy of another form of identification with the absentee ballots, McDonald said.

If voters show up at the polls or cast absentee ballots without the secondary form of identification, those votes will be considered provisional. They will be counted only after county election officials confirm they were submitted by properly registered voters.

Earlier this year the state Supreme Court further tightened the threshold election bureaus can use to keep track of absentee ballots.

The state's high court ruled those ballots either must be mailed in or hand-delivered by the voter. No third parties can bring in absentee ballots.

That ruling came as Democrats and Republicans fought over nearly every one of the more than 2.2 million votes cast last November in the race for Superior Court judge. That election eventually was won by Republican Montgomery County attorney Susan Gantman, who defeated Westmoreland County Judge John Driscoll, a Democrat, by just 28 votes.

Republicans and Democrats went to court challenging the validity of hundreds of absentee ballots brought to the Allegheny County Election Bureau members on behalf of a group of Democratic voters. Those votes eventually were ruled invalid.

Westmoreland County never has accepted absentee ballots submitted by third parties, Pedicone said.

Driscoll still is contesting Gantman's election in federal court, challenging several counties, including Westmoreland, for not properly differentiating the use of alternative ballots.

Alternative ballots, like absentee ballots, are sent in via mail. But unlike absentee ballots, alternative ballots can be submitted to the election bureau until the day of an election and are only to be used by elderly, handicapped voters whose polling places are not accessible to them.

No alternative ballots have been requested so far this spring in Westmoreland County, Pedicone said.

Rich Cholodofsky can be reached at rcholodofsky@tribweb.com or (724) 830-6293.

CROSS COUNTRY

'A Rich History of Corruption'

Voter fraud in Pennsylvania? Gov. Rendell isn't worried.

BY JOHN FUND

Thursday, April 13, 2006 12:01 a.m.

HARRISBURG, Pa.--Over five years after the near meltdown of the Florida presidential recount, politicians are still arguing over how best to reform state election laws. Ground zero in that battle now is Pennsylvania, which features two close statewide races, for governor and U.S. senator.

Democrats claim anything that impedes or discourages someone from voting is a violation of the Voting Rights Act. Republicans insist the state's rancid history of voter fraud requires preventive measures. The conflict of visions, to borrow Thomas Sowell's phrase, couldn't be more complete.

Take the bill the GOP-controlled Legislature passed, which would require voters show a form of official ID or a utility bill; another bill would end Philadelphia's bizarre practice of locating over 900 polling places in private venues, including bars, abandoned buildings and even the office of a local state senator. City officials admit their voter rolls are stuffed with phantoms. The city has about as many registered voters as it has adults, and is thus a rich breeding ground for fraud.

But Democratic Gov. Ed Rendell vetoed both bills last month, saying that in a time of voter apathy "the government should be doing everything it can to encourage greater participation." He warned that requiring an ID could disenfranchise the homeless, nursing-home residents and the poor. Mr. Rendell says there is no evidence people routinely impersonate others to vote. He also says requiring an ID at the polls doesn't combat absentee ballot fraud. True enough; election officials properly worry that some 25% of voters now don't show their face when voting. In 1998, Austin Murphy, a former Democratic congressman, pleaded guilty to fraudulently voting absentee ballots for nursing-home residents near Pittsburgh.

But Mr. Rendell's history doesn't inspire confidence that he takes fraud of any kind seriously. In 1994, Philadelphia Democrat Bill Stinson was booted from office as a state senator by a federal judge who found his campaign had rounded up 250 tainted absentee ballots. Mr. Rendell, then Philadelphia's mayor, had this reaction to the Stinson scandal: "I don't think it's anything that's immoral or grievous, but it clearly violates the election code." In 1997, Mr. Rendell admitted to the Journal's editorial board that Philadelphia judges had "a rich history of corruption" that called into question how fairly city laws are enforced.

Now governor, Mr. Rendell isn't eager to depart from business as usual. In 2004, a court had to order him to make changes in the deadlines for absentee military ballots so they would be counted. At the same time, his secretary of state asked prison wardens to post a document outlining how prisoners could vote absentee. When GOP Rep. Curt Weldon held a news conference to denounce illegal voting by prisoners, a TV camera crew captured voter operatives behind him carrying absentee ballots out of the prison.

Still, many liberals insist fraud isn't an issue in Pennsylvania. "Show us the fraud," said Elizabeth Milner, chairman of the state's League of Women Voters, urging a veto of voter ID. Well, Donna Hope of Philadelphia can show her, because in 2004 an organizer for Voting is Power, an offshoot of the Muslim American Society, registered her to vote despite her admission that she was a noncitizen. Although she was turned away from the polls for that reason that November, someone eventually voted in her name.

Ms. Hope, a citizen of Barbados, said the women registering her told her that if she "had been in the U.S. for seven years or more you can register to vote." Jocelyn Budd, the woman who is listed on Ms. Hope's registration form, recalls canvassing her street but not specifically registering her. "I heard that people were forging [registration] cards to meet goals, but I never falsified any information," she says.

As for the group that registered Ms. Hope, Noreen S. Ahmed-Ullah of the Chicago Tribune reported in 2004 on internal Muslim American Society documents which showed it is the "public face" in the U.S. of the Muslim Brotherhood, an international group that has spawned violent organizations including Palestinian Islamic Jihad and Hamas.

MAS leaders say the documents obtained by the Tribune are either outdated or inaccurate. Shaker Elsayed, a top MAS leader, says that while the group was founded by Brotherhood members, it is independent. An MAS spokesman denies the group has any connection to registration fraud.

Irregularities like these are representative of mushrooming fraud, and the general public clearly believes some safeguards are needed. Despite claims by NAACP chairman Julian Bond that voter ID laws represent "an onerous poll tax," polls show upward of 80% favor them. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check "requiring ID can help poor people." He notes that his native Georgia is deploying a mobile bus to issue free voter IDs.

But no antifraud laws will work if prosecutors and judges don't crack down on election irregularities. Several tell me they fear being accused of racism and aiding voter-suppression tactics if they pursue touchy fraud cases. One district attorney told the U.S. Government Accountability Office that he doesn't pursue phony voter registrations because they are "victimless and nonviolent crimes."

Even those few who are prosecuted often view the punishment as the cost of doing politics. Barbara Landers, a former Democratic state Senate aide, was convicted in 1994 on 30 counts of misleading absentee voters in the Stinson scandal. She was given a suspended sentence and fined only \$1,000. Last month, she pleaded guilty to misappropriating up to \$115,000 in state grants meant to help the needy. "If the book had been thrown at her for voter fraud, she might have been deterred from subsequent behavior," one Philadelphia prosecutor told me.

The integrity of the ballot box is just as important to the credibility of elections as access to it. In not closing off opportunities for fraud and chaos, Pennsylvania is inviting trouble in its fall elections that could rival that of Florida in 2000.

Mr. Fund is a columnist for OpinionJournal.com.

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The Patriot-News

Voter fraud rarely occurs, officials say

Some question need to require identification

Friday, February 17, 2006

BY JACK SHERZER

Of The Patriot-News

With all the debate over whether voters should show identification when they come to the polls, some might think the courts are clogged with ballot-casting miscreants after every election.

Nope.

Local election and law enforcement officials said they can count on one hand, with fingers left over, prosecutions against people who tried to vote twice or pretended to be someone else to cast a ballot.

If the state election bureau, state police or attorney general's office kept statistics on it, the idea that it's a big problem might be put down as an urban myth. But those agencies don't keep track of it and officials said it hasn't been a problem.

But it's getting a lot of talk because of the Voter Protection Act, which has passed the state House and Senate. It would require voters to show a photo ID or at least something with their name on it, such as a utility bill or paycheck.

"I don't think Dauphin County has a problem," said county District Attorney Ed Marsico. In the 2004 election, when provisional ballots were introduced, there were half a dozen suspected cases of abuse, but none was prosecuted, he said. Before that, there might have been one case about 15 years ago, Marsico said.

In Cumberland County, District Attorney David Freed reported the same.

"We get complaints [on] just about everything else relating to voting except voter fraud at the polls," Freed said. "Pure voter fraud, somebody trying to vote with a fake ID or doing it in an intentional fashion, trying to defraud the election board, the complaints are extremely rare."

"I've been in this business 26 years and I don't remember one case that we ever had to take to the district attorney," said Elaine F. Ludwig, Lebanon County's chief clerk of elections.

With the statewide registration data base and provisional ballots, voter fraud is not a problem, Ludwig said. Introduced in 2004, provisional ballots allow someone whose eligibility is in question to vote on a paper ballot that is examined later.

How about Philadelphia?

"There have been instances, but I wouldn't say in every election," said Peter Berson, a Philadelphia assistant district attorney and assistant chief of the government fraud unit. In the 2004 election there might have been a couple dozen complaints, but no charges, he said.

"It wasn't any kind of widespread 'stuff the ballot box initiative' that maybe some people would portray it to be," Berson said. He said provisional ballots have helped.

Gov. Ed Rendell -- who was Philly's district attorney and later its mayor -- questioned where all the fraud talk was coming from.

Rendell has signaled he'll veto the bill and said "nobody has come anywhere close" to showing why it is necessary.

"I think it is some urban legend that feeds on itself without anyone looking for substantial fact," Rendell said. "I actually think it's an attempt to manipulate the voting system and it's pretty despicable because other states are trying to find ways to expand the voting system and get more people to vote."

Even in the last two presidential elections -- which in Philadelphia were monitored by poll watchers -- there weren't significant problems, Rendell said.

Yesterday, House Majority Leader Sam Smith, R-Jefferson, wrote a letter to Rendell urging him to sign the bill and highlighting past fraud cases, though they all

dealt with nominating petitions.

But Smith's spokesman, Steve Miskin, said there's likely more voter fraud occurring than the amount being cited, and said even one case is too many. He asked if it is really too much to ask people to show identification after Sept. 11, 2001.

Miskin said anyone who showed up to vote without an ID could still use a provisional ballot, so nobody would be disenfranchised.

"In this day and age when there are very close elections, even a small amount of fraud can affect the outcome of an election," Miskin said. "Anytime there is one vote that's stolen, it disenfranchises every other voter. ... If the governor is to veto this bill it would be similar to condoning fraud."

JACK SHERZER: 255-8263 or jscherzer@patriot-news.com

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For Immediate Release:
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New Forms of Voter Suppression Spreading Across America

PFAW Foundation issues report documenting 'The New Face of Jim Crow'

People For the American Way Foundation issued a report today that documents the recent spread of new regulatory, legislative, and administrative tactics that suppress votes.

"Jim Crow is being reincarnated as an entrenched bureaucrat or politician raising barriers to the ballot box, and it is becoming much harder for many Americans to exercise their right to vote. The barriers range from obvious to insidious to unintentional, and they are proliferating across the nation," said PFAW Foundation President Ralph G. Neas. "Racial minorities, students, the poor and senior citizens are bearing the brunt of new rules and regulations that discourage and limit voting."

The report, titled [The New Face of Jim Crow: Voter Suppression in America](#), includes overviews of how the following policies and other emerging strategies are erecting new barriers to the ballot box:

- Overly strict voter identification requirements that make it harder for the up to 10 percent of Americans who do not have government-issued photo IDs to cast a vote;
- Burdensome voter registration rules that hobble the efforts of churches, community activists and nonprofits to register voters in traditionally disenfranchised communities, including minorities, students and immigrants;
- Provisional ballots that are cast, but often go uncounted—for example, more than one million provisional ballots went uncounted in 2004;
- Long lines and unequal distribution of resources at the polls, disproportionately affecting low-income neighborhoods;
- Felon disenfranchisement policies that make it difficult for men and women who have finished their sentences to regain voting rights and sometimes disenfranchise non-felons.

These policies are often put in place with the stated rationale that they are needed to reduce voter fraud, but almost no evidence indicates that such fraud is a problem. There is also scant evidence that such policies reduce what little fraud does exist.

"Every American citizen has the right to cast a vote that counts," said Neas. "It should be

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the goal of public officials to make it easier, not harder to vote. And it definitely should not be easier for some groups of citizens to vote than others. That's not fair, it's not democracy, and it's not the American Way."

Interviews with PFAW Foundation legal and public policy experts about these suppression strategies can be arranged via our communications department at 202-467-4999.

<http://www.pfaw.org/pfaw/general/default.aspx?oid=22237>

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Board seeks state police probe

Charges include votes by people who are not United State citizens, people voting under assumed names, and ballots listed under names of people who did not vote

01:00 AM EDT on Thursday, September 21, 2006

BY RICHARD C. DUJARDIN
Journal Staff Writer

PROVIDENCE -- Allegations of voter fraud in several precincts in last week's Democratic primary emerged during a hearing at the state Board of Elections yesterday, prompting the board to call for a state police investigation.

Laura Perez, who lost to incumbent Grace Diaz in a race for House District 11, and Eulogio Acevedo, who came in third in a five-way race for City Council in Ward 8, said they were not seeking to overturn last week's election but that election officials should be aware of what they had found.

Perez said she saw one man who is not a United States citizen casting a vote in a District 11 precinct and said four neighbors told her they did not vote but a list provided by the Providence Board of Canvassers showed that someone voted under their names. She said she knows of someone who voted under an assumed name.

Acevedo, who was in a hotly fought race in which Leon F. Tejada edged Wilbur W. Jennings by 11 votes, appeared before the board with his wife, Maryelyn.

Maryelyn Acevedo said she knew three people who gave their mail ballots to workers from another political campaign but the votes apparently never made it to the board of elections. But her biggest concern, she said, was many of the 650 new registered voters in Ward 8 whose names were added this year.

She said campaign workers visited those addresses to distribute campaign material, but were told by people living at those addresses that they had never heard of those individuals.

"There were many many cases like that," she said. "There were at least 30."

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The board's vice chairman, Thomas V. Iannitti, and member John A. Daluz said the state police will investigate as it did two years ago because of voter fraud in East Providence.

The allegations of voter fraud surfaced as the board postponed until 4 p.m. Wednesday a hearing on a Jennings' challenge to Tejada's 11-vote win.

Jennings' attorney, Keven McKenna, wants the board to call a new election because some mail ballots never reached state election headquarters.

To support his case, he called Vue Xiong, of 50 Netop Drive, who testified that he filled out his ballot and handed it to Scott A. Slater, son of Rep. Thomas W. Slater, D-Providence, at 7:30 p.m. election night.

Scott Slater testified that he picked up Xiong's wife's ballot earlier in the day and picked up Xiong's after Xiong returned home from work. He said he gave the sealed ballot to campaign worker Deborah Wesiah for delivery to the state. According to a list provided by the state, Xiong's ballot was not received or counted.

McKenna said he would be able to identify two other people from Ward 8 whose mail ballots were not counted either, and that with more time he might be able to find other mail ballot recipients whose ballots were not delivered or countered.

The board gave McKenna until Wednesday to find witnesses.

According to Robert Rapoza, director of elections, 13 ballots were disqualified from the tally because they had been rejected by a voting machine either because the voter voted for two or more people in the same race or failed to connect the lines next to a candidate's name with the black markers.

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Online at: http://www.projo.com/ri/providence/content/projo_20060921_elect21.3287bd3.html

017296

35,000 DEAD ON VOTING LIST IN PROVIDENCE?

People: McKenna, Keven A

Author(s): KAREN A. DAVIS Journal Staff Writer

Section: Business

Publication title: Providence Journal. Providence, R.I.: Aug 24, 2002. pg. B.04

Source type: Newspaper

Abstract (Document Summary)

Democratic mayoral candidate Keven A. McKenna had sought to have the names removed, in an appeal of last week's decision by the Board of Canvassers to keep the voting list intact. The state board listened to McKenna's arguments at a hearing yesterday morning.

The board also denied McKenna's request to disqualify thousands of voters whose mailed voter notification cards were returned to the canvassers marked undeliverable or addressee unknown.

What they're doing is better than nothing," McKenna said, after the hearing. The future of Providence should be determined by voters who actually live in Providence, not be deceased voters, and voters voting twice under different names."

Full Text

Copyright Providence Journal/Evening Bulletin Aug 24, 2002

* Removing the names of deceased city residents from a list of eligible voters is among the tasks now facing the Providence Board of Canvassers.

* * *

PROVIDENCE - The state Board of Elections yesterday agreed that the Providence Board of Canvassers has been negligent in its duty to clean up its list of registered voters, but denied a mayoral candidate's request to purge as many as 35,000 people from the primary election rosters.

Democratic mayoral candidate Keven A. McKenna had sought to have the names removed, in an appeal of last week's decision by the Board of Canvassers to keep the voting list intact. The state board listened to McKenna's arguments at a hearing yesterday morning.

McKenna has alleged that the city voting roster is flawed: it lists some voters twice, retains the names of people who have died or moved out of state and includes people who fraudulently claim to live at a city address. He presented the board with a list of more than 100 registered voters who would have to be more than 100 years old, or deceased.

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McKenna took up the issue of the voting roster after sending campaign mailings to residents at three public housing high-rises and having 302 of the mailings returned by the postal service, stamped addressee unknown."

We all truly believe that Mr. McKenna has taken the high-ground on this issue," state board chairman Roger Begin said at the end of the three-hour hearing. We believe the Board of Canvassers in Providence has been negligent."

McKenna came to the state board with several requests, including removing the names of deceased voters.

That request was granted, the board ordered the canvassers to immediately contact the city and state keepers of vital statistics to get the names of residents who have died from January 1990 to Aug. 15 of this year. City officials must compare those names with its voting records and immediately expunge the names of the deceased.

McKenna's requests to remove the names of people he believes do not live in Providence and eliminate duplications created by people who are listed under married and maiden names were denied.

Robert Fontaine, executive director of the state board, said federal law is clear: voters cannot be removed from municipal voting lists within 90 days of an election unless they make the request in person or in writing to have their names taken off.

Armed with federal law and state statutes, the five-person state board did, however, fire a shot of disapproval at the way the city has kept its voting list.

It ordered the canvassers to after the Nov. 5 general election initiate a citywide mailing to verify the status of the city's voting list. If a voter is found ineligible to remain on the list, the canvassers must wait for the passing of two federal elections before they can label such voters inactive."

The board also denied McKenna's request to disqualify thousands of voters whose mailed voter notification cards were returned to the canvassers marked undeliverable or addressee unknown.

Laurence K. Flynn, executive secretary of the Board of Canvassers, has said that a computer miscue left out apartment numbers or other errors that caused between 23,000 and 27,000 of the cards to be returned to the board.

McKenna has charged that the seven boxes of returned cards number closer to 35,000 and were returned primarily due to voter fraud or because voters no longer live at their registered addresses.

State officials were insistent that the city has a duty to correct the computer problems

and notify those voters; they also took issue with the fact that city canvassers were a month late in mailing out the notification cards, as the state required following legislative redistricting.

The board ordered the canvassers to resend the cards by Friday. Asst. City Solicitor Raymond Dettore said canvassing officials will begin mailing the cards on Tuesday.

What they're doing is better than nothing," McKenna said, after the hearing. The future of Providence should be determined by voters who actually live in Providence, not be deceased voters, and voters voting twice under different names."

People: McKenna, Keven A, Flynn, Laurence K

Author(s): KAREN A. DAVIS Journal Staff Writer

Section: News

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Abstract (Document Summary)

PROVIDENCE - The city Board of Canvassers voted yesterday to send certified letters to 302 would-be voters, agreeing that Democratic mayoral candidate [Keven A. McKenna] had reasonable cause to suspect those voters no longer live at their registered voting addresses.

The board voted to deny McKenna's request that they disqualify between 20,000 and 40,000 voters whose voting place notification cards were returned to the city as undeliverable or "addressee unknown."

Board member Mark Lomazzo who cast the dissenting vote in the 2- to-1 decision to deny McKenna's request said he agreed with McKenna's claim about the prevalence of out-of-town voters.

Full Text (733 words)

Copyright Providence Journal/Evening Bulletin Aug 16, 2002

* The Providence Board of Canvassers agrees to look at 302 discrepancies, but denies a bid by mayoral candidate Keven A. McKenna to disqualify thousands of registered voters.

* * *

PROVIDENCE - The city Board of Canvassers voted yesterday to send certified letters to 302 would-be voters, agreeing that Democratic mayoral candidate Keven

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A. McKenna had reasonable cause to suspect those voters no longer live at their registered voting addresses.

The three-person board also voted to look into McKenna's claim that five people on the voting list have died and should be purged from the rolls.

However, the board voted to deny McKenna's request that they disqualify between 20,000 and 40,000 voters whose voting place notification cards were returned to the city as undeliverable or "addressee unknown."

Laurence K. Flynn, chairman of the canvassing board, said a glitch in the computer system caused mistakes to be made in the mailing of the notices. In most cases, the city's computer division erroneously mailed the notification cards to street addresses, as opposed to mailing addresses, Flynn said. In other cases, an apartment number was left off the address, causing the card to come back as undeliverable.

Flynn said the board plans to resend at least 20,000 voter place notification cards before the Sept. 10 primary. But, he said, that project is on hold by order of the city finance director, who wants to get the city tax bills printed first, Flynn said.

McKenna alleges that those would-be voters who he estimates number closer to 40,000 do not live in the city and are fraudulently qualified to participate in the Democratic primary election, an election that could determine the city's next mayor.

McKenna said he will meet the 48-hour deadline in which he has to decide whether to appeal the decision to the state Board of Elections.

"I find it outrageous that the city does not provide the resources to keep the voting lists up to date," McKenna said. As a result, "people who do not live in the city could be voting to determine the next mayor of the city of Providence," he said.

McKenna said he believes many city employees who live in Narragansett or elsewhere are among those seeking to fraudulently cast votes.

Board member Mark Lomazzo who cast the dissenting vote in the 2- to-1 decision to deny McKenna's request said he agreed with McKenna's claim about the prevalence of out-of-town voters.

He said he personally knows of three out-of-town residents who registered to vote in the city and used relatives' addresses to do so.

"What we do . . . it's a joke," Lomazzo said.

And, yet, board member George T. Smith Jr. acknowledged mistakes not fraud caused many notification cards to be improperly addressed.

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"You can't take away their right to vote because of our misinformation," Smith said.

McKenna first took on the the accuracy of the city voting roster in June after mailing campaign literature to residents of three high- rise apartments and having 302 of his mailings returned and marked "addressee unknown."

Yesterday, McKenna told the board, he has since talked with Providence Housing Authority executive director Stephen O'Rourke, who checked his tenant list and confirmed that none of the 302 people live in the elderly high-rises.

While Flynn insisted that the 20,000 or more returned notification cards do not signal massive voter fraud, McKenna tried to show that the system has multiple flaws.

As an example, he brought up the matter of a woman who is listed on the voting list twice once under her married name and once under her maiden name at two different Cumberland Street addresses.

Flynn questioned how the board would know about changes in names or addresses, unless notified by residents.

Calling it the "most sacred document in a democracy," McKenna said he believes the board and the city have a duty to actively find out whether voters have died, moved or changed their names due to marriage.

McKenna said canvassing board computers should be connected with those in the state Department of Vital Statistics and city Probate Court, to better track deaths and marriages.

City election officials have said federal law prevents them from acting on the people who they suspect no longer live at their registered addresses. But, McKenna told the board that the rules are different for primary races, which are not bound by the laws that apply to general elections.

People: McKenna, Keven A, Flynn, Laurence K
Author(s): KAREN A. DAVIS Journal Staff Writer
Section: News

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Abstract (Document Summary)

PROVIDENCE - Mayoral candidate [Keven A. McKenna] has asked the Board of

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Canvassers to purge the city voting roster of citizens who vote from addresses at which they do not live.

"Hopefully, that astounding percentage of wrong addresses is not indicative of the entire voting list of the City of Providence," McKenna wrote in a June 16 letter to the city board, secretary of state's office and state Board of Elections. "However, I would hope that number would inspire your agencies to do their job and clean up the Providence voting rolls."

In his letter, McKenna asked the agencies to "restore integrity" to the voting system by doing a return mail purge of voter rolls; instituting a timely system of removing felons from the rolls, and developing an automatic electronic purging system that matches voting addresses with the city tax division and School Department, car registrations, the state Division of Taxation and the U.S. Postal Service.

Full Text (524 words)

Copyright Providence Journal/Evening Bulletin Jun 19, 2002

* Mayoral candidate Keven A. McKenna challenges the addresses of 302 voters, after mailings were returned "address unknown."

* * *

PROVIDENCE - Mayoral candidate Keven A. McKenna has asked the Board of Canvassers to purge the city voting roster of citizens who vote from addresses at which they do not live.

Noting that 56 percent of his mailings to registered voters at four city high-rises have been returned to him, McKenna is challenging the addresses of 302 voters.

McKenna who got a list of 96,124 registered voters from the Board of Canvassers said he became concerned about the accuracy of the voting roster after his mailings came back to him stamped "address unknown."

"Hopefully, that astounding percentage of wrong addresses is not indicative of the entire voting list of the City of Providence," McKenna wrote in a June 16 letter to the city board, secretary of state's office and state Board of Elections. "However, I would hope that number would inspire your agencies to do their job and clean up the Providence voting rolls."

Laurence K. Flynn, chairman of the Board of Canvassers, said anyone who challenges the veracity of a voter's address must identify the voter and show reasonable cause to prove that the person does not live there. Flynn said a hearing is scheduled to allow a complainant to make his or her case and allow the challenged voter to respond.

Following that procedure, Flynn said, the board will "take a look at" McKenna's

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complaint.

However, Flynn said "you can't put a blanket challenge in on a bunch of registered voters [and] I believe that's what he's doing here."

In his letter, McKenna asked the agencies to "restore integrity" to the voting system by doing a return mail purge of voter rolls; instituting a timely system of removing felons from the rolls, and developing an automatic electronic purging system that matches voting addresses with the city tax division and School Department, car registrations, the state Division of Taxation and the U.S. Postal Service.

Flynn said addresses are automatically matched with state and federal agencies every four years. And his office periodically updates voter records, including routinely getting notification from the state vital statistics division when someone dies.

Still, Flynn said, he is not surprised that candidates have mail returned to them.

"We live in a transient city," said Flynn, who has been with the board for 19 years. "People move around in the city. . That's how it's always been."

McKenna implied that he is skeptical of the suggestion that a transient population is the reason for wrong addresses. In his letter, he suggested that a flawed system or corruption by public employees could be a more plausible reason for discrepancies.

While such discrepancies might not make much difference in statewide races, McKenna believes that they are very important in city races, where victory margins have historically been slim.

"The electoral future of Providence should not be determined by strangers," McKenna said in a statement. "The voting roll is the most sacred document in a democracy. Its integrity should not be allowed to be compromised by bureaucratic incompetence or by voter fraud."

E.P. voter fraud saga continues; charges dropped against one suspect

EAST PROVIDENCE - Though it is less than a year until the next city election, the aftermath of the 2004 election still remains, with the state evaluating claims of voter fraud in both the primary and general elections in East Providence.

More than 200 names were suspected initially, but the Attorney General focused on nine individuals. Last week, the office of the attorney general announced it would be dropping charges against one person alleged to be involved. According to the attorney general's office, the case against Ralph J. Accinno, of 61 Brian Hollow Road, Coventry, was dismissed because the court determined the statute of limitations had run out.

"Mr. Accinno was charged with voter fraud," said Mike Healey of the attorney general's office.

"Voter fraud carries only a one-year statute of limitations."

Though the alleged crimes happened in the fall of 2004, with the general election held that year on Nov. 2, the state police did not forward information to the attorney general's office for consideration until Oct. 30, 2005. The office reviewed the information presented and filed charges against the individuals on Nov. 1, 2005, two days later.

Mr. Accinno does not have a criminal history, according to a prior interview with the attorney general's office.

The attorney general's office maintained that the crime was not completed until the general election took place, meaning the charges were filed in time. However, the courts ruled that Mr. Accinno had allegedly turned in his absentee ballot on Oct. 29, 2004, and the case was dismissed.

Of the nine individuals who faced charges, two others, William C. Chase of West Greenwich and Donna Hammann of Earl Avenue, were previously dismissed on grounds that neither had signed their voter registration cards. Four other cases, those of Francis B. Sergeant Jr. of Providence, Anthony K. Gomes of Robinson Street, Thomas A. Correia of Bristol and Steven J. Sullivan, of Second Street, were previously handled through a diversion program which involves community service for first-time, non-violent felony offenders. None of the men had a prior criminal record, and two were elderly.

Antonio T. Ramos previously plead "no lo contendre" and received a deferred five-year sentence, which is not technically a felony conviction, though he must keep the peace and maintain good behavior for those five years.

The final case, that of Albert D. Oliveira, remains to be settled. The attorney general's office has not been able to locate either Mr. Oliveira or an address for him. A warrant for his arrest was issued on Jan. 9, 2006.

By Kimberly Harper

kharp@eastbaynewspapers.com

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017305

Posted on Fri, Apr. 14, 2006

Eastover election panel says there was no fraud, counts ballots

By JOY L. WOODSON
jwoodson@thestate.com

Odell Weston and Walter Jones were declared the winners Thursday of the Eastover Town Council elections after 43 challenged votes were reviewed.

Eastover Election Commission chairwoman Ella Suber said none of the ballots challenged in Tuesday's election was thrown out on the basis of fraud.

About half of the challenged ballots were deemed valid and counted Thursday night, Suber said. Those ballots changed the results of the election, in which Geraldene Robinson and Jones on Tuesday were declared the winners.

The other half of the ballots were thrown out and not counted, largely because they had improper signatures, no signature at all or no signature of a witness, Suber said.

Weston and Jones each picked up 21 votes after the challenged votes were counted.

~~Robinson has accused Mayor Christopher Campbell of intimidating home-bound and elderly residents to vote for Weston and Jones.~~

Agents from the State Law Enforcement Division are continuing to investigate allegations of fraud.

Threatening, forging or coercing voters or votes is illegal.

"Let me assure you, and the good people of Eastover, that there has been no misconduct on my part on the matter of absentee ballots during Tuesday's election — of this I am absolutely positive," Campbell said Thursday in a written statement.

He later added that Robinson asked residents to vote by absentee ballot.

Two other candidates, Richard Johnson and Jo-Ann Simmons, said they also were concerned about fraud. But three election protest letters filed Thursday night by Robinson, Johnson and Simmons did not indicate fraud as a reason for the protest, Suber said. The letters allege there was improper notification of the election.

"This is ridiculous," Suber said after reading the letters.

~~After the election Tuesday, SLED officials seized absentee ballots, voter registration rolls and computers used to count ballots.~~

The investigation is being done in conjunction with the 5th Circuit Solicitor's Office, which filed a petition for seizure with the court. ~~That petition states there is belief that absentee ballots were possibly forged or falsely submitted.~~

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No town officials were named as suspects. And it was not known who contacted the solicitor's office.

Campbell stands by the election, saying "SLED is doing what they are required to do — investigate a complaint."

Campbell's supporters defended the mayor and their votes. They said there were similar accusations during the 2000 mayoral election when Campbell beat then-incumbant Robinson.

Edna Scott, 79, said she voted absentee and her sister, not the mayor, helped her fill out her form. She is disabled and uses a wheelchair.

"As a voter, each of us have our choice of candidates," she said. "I was not intimidated, not forced, but using the right of the voter to cast an absentee ballot."

Another voter, Dr. Vernishia Robinson, said she voted absentee because she works long hours and can barely make it home before 7 p.m. — the time polls closed.

"I was not pressured or coerced," she said, as she took a brief break between patients. "I voted for the candidates of my choice, and I'm upset that anyone would challenge my vote."

Reach Woodson at (803 771-8692

Dead men voting: In Daschle's home state, fraud wanders off the reservation

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John Fund's Political Diary

Note: At the time this was written Senator Tom Daschle, a Democrat from South Dakota, was Majority Leader of the United States Senate.

October 16, 2002 — Today the Senate will approve and send to President Bush a landmark bill that will upgrade voting machines and begin to curb the voter fraud that is creeping into too many close elections. It can't come soon enough. Last week, a massive vote-fraud scandal broke out in a U.S. Senate race in Tom Daschle's home state of South Dakota that could determine control of that body.

The FBI and state authorities are investigating hundreds of possible cases of voter registration and absentee ballot fraud. Attorney General Mark Barnett, a Republican, says the probe centers on or near Indian reservations. *"All of those counties are being flooded with new voters,"* says Adele Enright, the Democratic auditor of Dewey County. *"We just got a huge envelope of 350 absentee ballot applications postmarked from the Sioux Falls office of the Democratic Party."*

Steve Aberle, the Dewey County state's attorney, says many of the applications are in the same handwriting. At least one voter, Richard Maxon, says his signature was forged. Mr. Aberle, a Democrat with relatives in the Cheyenne River tribe, says many Native Americans have wanted little to do with *"the white man's government."* But this year many tribal elections have been scheduled for November 5, [2002] the same day as the critical election for Democrat Tim Johnson's Senate seat. A Democratic Senatorial Campaign Committee memo last month noted that the *"party has been working closely with the Native population to register voters and Senator Johnson has set up campaign offices on every reservation."*

More and more counties are uncovering fraud. Rapid City officials are investigating two brothers who may have forged registrations. Denise Red Horse of Ziebach County died September 3 in a car crash. But both Ziebach and Dewey counties found separate absentee-ballot applications from her dated September 21 in bundles of applications mailed from Democratic headquarters. Maka Duta, who worked for the Democratic Party collecting registrations in Ziebach, bought a county history book that contains many local names. Some are turning up in the pile of new registrations. At least nine absentee ballot requests have been returned by the post office. Mable Romero says she received a registration card for her three-year-old granddaughter, Ashley. Some voters claim to have been offered cash to register to vote. In both Dewey and Ziebach counties, the number of registered voters easily exceeds the number of residents over 18 counted by the 2000 census.

Renee Dross, an election clerk for Shannon County, says her office has received some 1,100 new voter registrations in a county with only 10,000 people. *"Many were clearly signed by the same person,"* she says. Some registrants actually live in neighboring Nebraska. As in most states, South Dakotans are on an *"honor system"* and don't show photo ID to register or vote. Only the unprecedented flood of applications raised any suspicions.

State Democrats told the Christian Science Monitor they expect 10,000 new votes from the Indian reservations this year. In 1996, Senator Johnson won by only 8,600 votes. Russell LaFountain, the director of Native Vote 2008, says his organizers are encouraging *"strong absentee balloting."* Pine Ridge Reservation residents told me that 11 workers are being paid \$14 an hour to contact voters. The statewide Indian voter project is run by Brian Drapeaux and Rich Gordon, two former staffers for Senator Daschle. Democratic officials say they've fired Ms. Duta and claim they were the first to bring the fraud to light. Ms. Enright, the Dewey County auditor, says that claim isn't true and is *"pure spin."*

Voter fraud isn't unknown on reservations. Democrats have often given out free tickets to Election Day picnics for voters on the Pine Ridge Reservation, where 63% of people live below the poverty level. In 1998, that prompted U.S. Attorney Karen Schreier, a Democrat, and Attorney General Barnett, a Republican, to write an unusual joint letter to county auditors noting that

"simply offering to provide" food or gifts "in exchange for showing up to vote is clearly against the law." Amazingly, Kate Looby, the Democratic candidate for secretary of state this year, has criticized laws barring the holding of picnics for those who vote. She also wants to drop restrictions on absentee voting.

Making voting easy is desirable, but only if legitimate voters don't have their civil right cancelled out by those who shouldn't vote. In 1980, only about 5% of voters nationwide cast absentee or early ballots. Now nearly 20% do. *"Absentee voting is the preferred choice of those who commit voter fraud,"* says Larry Sabato, a professor at the University of Virginia. He suggests media outlets set up *"campaign corruption hotlines"* and begin taking voter fraud seriously. The Miami Herald won a Pulitzer Prize in 1998 after its stories on how 56 absentee-ballot *"vote brokers"* forged ballots in a Miami election. The sitting mayor was removed from office.

In Texas, Democrat state Rep. Debra Danburg, who chairs the state House elections panel, has tried without success to reform absentee-ballot laws that are so loose she says they make *"elderly voters a target group for fraud."* Eric Mountain of the Dallas County district attorney's office says some campaigns have paid vote brokers \$10 to \$15 a ballot. Many seniors are visited at home and persuaded to have someone mark an absentee ballot for them. Others have absentee ballots stolen from their mailboxes.

The law Congress is passing addresses some of the problems the federal government created with the 1994 Motor Voter Law. Let's hope the latest scandal in South Dakota — uncovered only due to incredibly sloppy cheating—prompts states to examine their own absentee-ballot laws so they will stop being treated as an engraved invitation to fraud.

NEWS Channel 3
Wreg-TV/DT Memphis

Posted by Dan Taylor

No Action on Request to Void Election of Ophelia Ford

Dec 23, 2005, 10:08 AM EST

NASHVILLE, Tenn -A Senate committee looking into allegations of voter fraud in a special election declined Wednesday to seek throwing out the vote.

The winner of the September 15th election was Ophelia Ford and her victory was certified with a 13 ballot majority.

But *The Commercial Appeal* newspaper reviewed voter files and reported two people listed as voting in the election had died the previous month. The TBI was called in by the district prosecutor.

Terry Roland, the Republican candidate who lost the election, has repeatedly complained of voting irregularities.

Wednesday members of the Senate committee reviewing the election said they hadn't had time to review documents presented by Roland's attorney just before they met. They also noted the TBI hasn't had time to complete its investigation. The election was held to fill the seat of Ford's brother, longtime legislator John Ford, who resigned after he was indicted in a federal probe into allegations of bribery. In all, six current or former public officials are awaiting trial in Operation Tennessee Waltz.

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SOUTHERN STANDARD

Three more invalid votes found in state Senate election

NASHVILLE, Tenn. Copyright 2006 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed. -- Officials have identified three more convicted felons voting in a disputed state Senate election in Memphis.

State Sen. Mike Williams, chairman of a special Senate committee investigating the election, said Tuesday that the three felons found by state election officials pushes the total number of improper votes to 12 -- one shy of the 13-vote margin of victory for Democratic state Sen. Ophelia Ford.

"We're going to ask our attorney to go to Memphis to see if he can find one more vote," said Williams, R-Maynardville.

The election victory placed Ford in the state Senate seat her brother John Ford held for three decades before resigning in May after a federal corruption indictment.

Republican challenger Terry Roland and his supporters have said as many as 150 other votes were improper, including ballots cast in the names of voters who were dead. Ford has not been accused of wrongdoing.

The full Senate voted last month to void the election, but a federal judge interrupted that process and said the Senate could proceed only if it has consistent standards for dismissing election results.

The push to oust Ford was led by Senate Majority Leader Ron Ramsey, who is also a member of the investigative committee. The Blountville Republican has said the election "stinks to high heaven" and that there was already enough evidence to void it.

The first of two Senate votes needed to oust Ford passed 17-14, but the federal judge intervened before the second vote.

Williams abstained and Sen. Don McLeary of Humboldt was the only Democrat to vote in favor of the measure. McLeary has since switched to the Republican Party.

Williams said the Senate vote was "more partisan than it was procedure" and opened the Senate up to the federal court decision.

Williams' committee last week hired former state Appellate Judge Ben Cantrell, a Republican, to help guide it through the court's decision and to investigate further questionable votes.

The committee voted last month to void nine votes, including some cast on behalf of dead

voters, felons and nonresidents.

State Election Coordinator Brook Thompson said the most recent improper votes were found through a check of records at the Administrative Office of the Courts and by confirming that one voter turned up by The Commercial Appeal newspaper had a criminal record.

Thompson said his office is working on a report on potential felons registered to vote across Tennessee.

While it is unknown for which candidate the disputed ballots were cast, improper votes equaling or exceeding the margin of victory would be enough to call the election into question, Williams said.

Ford, who fought the ouster on grounds that it disenfranchised voters in the majority black district, has asked the state to pay more than \$57,000 to her lawyers for their work her federal lawsuit.

The state attorney general's office, meanwhile, is appealing the federal court decision.

If Ford is ousted, the Republican-controlled Shelby County Commission will name an interim senator.

Also Tuesday, the Senate State and Local Government Committee unanimously advanced a measure to purge dead voters' names from elections records every 30 days in an effort to prevent repeats of the Memphis vote.

See SB2866 on the General Assembly Web site at: <http://www.legislature.state.tn.us/>

WMCV.com

Accusations surround September's special election

Dec 12, 2005, 08:19 PM EST

Some serious accusations about September's special election to replace Senator John Ford.

Terry Roland's attorney's told a Tennessee Senate panel today that **four convicted felons -- 44 people who lived outside the district and even a person who died weeks before the election -- voted in the special election District 29 Senate Seat.**

"And we've come up with these names of people who don't reside where they say they resided, we've got a presumption that they should not be voting in this district," said Roland's attorney Richard Fields.

Attorney's for Ford and the Shelby County Election Commission argued that no election is perfect.

Roland's attorneys are asking that results of the special election be voided. The senate panel is scheduled to reconvene in Nashville December 21st.

On September 15th -- Ophelia Ford won the election for the District 29 Senate Seat.

Ford beat Republican Terry Roland by 13 votes. The special election was held because Ford's brother -- John Ford -- stepped down after being indicted in the Tennessee Waltz corruption scandal.

017313

Tennessean.com

Thursday, 10/12/06

Two more apparently fake voter slips found

Other states have reported group tied to Democrats

By JESSICA FENDER
Staff Writer

Two more questionable voter registration forms have surfaced in Metro Nashville — but these were handed in by a political group that supports Democratic causes, election officials said Wednesday.

ACORN, a low-income community advocate organization, has made national news this month for allegedly submitting thousands of incomplete or apparently fraudulent forms in other states.

The two registration slips in Tennessee included accurate names and addresses but with the wrong Social Security numbers, signatures and birth dates.

Those were the same problems discovered last week in a dozen forms submitted in Davidson and Williamson counties by a canvassing group hired by the Republican National Committee.

ACORN canvassers have registered more than 500,000 people nationwide, including thousands in Tennessee, spokesman Kevin Whelan said. He did not know about the questionable forms in the Nashville area until contacted by The Tennessean.

"If there are any mistakes that appear to be any kind of misconduct — intentional or unintentional — we want to know about them," Whelan said. "We wouldn't continue to employ anyone not meeting (our) standards of integrity."

Whelan said workers are paid by the hour, not by the number of people they register. He said a second pair of eyes looks over cards, checking for irregularities and incomplete information.

Metro elections commission staff contacted the people whose names appear on the potentially fraudulent forms. The people said they had not filled out the forms and were

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already registered, according to staff notes.

Brook Thompson, state election coordinator, said questionable forms will go to the district attorney's office for investigation and potential prosecution. •



Posted By Roswell Encina

Voter Admits Voting In District 29 Despite Living in Another District

MEMPHIS - Jennings Bernard is no stranger to Memphis politics. He even has a daily talk radio show.

Bernard has rubbed elbows with some of Shelby County's top leaders. He even has a picture of himself side by side with the chairman of the election commission.

So you think Bernard should know better. For the past three decades he has voted in District 29. A district he doesn't live in.

"Over 32 years I have voted at my mother's house," says Bernard.

Bernard admits he's registered to vote at his parents address in the Hollywood area of Memphis which is District 29. But he really lives in the Fox Meadows community in District 33.

"We often see this happening all the time," says Bernard. "People have been doing it for years."

Bernard is one of 44 contested voters the State Senate is looking into. A member of the senate committee investigating this says Bernard's vote needs to be thrown-out.

"Just because you have a business in the district or know the issues in the district. There are no reason you could continue to vote in that district. So his vote needs to be disqualified," says TN. Senator Ron Ramsey.

Jennings Bernard says he'll always consider North Memphis home. But because of all this controversy he went ahead in registered in the district he really lives in.

"If it was a problem and I was voting for 32 years at the wrong place," says Bernard. "I think its incumbent on the election commission to find out if I was working in the wrong place, that's your job!"

The clincher: Bernard says he didn't vote for either Ophelia Ford or Terry Roland in this contested race. Bernard says he voted for perennial candidate Prince Mongo.



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Voter fraud probe sought

Shelby ballots cast by 156 alleged outsiders

By Michael Erskine

Contact

August 12, 2006

The chairman of the Shelby County Democratic Party asked for a criminal investigation Friday into allegations of "possible fraudulent voting" in the Aug. 3 election.

Party chairman Matt Kuhn sent a letter to Dist. Atty. Gen. Bill Gibbons requesting he look into a claim that more than 150 citizens who live outside of Shelby County voted in the county election.

Jennifer Donnals, communications director for the DA's office, confirmed Gibbons received the letter.

"At this time, Gen. Gibbons will review it and make a determination, probably some time next week, on what action to take," she said.

In his letter, Kuhn cited a spreadsheet produced by John Harvey, a recent write-in candidate for sheriff. Using a database of driver's license information from across the state, Harvey found 156 people with addresses in Tennessee counties outside of Shelby who voted in early voting in the recent Shelby election.

In addition, he found five voters who appeared to be registered in both Shelby and Fayette counties.

Last month, a Nesbit man was charged by a Shelby County grand jury with voting twice -- once in Mississippi and once in Tennessee -- in the 2004 presidential election.

Kuhn wrote that he hoped Gibbons would "continue to vehemently prosecute those citizens who use a multiple franchise to invalidate the integrity of our Shelby County Elections."

"Should your investigation reveal any evidence of nonresidents voting in our Shelby County elections, we would hope that they would be prosecuted to the

fullest extent permissible under Tennessee law."

-- Michael Erskine: 529-5857

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Four sue over vote outcome

Democrats claim irregularities, seek new elections in November

By Lawrence Buser

Contact

August 15, 2006

Four Democratic candidates who lost by narrow margins in races for clerks' positions filed suit Monday asking a judge to declare the Aug. 3 election void because of irregularities and to declare them winners or order new elections in November.

Juvenile Court Clerk candidate Shep Wilbun and Probate Court Clerk candidate Sondra Becton are plaintiffs in a suit filed by attorney Mark Allen.

Criminal Court Clerk candidate Vernon Johnson and Shelby County Clerk candidate Otis Jackson are plaintiffs in a suit filed by attorney Javier 'Jay' Bailey.

Both suits were filed near closing time Monday afternoon in Chancery Court. No hearing date has been set.

The suits allege a wide variety of irregularities, including voting by nonresidents, improper vote counting, voter intimidation, security breaches and mishandling of voting machines.

"There is substantial evidence to indicate that the integrity of the election process has been compromised so as to justify judicial intervention," Bailey said in his suit.

Allen said the election "should be declared null and void since fraud or illegality so permeated the conduct of the election as to render it incurably uncertain."

He alleges in the suit that 356 people voted twice during the early voting period and that another 3,000 voters from early voting could not be verified as being properly registered.

The lawsuits say "unofficial" and "preliminary" returns show:

In a bid to regain his old job, Wilbun, a former County Commissioner, lost to

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Juvenile Court Clerk Steve Stamson, 73,954 votes to 73,165. Becton, running against her former boss, lost to incumbent Probate Court Clerk Chris Thomas, 71,654 to 71,050.

Johnson, a bail bondsman, lost to Criminal Court Clerk Bill Key, 68,491 to 67,698. Jackson, a management consultant and former basketball star, lost to Shelby County Clerk administrative assistant Debbie Stamson, 72,123 to 71,645.

Figures provided to The Commercial Appeal by the Shelby County Election Commission, which are said to represent all 279 voting precincts, showed the races to be even closer than the totals reflected in the suits.

The final totals showed Steve Stamson winning by 313 votes over Wilbur, Thomas by 445 over Becton, Key by 621 over Johnson and Debbie Stamson by 303 over Jackson.

At its regular scheduled monthly meeting, the Election Commission certified all final vote totals from the Aug. 3 elections late Monday afternoon.

Greg Duckett, chairman of the election commission, said after the meeting that the commission had not received any notice about the lawsuit.

-- Lawrence Buser: 529-2385

Staff reporter Yolanda Jones contributed to this story.

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Cross-check Dist. 29 voters, Roland asks

Ophelia Ford likely will be seated in legislature while questions are resolved

By Richard Locker

Contact

January 7, 2006

NASHVILLE -- Attorneys for Republican Terry Roland have asked state officials to cross-check voters in the contested Senate District 29 election with death certificates and a national Social Security database.

Because of that request and a TBI investigation of the election expected to be finished this month, the chairman of a Senate committee hearing Roland's contest of the election said Friday the panel will likely be unable to settle the issue before the Tennessee legislature convenes Tuesday.

That means the declared winner of the election, Democrat Ophelia Ford, will be provisionally seated Tuesday unless a majority of the Senate votes against her. The state Constitution gives the Senate sole authority to seat its members.

Ford, D-Memphis, defeated Roland, a Millington businessman, by 13 votes in the Sept. 15 election. But Roland contested the results, charging that at least 68 votes were improperly or illegally cast, including at least two cast in the names of people who died weeks earlier.

A Senate committee of three Democrats and three Republicans was appointed to investigate the election and make a recommendation to the full Senate on whether to seat Ford, seat Roland, or call a new election.

After news of the two dead "voters" surfaced last month, Dist. Atty. Gen. Bill Gibbons asked the TBI to investigate. The chairman of the Senate committee, Sen. Mike Williams, said Friday he will ask the panel to delay its recommendation so it can deal with the new requests received from Roland's attorneys late Thursday and to await results of the TBI probe.

"I don't want the committee to make a recommendation for or against anyone without as



Mark
Humphrey/Associated
Press file photo

Although Democrat Ophelia Ford was sworn in as District 29 senator in September, a probe of "dead" people voting in the race against Republican Terry Roland won't be over before the Senate convenes Tuesday.

much information as possible," said Williams, R-Maynardville.

"The last correspondence we got from the Roland attorneys is to get a national Social Security database for a cross-check with voters. The state election coordinator says it would take at least two weeks to do that but I think this is of such importance that I would be in favor of doing that. And TBI says it thinks it can have a report to us by mid-January."

Although the committee may wait, Senate Republicans could challenge Ford's provisional seating Tuesday -- reportedly out of a concern that once seated, the state Constitution requires a two-thirds Senate vote to remove a member. The GOP has a 17-16 edge over Democrats in the Senate -- a majority required to sustain an election contest but short of the two-thirds required to oust a sitting member.

There are conflicting legal opinions on the issue.

Meantime, Shelby County Democrats said Friday they plan to file suit next week in Chancery Court to block a Roland move to invalidate 9 or 10 votes in the special election because voters failed to sign ballot applications.

The county Democratic Party leadership voted to retain attorney Jay Bailey, who said he will work free of charge. Invalidating the ballots would wrongly disfranchise voters for making simple mistakes, Bailey said.

"I do hope my vote will count," said voter Louvenia Hampton, 75, who appeared alongside party officials at an afternoon news conference. Hampton said she believes a poll worker failed to point out that she needed to sign her ballot application.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

Staff reporter Marc Perrusquia contributed to this story.

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Absent poll worker got election-day pay

Yet 'signed' forms of 2 dead voters in precinct under probe

By Marc Perrusquia

Contact

January 15, 2006

A Memphis poll worker was paid \$95 for helping in the Sept. 15 election, yet records show she was out of town, and her supervisor says she never came to her assigned polling place.



Verline Mayo

The whereabouts of poll worker Vatricia A. McKinney are critical in ways that involve more than just taxpayer money.

McKinney's initials appear on ballot forms cast in the names of two dead voters -- records at the center of a voter fraud probe that could void Ophelia Ford's razor-slim state Senate victory.

McKinney's signature also appears on a form certifying voting machine totals at North Memphis' Precinct 27-1, where someone cast votes in the names of two elderly voters who had died weeks before the election.

However, McKinney, a public housing official, actually was in New York that Election Day on a taxpayer-funded trip, The Commercial Appeal has found.

Her sister -- untrained as a poll worker -- secretly filled in for her, in apparent violation of state election law.

McKinney, 52, and her sister, Mary L. McClatcher, 51, declined comment.

Precisely how it came that someone signed the names of two deceased voters into the precinct poll book that day remains unknown.

The precinct's ballot safeguards seem to have failed, and at different points in the day each of its three election judges left their posts.

"There were some unusual things going on," agreed Verline Mayo, the poll officer in charge at Precinct 27-1.

The precinct's dead voter scandal has triggered a criminal probe and has brought the

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Tennessee state Senate to the cusp of voiding Democrat Ford's narrow win over Republican challenger Terry Roland.

Ford won by 13 votes in a race in which nearly 8,500 ballots were cast.

Ford has been provisionally seated, yet senators say they will consider voiding the Dist. 29 election when the Tennessee Bureau of Investigation completes its probe.

Roland claims the election was plagued by widespread irregularities, and the controversy escalated last month after The Commercial Appeal found that ballots were cast in the names of two dead voters.

Joe L. Light, 70, died Aug. 6, and Archie L. Kirkwood, 72, died Aug. 30, yet signatures of both were written Sept. 15 into the poll book, the alphabetic roster of a precinct's registered voters kept on site on Election Day.

Records show Mayo, sisters McKinney and McClatcher and Kirkwood all once lived in the now-razed Oates Manor public housing development. There, McKinney and McClatcher had lived in an apartment next door to Kirkwood.

Ballot applications -- forms voters fill out before entering the voting booth -- suggest the Kirkwood and Light votes came back to back.

Ballot application no. 012028 was filled out in Kirkwood's name, and application no. 012029 in Light's name.

Each application lists the initials "VAM" -- Vetricia Ann McKinney -- as a poll worker processing the ballots. Poll workers are the army of citizen volunteers who get a modest day's pay to man voting sites.

Altogether, the "VAM" initials appear on ballot applications for 13 of the 31 votes cast at the precinct on Election Day, records examined by the newspaper show. A series of other records indicate a key role by McKinney at the poll that day:

McKinney's full signature appears on the precinct's Certificate of Results, a return sheet on which poll workers record voting machine totals, seal numbers and protective counter numbers designed to guarantee an election's integrity.

Thirteen days after the election, McKinney signed and cashed a \$95 check from Shelby County government's election payroll for her work.

Yet the day of the Sept. 15 election, McKinney was in New York on a five-day bus tour.

Public records maintained by Memphis Housing Authority show McKinney was among some 20 people who took the Sept. 11-16 tour as part of MHA's leadership retreat.

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McKinney is a public housing resident who also serves as the tenant representative on MHA's policy-making Board of Commissioners. Records show MHA paid McKinney a \$282 travel advance on Sept. 9. Overall, MHA estimates it spent \$673 to send McKinney on the retreat that included visiting lawmakers in Washington, touring affordable housing sites in Baltimore, and sightseeing in New York.

MHA special investigator Tony Olden, a chaperone on the trip, said he was in New York with McKinney and the others on Sept. 15 as they toured Rockefeller Center and Broadway. Olden said the group finally rolled back into Memphis about 10:30 p.m. on Sept. 16, the day after the election.

Asked whether McKinney ever made it to the Precinct 27-1 polling place on Election Day, officer in charge Mayo said, "No, she didn't come."

Instead, McKinney's sister came. Mayo identified that sister as Mary McClatcher, a FedEx employee who keeps an apartment in Frayser.

"Her sister worked in her place at the last minute," said Mayo. McClatcher wasn't paid, but Mayo said she believes McKinney gave her sister her pay.

State law allows a polling site election officer to fill a vacancy on the spot, provided the substitute is given an oath to uphold the law, and the move is reported to the local Election Commission.

That didn't happen, said Shelby County elections administrator James Johnson, who heads the Election Commission's professional staff. Johnson said he's never heard of McClatcher, and her name isn't among the county's roster of poll workers.

"They're supposed to call and let us know who that person is," Johnson said. "I don't have any records that say (Mayo called in the replacement.) Because all records indicate that Vetricia McKinney signed for this information ... Signed in the morning. Signed in the evening."

Mayo, 68, didn't say why she didn't report the substitution, but former congressman Harold Ford Sr., who has been conducting his own review of the irregularities, said Mayo only reluctantly told him of the substitution.

"She said there was something that was wrong. There was a person who was supposed to work who did not work and (she) didn't report that to the Election Commission."

Election Commission Chairman Greg Duckett has said he believes a poll worker or someone with specialized election knowledge forged the dead voter ballots -- a contention Mayo rejects. She told a reporter it would have been "easy" for two people to have come in off the street and posed as Light and Kirkwood.

"See the thing about it, (voting) was so slow that day, and I left," Mayo said. She said

she went to vote in a different precinct, and in that time less-experienced poll workers could have been fooled.

Both sisters declined interviews.

"I have nothing to tell you. Talk to the TBI," McKinney said.

Said McClatcher: "Sir, whatever you need to know, you need to talk to the Election Commission. I have nothing to say."

--Marc Perrusquia: 529-2545

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017326

Panel voids Ford's election

By John Rodgers, jrodgers@nashvillecitypaper.com
April 14, 2006

A special state Senate panel voted Thursday to recommend voiding Sen. Ophelia Ford's election, concluding its six-month-long investigation.

The committee, which consisted of three Republicans and three Democrats, voted 4-1 to void Ford's election.

Two Democrats, Minority Leader Jim Kyle (D-Memphis) and Roy Herron (D-Dresden), voted with two Republicans to void Ford's win while Sen. Joe Haynes (D-Nashville) was the only Senator voting to uphold it. Sen. Jeff Miller (R-Cleveland) was not present for the final tally.

"The election needed to be overturned because of all of the mistakes and the fraud and the illegality that did go on," said Senate Majority Leader Ron Ramsey (R-Blountville), who has been his party's point man on voiding Ford's contested election.

The panel will now send that report to the full Senate for a final vote to possibly oust Ford. But Ford's attorney, David Cocke, said he would move to go back to federal court, likely next week, as a result of the Senate panel's action.

Ford (D-Memphis) defeated Republican Terry Roland by 13 votes in a September special election for District 29. Ford replaced her brother, John Ford, who resigned from his seat after being indicted on corruption charges in the Tennessee Waltz sting.

Ophelia Ford was present at the first two hours of the hearing, but left prior to the start of the second half of the proceedings.

Haynes said no evidence of illegal or improper votes exists, making voiding the election unnecessary.

"I'm not willing to take away votes of the 29th District based on inferences," Haynes said. "I think that's wrong, and my conscience won't let me do it."

The "inferences" Haynes referenced include questionable votes from two people whose voter registrations were connected to business addresses.

Haynes said he doesn't think questionable ballots should be added to the 12 ballots the committee appeared to agree were improper.

"We think the burden of proof to set aside an election is a lot more than inference," Cocke said.

The 12 improper ballots the committee agreed upon consisted of two ballots cast with the names of dead people, seven cast by convicted felons, and three cast by people voting from outside the district.

Roland's attorneys were trying to reach 13 or more improper votes to satisfy existing state case law in *Emery v. Robertson County*, which found that an election can be voided if, in this case, 13 or more illegal votes were cast.

In the end, however, the committee never declared there were 13 or more illegal votes. Rather, its members voted to void the election based on another standard in the same case law that allowed nullifying an election if it were "incurably uncertain."



Ophelia Ford attended the first two hours of a legislative panel hearing that recommended voiding her election of a state Senate seat. Photo by Josh Anderson.

"And that's one of the standards the court outlined in *Emery v. Robertson County*," said the committee's special counsel, former state Court of Appeals judge Ben Cantrell.

Roland's attorneys had challenged the residency addresses of 44 Memphis-based voters, with the Senate sending affidavits to verify their residences. Based on the responses, Cantrell confirmed, however, that just one person voted outside of Senate District 29.

Cocke, Ford's attorney, said he would move to take the case back to court before a final Senate vote, which would take place Wednesday at the earliest.

In January, federal judge Bernice Donald prohibited the Senate from proceeding in possibly voiding Ford's election until a hearing could take place in Memphis.

After the January hearing, Donald ruled, among other findings, that a voter's constitutional rights must be ensured before an election could be voided.

Cocke said the seven convicted felons who voted "didn't get any due process notice."

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Senators will continue Ford vote review

They'll meet in Nashville Tuesday, a day ahead of Memphis court hearing

By Richard Locker

Contact

January 20, 2006

NASHVILLE -- A Senate committee is resuming its probe of Shelby County's Senate District 29 election after the Republican push to expel Sen. Ophelia Ford was halted by a Memphis federal judge.

The special committee plans to meet here Tuesday to hear final arguments by lawyers for Ford and her Republican opponent, Millington businessman Terry Roland. It will also review a report by the state election coordinator comparing Social Security numbers of voters in the special Sept. 15 election and deceased people.

The committee chairman, Sen. Micheal Williams, R-Maynardville, said Thursday he plans to ask the bipartisan panel to vote on its recommendation to the full Senate on whether to seat Ford or void the election. Roland's formal contest of the election, which initiated the committee's review, asks that the election be vacated.

Williams said he does not expect a separate TBI investigation to be finished by next week. But the TBI probe requested by Shelby County Dist. Atty. Gen. Bill Gibbons is focused on possible criminal activity in the election -- particularly the use of two dead people's identities to cast two votes -- and not on who won or lost and other issues the committee is examining.

Fallout from U.S. Dist. Judge Bernice Donald's restraining order late Wednesday intensified in Nashville Thursday before the legislature adjourned for the weekend. Senate Republican Leader Ron Ramsey deferred indefinitely his resolution to void the election and expel Ford when the measure was called up on the Senate's agenda.

Its passage had been a virtual certainty until Ford's attorneys filed a federal lawsuit in Memphis Wednesday afternoon to block it. "I'm surprised and disappointed, but that's part of it," Ramsey said.

The restraining order bars the Senate from affirming or voiding the election and removing Ford until at least next Wednesday, when Donald holds a hearing on the due process, voting rights and equal protection issues raised in Ford's lawsuit.

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A key issue in the suit is the Senate Republican majority's push to approve the resolution *before* the investigating committee completes its work. After failing to persuade his party leaders to wait on the committee, Williams halted the panel's work on Tuesday, saying "there's no need" to continue if the Senate was going to void the election before it submitted its findings.

But with the resolution on hold, Williams announced the committee will meet Tuesday to conclude its work and write a report to the full Senate -- in advance of Wednesday morning's court hearing in Memphis.

"We want to hear the final arguments of both sides and then vote our recommendation," Williams said.

Also Thursday, members of the Black Caucus rallied in support of Ford and against the Senate Republicans' planned move.

"We are profoundly disappointed in the Senate's action," said caucus chairman Rep. Johnny Shaw, D-Bolivar. "It was the Senate that asked for the investigation of the election. We're not making a racial issue out of this; we're saying the process needs to work. The TBI report isn't in yet."

Ford was present for both the Senate session and an earlier Democratic Caucus meeting to explain the restraining order to its members. Said she: "I am very pleased about the court order. I have no further comment to the media."

There was concern among senators about whether they are to appear in Donald's court Wednesday. Ford's complaint listed as defendants all 32 members of the Senate other than herself.

Sen. Mark Norris, R-Collierville, said that as a Memphis lawyer and defendant, he feels obligated to attend and argued against the Senate's plan to reconvene at 10 a.m. Wednesday -- an hour and 15 minutes after the Memphis hearing begins.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

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Poll worker now faults machines in dead vote

By Marc Perrusquia

Contact

January 24, 2006

In a new twist to Shelby County's dead voter scandal, the officer in charge of a North Memphis voting precinct now says she encountered late-night voting machine troubles.

Verline Mayo gave the account Monday while defending her poll workers at North Memphis' Precinct 27-1, where someone used the names of two dead voters to cast ballots in the disputed Sept. 15 state Senate election.

A majority of senators, alleging fraud and other irregularities, want to void the District 29 election narrowly won by Ophelia Ford.

In a series of interviews since last month, Mayo has said she believes any fraud was committed by people posing as voters -- not by poll workers as Election Commission Chairman Greg Duckett says he suspects.

On Monday, Mayo added to her account, saying for the first time that she had difficulties getting her voting machines to tally, a problem that she says caused Precinct 27-1 to report returns as much as an hour late.

During that time, poll workers may have innocently filled in blanks on paper ballot applications, she said.

"There's no record that happened," said James Johnson, Shelby County elections administrator. Johnson said Precinct 27-1 didn't report late.

He said he doesn't know why Mayo is now saying that, but said her accounts are beginning to sound "like a cover story."

Records show someone signed the names of Joe L. Light, 70, and Archie L. Kirkwood, 72 -- both of whom died weeks before the Sept. 15 election -- to vote at Precinct 27-1.

An investigation by The Commercial Appeal also found that poll worker Vatricia A. McKinney, 52, whose initials appear on ballot applications for both dead voters, actually was in New York that day. Though McKinney was paid \$95, her sister, Mary L. McClatcher, 51, secretly worked in her place.

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In television interviews Monday, a tearful McKinney admitted she didn't work the polls that day but said she'd told Mayo ahead of time she wouldn't be there. Meantime, McClatcher told Fox News 13 she signed her sister's name and initials on election documents at Mayo's direction.

Mayo confirmed that she told McClatcher to sign in as McKinney, who was to give her pay to her sister. Doing otherwise would have required McClatcher to wait several weeks to get paid, Mayo said.

Mayo, 68, a former public housing leader who for years has been Precinct 27-1's officer in charge, then gave this explanation for the dead voter ballots:

Poll workers are supposed to initial ballot applications just before voters enter the booth, but workers may have waited until the end of the day. When poll workers finally initialed the applications, they may not have initialed the correct ones.

Mayo offered that explanation because several poll workers -- including McClatcher -- knew deceased voter Kirkwood and would not have been fooled by someone posing as her.

Mayo said poll workers had extra time to fill in blanks because of problems getting the two voting machines to tabulate.

Mayo said she called Election Commission inspector Eddie Hayes to come help fix the problem -- an allegation Hayes denies.

"She's changing her story every three days, it seems to me," said Hayes, who earns a living as a funeral director for the Ford Funeral Home, owned by relatives of Ophelia Ford.

Hayes said he's worked as an Election Day inspector for about 20 years, long before he went to work for the Ford Funeral Home.

The Election Commission's Johnson said there's no records of any vote tally delay at Precinct 27-1, and poll workers aren't supposed to initial ballot applications after the fact. "That's not the way they're trained."

-- Marc Perrusquia: 529-2545

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Ford Sr. sees GOP hand in dead vote

Republican leader calls former congressman's claim 'absurd'

By Marc Perrusquia
December 16, 2005

As a Shelby County voter fraud investigation lurches forward, former congressman Harold Ford Sr. isn't waiting for answers.

Ford said Thursday he's opened his own investigation into allegations that two dead voters cast ballots in the September state Senate race that his sister, Ophelia Ford, won by 13 votes.

Ford said he's not prepared to make any accusations, yet suggested evidence of any skulduggery will lead to Republicans, not his own Democratic Party.

"It's gotten to (where people are saying), 'Hey, we're out here voting dead people.' It is clear that is not the case. We know that for a fact," said Ford.

"We're going to get all the facts. The other side's got all the information, and I think that they are well aware of what took place and what went on."

Shelby County Republican Party Chairman Bill Giannini called Ford's statements "absurd."

"Tell Harold Ford Sr. that the folks at the Flat Earth Society say hello," Giannini said.

"All we said from day one is we wanted this (tight election) to be looked at. And for Harold Ford Sr. to get involved in it at this point is certainly puzzling."

Emotions have flared since Ophelia Ford won a squeaker Sept. 15 over Republican challenger Terry Roland for the Dist. 29 Senate seat vacated by another Ford sibling. John Ford resigned in May after his indictment on bribery charges.

Contesting the results, Roland is asking the Senate to overturn the election, alleging widespread voting irregularities.

Meantime, an investigation by The Commercial Appeal found that the names of two elderly voters who died weeks before the election were used to cast ballots in a North Memphis precinct.

Requesting a criminal probe, Shelby County Election Commission Chairman Greg Duckett said he believes as many as five ballots may have been forged in heavily

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Democratic Precinct 27-1. Those ballots include the two cast in the names of dead voters as well as three others, he said.

Duckett said authorities are suspicious, in part, because ballot applications for all five votes appear to contain similar handwriting.

Duckett said at a Wednesday press conference he suspects the culprit is a poll worker or someone with specialized election knowledge, a suspicion advanced Thursday by longtime commissioner O.C. Pleasant.

"It took several persons involved to make happen what did happen," Pleasant said. "I don't know where it will lead to."

Citing the criminal probe, election officials have declined to release the names of poll workers who manned the Precinct 27-1 polling place at Fire Station No. 6, at 924 Thomas.

Verline Mayo, the official in charge of the polling place, said she had no clue how votes were registered for Joe L. Light, 70, and Archie L. Kirkwood, 72, both of whom died weeks before the election.

"I don't know how that could have happened," said Mayo, 68, a longtime North Memphis resident who has worked as an Election Day poll worker since 1964 and who has overseen Precinct 27-1 for several years.

"We've got a pretty good clean record up there."

Speaking in her North Memphis home, Mayo said she didn't have all the names of the poll workers who worked with her on Election Day.

Dist. Atty. Gen. Bill Gibbons said he called the Tennessee Bureau of Investigation on Tuesday to open a criminal probe but said the investigation likely won't start in earnest until next week.

Not waiting around, Ford Sr. said he's already made several calls and intends to interview all 32 of the living voters who cast ballots in Precinct 27-1. Including ballots of the two dead voters, 34 votes were cast in the precinct, and 32 of them were for Ophelia Ford.

"We want the truth to come out," said Ford, 60, a lobbyist who served in Congress until 1997. His son, Rep. Harold Ford Jr., succeeded him.

Ford Sr. first called the newspaper on Wednesday to make it clear that his family business, N.J. Ford & Sons Funeral Home, didn't bury Light or Kirkwood. On Thursday, Ford confirmed that J.E. Herndon, the funeral home operator who buried

Kirkwood, also works for the Ford Funeral Home as an embalmer.

"This was an inside job," he said. "Why would Ophelia Ford want to get into the Election Commission and vote the dead?"

Despite his own suspicions, Ford said he believes fraud may be limited to the ballots of the two dead voters. The other three ballot applications with similar handwriting likely involved a poll worker assisting illiterate voters, he said.

Republicans invested a lot of money in North Memphis' Democratic precincts in advance of the election, Ford said, indicating that that's the trail to follow.

"I see the trend where this is going to be headed," he said, "and it's not coming to us."

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Joe Ford suggests independent election probe

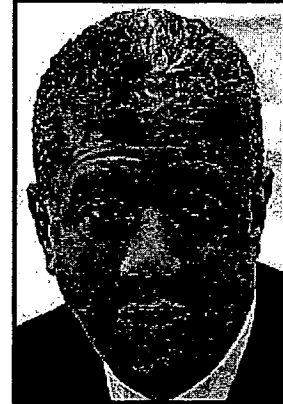
County colleagues rebuff idea of hiring investigator

By Michael Erskine

Contact

December 20, 2005

Shelby County Commissioner Joe Ford said Monday the commission should look at hiring an independent investigator to probe voting irregularities in his sister's controversial state Senate win.



Joe Ford

Ford, who made his suggestion during the commission's regular meeting, said he had no plans to introduce such a proposal himself.

"I just wanted to bring that to the table," he said, citing the emotional strain the controversy has put on his family and the need to resolve it quickly.

Dist. Atty. Gen. Bill Gibbons has asked the Tennessee Bureau of Investigation to conduct a criminal probe into the September special election to fill the Dist. 29 state Senate seat.

Ophelia Ford, Joe Ford's sister, was victorious by just 13 votes in winning the seat vacated by another sibling, John Ford, who resigned in May following his indictment on bribery charges.

An investigation by The Commercial Appeal found the names of two voters who died weeks before the election were used to cast ballots in a heavily Democratic North Memphis precinct.

Joe Ford's comments Monday came during a discussion about the pending purchase of new voting machines by the Election Commission.

Steven J. Mulroy, a law professor and member of the Democracy Project, a coalition of local citizens groups, urged commissioners to buy machines that use a "voter-verified paper audit trail." Such a feature would allow voters to see a paper record of their choices before they finish casting their ballots.

Election officials have not decided whether to invest in such a feature, but Ford said it sounded like a good idea to him, and launched into his comments about hiring an investigator to probe the recent election.

Ford's fellow commissioners did not respond during the meeting, but many were clearly

surprised by his suggestion.

Three commissioners interviewed after the meeting all said they had no intention of intervening in a matter that should be left to criminal investigators.

"It will be taken care of, and I don't think the commission needs to get into that," said Commissioner Joyce Avery.

Chairman Tom Moss and Commissioner Deidre Malone echoed Avery's sentiments.

"I just think we need to be aware of it, and we need to be updated on it. And I think that's what our role should be," Malone said.

Moss said he did not expect the commission would have much interest in hiring an investigator.

Ford later said in an interview he may ask Moss to put the item on the commission's agenda after the holidays if the matter hasn't been resolved.

He said he knows the idea of spending taxpayers' money to hire another investigator would not go over too well with his colleagues.

"Will it happen? Probably not," Ford said, adding, "We want to just be treated fairly."

-- Michael Erskine: 529-5857

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Commercial appeal.com

Roland to ask to void election

Senate panel to meet today about District 29 balloting

By Richard Locker
December 21, 2005

NASHVILLE -- Lawyers for Republican Terry Roland will ask a state Senate committee today to recommend the Senate District 29 election be declared void because "there were widespread violations of election laws," they said in a new filing.

Democrat Ophelia Ford was declared the winner by 13 votes in the special Sept. 15 election to replace her brother, former senator John Ford. But Republicans contend in a Tuesday filing that it should be voided because "more than 13 illegal votes were counted."

The six-member committee of Senate leaders, three Democrats and three Republicans, meets here at 9 a.m. today to try to settle the contest and report its recommendations to the Senate.

Ultimately, the 33-member Senate must decide whether to seat Ford when it convenes Jan. 10 or declare the seat vacant. The Shelby County Commission would appoint an interim senator until a new election.

The Senate also would decide whether to order a special election or wait until the regular election, when the District 29 seat is on the ballot for a full four-year term.

In their latest filing, Roland's lawyers took issue with the conclusion last week by state Election Coordinator Brook Thompson that only six or seven improper or illegal votes have been confirmed, including two cast in the names of people who died weeks before the election.

Thompson's report to the committee concluded that election law is so complex on what constitutes legal residence that it would take testimony from and investigation of each of 40 voters that Republicans claim do not live at the address where they are registered to vote.

"We think the evidence is pretty clear that the election should be declared void," GOP attorney Maclin Davis of Nashville said. "But in order for us to ask that Terry Roland be declared the winner, we would have to prove that 14 votes for Ms. Ford were illegal. It's very difficult to prove who somebody voted for."

The only Shelby member of the committee, Senate Democratic Leader Jim Kyle, said

Tuesday he doesn't know what the panel will do today.

"I think if we can resolve it, we will. We have to file a report to the Senate by Jan. 10 when we go into session and that is the first order of business."

Other members are Republicans Michael Williams, Maynardville; Jeff Miller, Cleveland; Ron Ramsey, Blountville, and Democrats Roy Herron, Dresden, and Joe Haynes, Nashville.

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EDINBURG

AG's Office Investigating 2004 Hidalgo County Election

March 17, 2006, 03:34 PM EST

Reported by Ray Pedraza

The Texas Attorney General's Office is investigating 12 Texas counties, including Hidalgo, over allegations of fraud in a recent democratic primary.

Could politiqueras have changed the outcome of a big race?

On Thursday, there was a swarm of activity at the Hidalgo County elections department as workers sorted through three thousand mail-in ballots from the 2004 democratic primary.

Elections Administrator Teresa Navarro says Texas Attorney General Greg Abbot has requested the ballots because of allegations of fraud.

"Basically what we're doing to help the Attorney General's Office is we're collecting all of the mail-in ballot information, and making them copies since the originals cannot be released. And we're going to ship them to the attorney general's office for their review," explained Navarro.

The request to her office came through an official document obtained by Action 4 News.

According to the memo, the AG's office received "allegations of improprieties with an unknown number of absentee mail-in ballots in that election".

And Navarro says the same request is being made from 11 other Texas counties.

"So that could only lead you to believe that it's probably not a local race, it's probably a federal race that they are looking at," said Navarro.

So, what candidate is making a fuss? Navarro says she can't release that but she can tell us what will happen if there is evidence to support the allegations.

"They will be able to conduct the investigation to determine if they're able to find any one person who did tamper with the mail-in ballot that belonged to another voter. And as a result of that, you could see indictments."

Navarro says Abbot has been very aggressive in pursuing complaints about politiqueras and mail-in ballots. She says this is just more proof of that.



State targets election fraud

Attorney general calls problem an epidemic in Texas

12:00 AM CST on Sunday, January 29, 2006

By GROMER JEFFERS JR. / The Dallas Morning News

Attorney General Greg Abbott has directed his office to work with law enforcement officials in 48 counties to stamp out voter fraud.

In announcing the effort last week, Mr. Abbott called voter fraud a Texas epidemic and said the "integrity of our democratic election process must be protected."

The initiative includes counties with populations over 100,000, including Dallas County. And it will focus on 14 counties where Mr. Abbott has previously investigated or prosecuted violations of the state's election code. Dallas County is not among those.

"We're trying to get the word out that this has been a problem in our state," said Tom Kelley, a spokesman for Mr. Abbott.

Election and law enforcement officials from various counties had not heard about Mr. Abbott's initiative or from his office when the plan was announced Wednesday.

"I don't have any firsthand knowledge of this," said Dallas County Elections Administrator Bruce Sherbet. "We have not been contacted by anybody."

The Dallas County district attorney's public integrity unit had also not been officially informed of the plan.

After sporadic issues involving potential voter fraud, Dallas County has not had a major case of election code abuse since 2003.

That was the year the Legislature, on the strength of a push from the Dallas area, passed legislation setting guidelines for mail and absentee voting. The guidelines include a requirement that those conducting absentee ballot campaigns must disclose certain information if they handle a ballot or application, including their names.

"We haven't had a single incident come up since 2003," Mr. Sherbet said.

During the last legislative session in Austin, Republican lawmakers pushed election reform measures, including a failed bill that would have required voters to present a photo ID to cast a ballot.

State Rep. Rafael Anchía, D-Dallas, said he supports Mr. Abbott's efforts, but he is also concerned about voter suppression and intimidation.

"Cleaning up elections is good," he said. "But we need to make sure that we take a comprehensive view of those other problems that undermine elections."

E-mail gjeffers@dallasnews.com

Democrats say AG illegally targeting minority, elderly voters

09/21/2006

By JEFF CARLTON / Associated Press

The state attorney general is using a 2003 law about mail-in ballots to intimidate elderly, disabled and minority voters who typically favor Democrats, according to a civil lawsuit filed Thursday by the Texas Democratic Party.

The lawsuit aims to overturn parts of the Texas Election Code that criminalize people who help voters with their mail-in ballots.

The defendants are Secretary of State Roger Williams and Texas Attorney General Greg Abbott, a pair of Republicans accused by Democrats of selectively targeting blacks, Hispanics and old people through his voter fraud task force.

The statutes in question make it illegal for anyone other than voters to possess their own mail-in ballots. That prevents political parties and community activists from helping voters mail their ballots, a "common practice by individuals, political parties and other organizations ... to maximize voter turnout," the lawsuit reads.

Abbott's voter fraud task force has 13 open cases, all involving Democrats, according to the Texas Democratic Party. Twelve of the 13 defendants are black or Hispanic, and in eight of those cases Abbott prosecuted someone for mailing or delivering someone else's sealed ballot, Democrats said.

"A lot of the cases we are looking at, the ballots have not been tampered with and people have not coerced other people into voting," said Amber Moon, a Texas Democratic Party spokeswoman. "These are community activists trying to help their friends and neighbors vote."

Besides the state Democratic Party, the other plaintiffs are six individuals: five political activists and a 78-year-old wheelchair-bound woman in Fort Worth who needs help voting, including the actual mailing of her ballot, according to the lawsuit.

Texas Solicitor General Ted Cruz, the state's chief appellate lawyer, said the lawsuit has no basis.

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"The plaintiffs are a combination of political operatives and individual criminals who have already pleaded guilty to voter fraud," Cruz said in a statement issued by Abbott's office. "We will vigorously defend this baseless lawsuit to ensure that admitted criminals like the plaintiffs will not be able to defraud Texas voters and undermine the integrity of Texas elections."

A spokesman for Williams said the secretary of state will continue to forward allegations of voter fraud to the attorney general.

"Secretary Williams feels it is important that the state takes a tough stance on voter fraud," spokesman Scott Haywood said.

In a statement, Texas Democratic Party Chairman Boyd Richie said Abbott is trying "to create a backdrop of fear and intimidation in certain Texas communities."

"The Texas Democratic Party adamantly opposes real voter fraud, but it is shameful for Greg Abbott to exploit the law to target minority and senior voters," Richie said.

The Monitor

<http://www.themonitor.com/>



DA drops charges against Brand Jr.

April 13, 2006

Marc B. Geller and Brittney Booth
Monitor Staff Writers

Guerra: Not enough evidence

EDINBURG — One of the first orders of business for Hidalgo County District Attorney Rene Guerra on Wednesday — the morning after his latest election victory — was to make an unusual courtroom appearance to personally request the dismissal of felony voter fraud charges against two men indicted in connection with last year's McAllen city election.

Judge Rose Guerra Reyna of the 206th state District Court granted the request and dropped the charges of unlawfully buying and selling balloting materials against Othal Brand Jr., 52-year-old son of former McAllen Mayor Othal Brand, and Jose "Joey" Eliseo Lopez, 22. Guerra said he believes a crime was committed, but that there was not enough evidence to prove who was doing the soliciting.

There was enough evidence, though, to still charge Lopez with theft in connection with the purported votes-for-money scheme, Guerra said, alleging Lopez took between \$1,500 and \$20,000 from Brand Jr. for votes Lopez failed to deliver. Lopez pleaded not guilty to that charge when arraigned Wednesday after his other charge was dismissed and was released from jail just before 5:30 p.m. after posting a \$1,000 personal recognizance bond.

Why Brand Jr. is in the clear, if Guerra says there is enough evidence to try Lopez for taking money from the former mayor's son, is a bit fuzzy.

Brand Jr. and Lopez were among nine people indicted in late December following a nearly six-month grand jury investigation into complaints that politiqueras, or paid political operatives, disenfranchised elderly voters in the McAllen election last May. Brand Sr. was in the running to get back his old job at the time.

The former mayor later endorsed Alma R. Garza, one of Guerra's challengers in the Democratic primary election for Hidalgo County district attorney, which Guerra ultimately won in a run-off Tuesday after unofficial results showed him with 55.2 percent of the votes.

Guerra said that requesting to dismiss the charge against Brand Jr. any earlier could have raised questions about the integrity of the District Attorney's Office or even opened Guerra up to political bribery charges if the Brands expressed support for his re-election campaign.

"One of the things that I wanted to do was to make sure that whatever action I took on Othal Brand (Jr.) with this case, it would not be used as a political football for and against me, or for and against my opponent," Guerra said, when asked about the timing of his request to dismiss the charges.

Still, Garza alleges Guerra used politiqueras, including those indicted by the same grand jury that tagged Brand Jr. and Lopez, in his election.

One of those indicted, Elvira Rios, attended Guerra's victory party Tuesday. But Guerra said she did not work for his campaign and that he only recently learned of her history. He said no one indicted in connection with last year's votes-for-money scandal was used for his campaign. He directed the question of why Rios, who is indicted on three misdemeanor counts in connection with last year's alleged voter fraud, attended the party to her.

She hung up on a reporter who called her cell phone.

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Brand Jr., Lopez and Rios emerged as central figures in a purported votes-for-money scheme after audio and video recordings surfaced in June. Lopez was heard offering Brand Jr., his father's campaign manager at the time, 400 mail-in ballots for \$4,000.

While Guerra said there is no doubt in his mind that a crime was committed, the audio and video recordings simply don't make it clear enough who was the one soliciting the ballots and who was the one solicited.

"That's the basis for dropping the indictment against both individuals," he said. "It doesn't reflect on the grand jury and that's not my intent."

However, all three of the 12 grand jurors that The Monitor contacted Wednesday said they were "shocked" or "surprised" to learn the voter fraud charges against Lopez and Brand Jr. were dismissed.

"I'm extremely surprised," said grand juror Vicky Guerrero, regional sales manager at Univision Radio. "After reviewing all the evidence for six months, the grand jury as a whole felt that we had enough to hand down the indictment, so I'm pretty shocked."

Grand jurors Ana Verley and Evelyn Escamilla expressed similar sentiments, though they said the final decision whether to proceed with the charges rested squarely with the district attorney.

"We weren't there to judge guilt or innocence," said Verley, the grand jury's forewoman, who is also known locally for her work with Mothers Against Drunk Driving.

"We were strictly there to review the evidence that was presented to us," Verley said.

Brand Jr. said he was confident all along that the evidence would back up his claim that he broke no law.

He maintained all along that he made the recordings at the direction of law enforcement to catch Lopez in the act of proffering mail-in ballots.

"The only time I was concerned was until I was able to document what I had done with the FBI and the Texas Ranger," he said, referring to letters he received from those law enforcement agencies that made it clear he contacted them before making the audio and video recordings.

"Once those letters were in my hands, my concern was over," he said.

Lopez, for his part, has said that he accepted money from Brand Jr., but maintains that he never had access to any ballots and denies he intended to deliver any. Lopez also has asserted that the elder Brand initiated the negotiations for the mail-in ballots and that the younger Brand contacted law enforcement only after Lopez failed to deliver them.

"I'm happy, but there's a part of me that's disappointed," Lopez said about the outcome Wednesday. "God had a plan for me. He had a purpose for me. And what happens when you walk away from God's purpose, you end up doing stupid stuff like this, so I guess this is a wake-up call for me. ...

"I'm praying that the DA will consider my case for deferred probation, being that it's my first offense, and I'm happy about the first dismissal."

Rios' attorney, Michael Garza, said he did not know if his client worked for Guerra, but said he expects Rios will be exonerated of the charges.

"We think the charges are unfounded," he said.

Even though Guerra was careful to not make his request to drop the unlawful vote buying and selling charges until after his grueling race to capture his seventh four-year term, his decision could still be used as fodder for

his opponents.

For now, Garza — who may still seek a recount in Tuesday's run-off, and has until two days after the April 20 vote canvassing to do so — is focused on reports she said she received of voter harassment at polling locations in Edinburg and Alamo on Tuesday. She has already reported the complaints to Hidalgo County Election Administrator Teresa Navarro.

Because of the volatility around the district attorney's race, Navarro requested an inspector from the Texas Secretary of State to monitor polling places, and is now waiting for his official report. Anecdotally, he told Navarro that, for at least this week's election, everything seemed in order.

Marc B. Geller covers McAllen and general assignments for The Monitor. You can reach him at (956) 683-4445.

Brittney Booth covers courts and general assignments for The Monitor. You can reach her at (956) 683-4437.

Tennessean.com

Friday, 10/06/06

Voter registrations faked in GOP drive

About 150 forms questioned in Metro, Williamson County

By JESSICA FENDER,
BONNA de la CRUZ
and BRAD SCHRADE
Staff Writers

At least five apparently bogus voter registration forms were submitted to the Metro Nashville election commission by a worker with ties to the Republican National Committee, and up to 150 other registrations have been called into question, The Tennessean has learned.

Election officials in Williamson County said they were probing three to five potentially fraudulent forms that might or might not be related to the Metro cases.

The five Metro forms contain the names, addresses and phone numbers of bona-fide citizens, but the birth dates, Social Security numbers, signatures and some other details are wrong. Four of the citizens told The Tennessean that they did not submit the forms.

The five contain a signature with a surname of Morrison and a first name that is illegible but appears to begin with a "D." Metro staff said the registration forms bearing that signature were submitted in the name of Tennessee Victory 2006, a booster group advocating for GOP candidates in the state. A sixth form also apparently contains bogus information but does not bear a Morrison signature.

"I think it's pretty scary," said Jon Glassmeyer of east Nashville.

He discovered his name had been used when he received a new voter registration card in the mail though he's been registered for 20 years. He first noticed that the birth date was wrong and then that the Social Security number was off, too.

He's never heard of anyone named Morrison.

Mark Tripp, also of east Nashville, said he didn't know about the potential fraud until told about it last night by The Tennessean. The newspaper had obtained copies of his

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registration forms — both his older, correct one and the newer one.

"It's disconcerting," Tripp said. "You're all the time hearing about people getting their identity stolen. I work two jobs to support my family, and then to have somebody do that. What are they trying to do?"

Tripp said he did not know anyone with the name Morrison and said no one had permission to sign any registration documents on his behalf.

Some of the forms bearing the Morrison signature also list an address of an Intown Suites in Antioch.

Tennessee Victory 2006 is a joint effort between the state Republican Party and the Republican National Committee.

State Republican Party Executive Director Chris Devaney said that the RNC was running the show at Tennessee Victory in August, when the registrations were apparently collected.

"We try to recruit people who are upstanding citizens and follow the letter of the law and hope they never engage in any kind of activity like that," Devaney said.

Contacted by telephone Thursday evening, RNC spokesman Danny Diaz declined to answer questions about whether RNC officials worked in Tennessee at all.

The potentially fraudulent forms could be the handiwork of a political worker who was paid by the number of new voters registered, said Jon Crisp, chairman of the Nashville-Davidson County Republican Party.

"I think this is more financial fraud, not election fraud," Crisp said.

He said he heard about the 100 to 150 questionable forms earlier this week and did not believe a local GOP volunteer was behind it. Instead, he said, political groups contract with companies that pay people to register voters.

"I think this is someone trying to pump up their numbers," Crisp said. "I don't care if my side did it or the other side did it, it needs to be prosecuted."

Diaz and Devaney de-clined to say how their organizations hire and compensate people

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who sign up voters. Neither could say whether a D. Morrison was affiliated with their organizations.

State Election Coordinator Brook Thompson said the strategy behind the fraud was unclear, but that the system's safeguards appeared to have caught it.

"At first blush it does not appear that the problem lies with somebody doing something trying to falsify a vote," Thompson said. "It's more an issue of registration problems. The question is, why would they do that?"

Fraudulently registering to vote is illegal in Tennessee and can bring up to six years in prison and permanent loss of voting rights. The signatures on the Metro forms were made directly under a printed warning that lying on the form is a felony.

The flowing signature of Larry Vance of Bellevue didn't look anything like the much smaller script he used to sign his name on his original voter registration card in 1968. Metro noted discrepancies on the two forms and sent him a letter, his wife, Carol Vance, said.

Brian Belt of Hermitage, a Tennessean copy editor, caught the error himself when a new card arrived in the mail for him bearing a wrong birth date.

The phony forms were submitted to the commission Sept. 6, and residents reported the fraud as early as two weeks ago.

Ray Barrett, Davidson County's elections administrator, said his office had been looking into the matter and planned to tell the state election commission next week. He said findings would move to the district attorney's office for possible criminal prosecution.

After inquiries by The Tennessean, Barrett's office informed both agencies Thursday.

In Williamson County, Elections Administrator Ann Beard said the five or fewer cases were turned over to Thompson's office. Thompson said his staff received the reports within the past two weeks and had asked the district attorney general there to review the cases.

In most cases, Beard's staff caught the discrepancies before new registration cards were mailed out. However, someone illegally tried to register a boy under the age of 18, Beard

said. The teen's mother called to say a voter registration card had arrived for her son.

"It appears to me the applications were brought in by an individual maybe from a group and who had maybe gotten the information off some other form of ID," Beard said. •

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Tennessean.com

Saturday, 10/07/06

12 voter-registration forms may be phony

National GOP official says it hired canvassers

By JESSICA FENDER
Staff Writer

A canvassing group hired by the Republican National Committee is responsible for 12 potentially phony voter-registration forms found in Davidson and Williamson counties, election officials said Friday.

Liberty Consultants also worked in Rutherford County, where the elections administrator said he fielded calls from residents who complained canvassers with the group made them sign a petition before registering, though the 800 forms submitted by the group were legitimate.

Several other Midstate county election commissions reported no contact with the group.

RNC spokesman Danny Diaz confirmed Friday that his organization hired the company to register Tennesseans to vote and said it is monitoring the situation.

"It's a good thing this has been brought to our attention," Diaz said. "If anyone has done any wrongdoing, they should be held responsible."

Liberty Consultants workers were banned from Tennessee Wal-Marts in late August because of the group's partisan nature, namely its connection to former Arizona GOP leader and Christian Coalition activist Nathan Sproul. Sproul denied wrongdoing in 2004 when some of his former workers said they were asked not to register Democrats and reported Democrat forms were thrown away, The Associated Press reported.

Diaz said he did not know personally whether RNC officials knew about Sproul's connection to Liberty Consultants. He could not provide more information.

The state Republican Party had no contact with Liberty Consultants or knowledge of the company's connections, said Chris Devaney, executive director.

"I don't know all the ins and outs, but I don't think they were here too long," Devaney

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said. "People involved in these kind of election activities should be punished to the fullest extent of the law."

It appears the canvassers operated in Tennessee between at least early August and early September, according to dates on the forms.

During that time, a woman named Susan Williamson picked up thousands of blank voter-registration forms from the Metro elections commission, though at first she didn't return many, said Joan Dixon, Metro chief elections deputy.

Williamson told Dixon that Liberty Consultants was working for Tennessee Victory 2006, a booster group promoting GOP candidates throughout the state, Dixon said. Tennessee Victory is backed by the RNC and the state GOP.

Williamson used the same Murfreesboro Pike address, that of an Antioch hotel, used by two canvassers who signed the forms.

A signature of Jason Holly was on some Williamson County forms. Another signature of the surname Morrison and an illegible first name, which starts with a "D," was on forms in Davidson and Williamson counties.

The registration forms, six in Metro and six in Williamson County, contain the names, addresses and phone numbers of people, but personal information such as Social Security numbers, signatures and birth dates are incorrect.

Election officials have speculated the forgers may have been paid by the number of signatures they collected.

Phone calls to Susan Williamson were answered by a voice mail message saying her phone was off or out of range. Dixon said she's been unable to contact Williamson for weeks. •

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URL: http://www.commercialappeal.com/mca/midsouth_news/article/0,1426,MCA_1497_4370738,00.html

Cross-check Dist. 29 voters, Roland asks

Ophelia Ford likely will be seated in legislature while questions are resolved

By Richard Locker

Contact

January 7, 2006

NASHVILLE -- Attorneys for Republican Terry Roland have asked state officials to cross-check voters in the contested Senate District 29 election with death certificates and a national Social Security database.

Because of that request and a TBI investigation of the election expected to be finished this month, the chairman of a Senate committee hearing Roland's contest of the election said Friday the panel will likely be unable to settle the issue before the Tennessee legislature convenes Tuesday.

That means the declared winner of the election, Democrat Ophelia Ford, will be provisionally seated Tuesday unless a majority of the Senate votes against her. The state Constitution gives the Senate sole authority to seat its members.

Ford, D-Memphis, defeated Roland, a Millington businessman, by 13 votes in the Sept. 15 election. But Roland contested the results, charging that at least 68 votes were improperly or illegally cast, including at least two cast in the names of people who died weeks earlier.

A Senate committee of three Democrats and three Republicans was appointed to investigate the election and make a recommendation to the full Senate on whether to seat Ford, seat Roland, or call a new election.

After news of the two dead "voters" surfaced last month, Dist. Atty. Gen. Bill Gibbons asked the TBI to investigate. The chairman of the Senate committee, Sen. Mike Williams, said Friday he will ask the panel to delay its recommendation so it can deal with the new requests received from Roland's attorneys late Thursday and to await results of the TBI probe.

"I don't want the committee to make a recommendation for or against anyone without as



Mark
Humphrey/Associated
Press file photo

Although Democrat Ophelia Ford was sworn in as District 29 senator in September, a probe of "dead" people voting in the race against Republican Terry Roland won't be over before the Senate convenes Tuesday.

much information as possible," said Williams, R-Maynardville.

"The last correspondence we got from the Roland attorneys is to get a national Social Security database for a cross-check with voters. The state election coordinator says it would take at least two weeks to do that but I think this is of such importance that I would be in favor of doing that. And TBI says it thinks it can have a report to us by mid-January."

Although the committee may wait, Senate Republicans could challenge Ford's provisional seating Tuesday -- reportedly out of a concern that once seated, the state Constitution requires a two-thirds Senate vote to remove a member. The GOP has a 17-16 edge over Democrats in the Senate -- a majority required to sustain an election contest but short of the two-thirds required to oust a sitting member.

There are conflicting legal opinions on the issue.

Meantime, Shelby County Democrats said Friday they plan to file suit next week in Chancery Court to block a Roland move to invalidate 9 or 10 votes in the special election because voters failed to sign ballot applications.

The county Democratic Party leadership voted to retain attorney Jay Bailey, who said he will work free of charge. Invalidating the ballots would wrongly disfranchise voters for making simple mistakes, Bailey said.

"I do hope my vote will count," said voter Louvenia Hampton, 75, who appeared alongside party officials at an afternoon news conference. Hampton said she believes a poll worker failed to point out that she needed to sign her ballot application.

Contact Nashville bureau chief Richard Locker at (615) 255-4923.

Staff reporter Marc Perrusquia contributed to this story.

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Group supports vote-count lawsuits

By Pamela Perkins

Contact

September 24, 2006

A coalition of civic groups and citizens has formed to build support for Democratic candidates who lost clerks' races by slim margins in the Aug. 3 election and filed lawsuits alleging voting irregularities.

The Coalition for Fair Elections -- which includes the Southern Christian Leadership Conference, Operation Push, the Memphis Baptist Ministerial Association -- held one of its first mobilization rallies at the National Civil Rights Museum Saturday to make certain votes are properly counted.

Juvenile Court Clerk candidate Shep Wilbun, Probate Court Clerk candidate Sondra Becton, Criminal Court Clerk candidate Vernon Johnson and Shelby County Clerk candidate Otis Jackson filed lawsuits asking a judge to declare the election void due to the alleged irregularities that include voting by nonresidents, improper vote counting, voter intimidation, security breaches and mishandling of voting machines.

The suit is set to be heard by a special judge on Oct. 2.

"What we're trying to do here is to start a new movement," Wilbun said. "To ensure that when your vote is counted, it is counted accurately."

The coalition, which also includes some election officials, local community associations and citizens, asked rally attendees to find voters who may have seen suspicious activity at the polls and attend court hearings to support the suing candidates, as well as help with legal fees.

"We feel they have a very good case," said Rev. Ralph White, pastor of Bloomfield Full Gospel Baptist Church in South Memphis. "You can tell your friends. You can tell your families. And we can make a difference."

-- Pamela Perkins: 529-6514

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The Monitor

<http://www.themonitor.com/>

Elections administrator sends complaints to state office

March 14, 2006

Victoria Hirschberg

The Monitor

McALLEN — It's been a week since the primary, but politics continue as usual.

Since Friday, March 10, Hidalgo County Elections Administrator Teresa Navarro has sent three letters to the Secretary of State regarding questionable incidents. In all three cases, she is requesting assistance and possible investigations by the Attorney General's office.

Complaints usually come after early voting ends, she said, and must be reported to the state office. Much of the noise is about the close county judge race between incumbent Ramon Garcia and Juan de Dios "J.D." Salinas. Unofficial numbers show that Salinas won by about 300 votes.

"I have to answer all complaints," Navarro said. "Sometimes they come towards the end of early voting. That's kind of how it's done. And sometimes (voters) don't know if it's a complaint or not."

In one case, Navarro suspects politiquera swindling after an elderly Sullivan City resident claimed an electioneer took the mail-in ballot with a signature but no marks for candidates. The voter then requested cancellation of the mail-in ballot.

In another matter, Navarro writes that two campaign volunteers wasted her time by alleging hundreds of people voted at the University of Texas-Pan American library when elections records show a different story.

During early voting, Eddie Roux and Ricky Roux — who volunteered for Garcia — collected about 400 signatures from students who claim they voted early at the University of Texas-Pan American library. Eddie Roux said he collected signatures because Elections Department numbers first indicated that 302 people voted Feb. 23, but then only showed 73 voted.

Navarro said there was an initial mistake in tallying the vote, but 73 is correct. Also, she said many of the people who signed are not registered voters.

Eddie Roux said Navarro didn't give him a straight answer on the matter. Also, Roux said it doesn't help that Navarro is the sister of Alma Walzer, who worked as Salinas' campaign manager. Previously, Walzer worked as a Monitor reporter and for Garcia's 2002 campaign.

"We stand by our signatures," Eddie Roux said. "We know we didn't do anything wrong. (Navarro's) numbers were the ones that alerted us. All we did was take a poll."

Navarro said there is no connection between her job as elections administrator and her sister's work.

In another case, Navarro also requested state assistance and possible investigation into Garcia's public claims of voter irregularities and voting machine malfunctions. She also writes that an election worker said he was intimidated after Garcia sent representatives to his home to ask questions about the election.

Garcia denies that allegation and said Navarro is being "overly sensitive."

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She maintains that it is protocol and it is upsetting that Garcia has created the appearance of wrongdoing and made statements to the media without telling her.

Garcia has not conceded yet, but has not requested a recount either. As for the results, the Hidalgo County Democratic Chairman Juan Maldonado will canvass, or certify, the vote totals Friday.

Secretary of State Spokesman Scott Haywood said the complaints are most likely under review. If the office deems a further investigation is necessary, the complaint will be forwarded to the Attorney General's Office or a local authority.

Victoria Hirschberg covers Hidalgo County government and general assignments for The Monitor. You can reach her at (956) 683-4466. For this and more on local stories, visit www.themonitor.com.

The Monitor

<http://www.themonitor.com/>

POLL POSITION

March 05, 2006
James Osborne
The Monitor



Joel Martinez
Clara Casas helps elderly voter Roberto Garza cast his vote on a portable voting machine in the car Friday in front of the Jose Pepe Salinas Center early voting substation in Pharr.

Officials watch politiqueras following voter fraud indictments

Every election you'll find them outside your neighborhood polling station, usually behind the wheel of a large van loaded with the elderly and disabled — voter registration cards in hand.

They like to call themselves "campaign workers," as do the politicians who most make use of their services, but everyone else refers to them as politiqueras, a derivative of the Spanish word "politico," or politician.

For a fee that some estimate to be as high as \$10,000, a politiquera guarantees so many votes (usually 300 to 500). Using a list of registered voters, they will take people, mostly senior citizens, to the polls or offer assistance in filling in their mail-in ballots.

Once the election results are in, the loser, who probably hired a few of them, will inevitably complain about their presence, while the winners, who almost certainly hired a few of them, brush off questions on the subject.

Typically, that's where the dialogue ends.

But in December, a Hidalgo County grand jury brought indictments against 10 people, most of them politiqueras, in connection with alleged voter fraud in the May 2004 city elections in McAllen and La Joya. The McAllen allegations involve the massive number of mail-in ballots received by Ric Godinez, who eventually lost to Mayor Richard Cortez in a runoff.

Many of those ballots were found to be filled out in the same handwriting, a few even in the names of the deceased, and while there's nothing illegal about helping an incapable voter fill out a ballot, failing to identify yourself as assisting is a felony.

How many of those people will actually stand trial remains to be seen — District Attorney Rene Guerra is particularly fickle about prosecuting voter fraud cases — but the indictments have set off a chain reaction of politiquera bashing, most notably from Hidalgo County Democratic Party Chairman Juan Maldonado.

The longtime politico and former mayor of San Juan has since gotten agreements from virtually every Democrat running in Tuesday's primary to pay politiqueras by check instead of cash, which he says will provide greater transparency and cut down on the fraud many officials are now calling endemic to the politiquera system.

Many observers reject such characterizations as woefully overblown, that politiqueras largely provide a valuable service of increasing voter turnout.

Whatever your opinion of politiqueras and what they do, one thing you can be certain of when you walk into the polls on Tuesday is that the politiquera stepping out of the van in front of you will be more closely watched than ever before.

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James Osborne covers PSJA and general assignments for The Monitor. You can reach him at (956) 683-4428.

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Duval election numbers raise fraud allegations

Web Posted: 03/29/2006 12:00 AM CST

George Zarazua
Express-News Staff Writer

SAN DIEGO — Allegations of voter fraud have resurfaced in Duval County, where records show one of every two voters who cast a ballot in this month's Democratic primary did so away from the polls.

Longtime County Clerk Oscar Garcia Jr. said the number of mail-in ballots in the primary was unusually high, considering that more than half the 5,641 votes cast were done so by absentee voting.

That's 2,958 ballots sent via mail, more than all the early voting in the county's 2004 primary. Then, the number of early votes cast both in person and by mail totaled 2,864.

As a result, voter turnout this March in Duval County was among the best in Texas, with 57 percent of the registered voters participating in an election that drew little interest statewide. Texas averaged a paltry 8 percent turnout for this year's Democratic primary.

Republicans did not have contested primaries in Duval County, infamous for a 1948 election in which enough missing votes were found in a rogue ballot box to propel Lyndon B. Johnson into the U.S. Senate.

Mail-in vote totals for some Texas Counties

Bandera: 19

Bexar: 2,877

Duval: 2,958

Karnes: 296

Lavaca: 61

Zavala: 251

Graphic

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Jon West, assistant district attorney for Past mail-in vote scandals this South Texas county, said he called for a state investigation after receiving a handful of complaints from residents about mail-in vote irregularities during the primary.

The residents complained about receiving rejected mail-in ballot forms at their homes, although they were unaware who had sent them in the first place, West said.

"In one instance, it was the lady's deceased father's name that was on the ballot," West said. "We know he didn't fill it out.

"There's something obviously wrong with those cases. How widespread it is, I don't know."

West said the volume of mail-in ballots does raise eyebrows, especially because fraud is more often found to occur during absentee voting in modern elections, in which even sparsely populated counties, such as Duval, rely on electronic voting to determine winners.

Unlike the strict oversight at polling places, election experts argue, the state's laws on absentee voting are weak and prone to abuse.

Texas allows residents to vote by mail if they are 65 or older, disabled or expect to be out of the county during the early voting period and on the day of the election. It also allows some voters in jail to cast ballots via mail.

For Duval County, this isn't the first time mail-in ballots have raised concerns. Although the election fraud incident of 1948 continues to be the most notorious in state politics, voting practices have been legally challenged in the county as recently as six years ago.

A defeated candidate for tax assessor-collector in 2000 challenged the outcome of the race in court, arguing that election officials wrongly dismissed mail-in votes cast for him.

A state district judge in Corpus Christi disagreed, finding several other mail-in ballots for Zaragoza Gutierrez had been cast improperly. The judge dismissed several votes and upheld Carlos J. Montemayor Jr.'s victory.

"The scent of voter fraud" and "illegal conduct which caused illegal votes to be counted" swirled around the pool of mail-in ballots, the Dallas Morning News quoted state District Judge Mike Westergren in his ruling.

Duval County isn't the only county from which the Texas attorney general's office has heard complaints from this year regarding mail-in ballots.

Election officials in Ector County asked state officials to investigate potential voting irregularities there as well.

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Mitzi Scheible, the county's assistant elections administrator, said officials began looking into mail-in ballots for the Precinct 4 county commissioner after one of the candidates complained about missing votes, saying "he had men working for him" and "knew how many ballots they had sent in."

Scheible said an initial review of the ballots showed some had similar handwriting and didn't include signatures from those who helped fill them out, as required under state law.

In both the Duval and Ector cases, the Texas secretary of state's office sent a letter to Attorney General Greg Abbott's office requesting an investigation. Abbott's office refused to say if it was investigating.

Alicia G. Saenz, Democratic party chairwoman for Duval County, said she's not surprised with the county's voter turnout. This year's race featured two prominent local races, for county judge and county treasurer. But Saenz said she was surprised with the number of mail-in ballots.

"I know that they do," Saenz said of workers who go around town encouraging voters, even if it has to be through mail-in ballots. "I've heard that. Some people are bothered by it. I'm bothered by it, too."

Rolando Rios, a San Antonio voting rights attorney, said he doesn't believe there is such rampant fraud with absentee voting in Texas to outweigh the need for a system that gives many a voice in the political process.

Election experts also argue that another reason why mail-in ballot fraud isn't unusual is because most culprits go unpunished.

Even the legendary "Duke of Duval," George Parr, whose influence was known to help rig many elections in favor of his supporters, was never convicted of voter fraud.

Parr's dynasty eventually collapsed after the federal government convicted him on income tax evasion charges. He committed suicide in 1975, 25 years after the "Box 13" scandal in 1948.

A black-and-white picture of the ballot box remains on display at the Duval County Museum.

"The slogan in Duval County is 'Vote early, vote often,'" said a woman visiting the museum on a recent afternoon.

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tylerpaper.com

03/18/2006

AG INVESTIGATING BALLOT ALLEGATIONS

ASSOCIATED PRESS

EDINBURG (AP) - The Texas Attorney General's Office is investigating allegations of wrong doing involving mail-in ballots cast in the 2004 Democratic primary, according to a letter sent to the Hidalgo County Elections Administrator.

"This office has received allegations of improprieties with an unknown number of absentee mail-in ballots in that election," read a March 10 letter from the Attorney General's Office.

It requested a copy of each mail-in ballot application and a copy of each official carrier envelope returned in that election, said Hidalgo County Elections Administrator Teresa Navarro.

Attorney General's spokesman Tom Kelley said the office does not comment on or acknowledge whether investigations are under way.

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017364



Texas voter fraud law under fire

Web Posted: 09/17/2006 11:49 PM CDT

Polly Ross Hughes

Express-News Austin Bureau

AUSTIN — Willie Ray, 69, said she thought she was teaching her granddaughter civics lessons in democracy, but instead the two black women in Texarkana ended up with criminal records for voter fraud.

Gloria Meeks of Fort Worth, also 69, said she stepped out of her morning bath last month and screamed. Two voter fraud investigators from Attorney General Greg Abbott's office were peeking in the bathroom window, Meeks said in a sworn statement.

Abbott's office declined to discuss specifics, but said its investigation of Meeks has been "conducted professionally and properly, to the full extent allowed by law."

At issue for the three North Texas women and others investigated by Abbott is a 2003 Texas law that makes it a crime to put other voters' absentee ballots in the mail or deliver them to election officials.

Backers of the law say it's needed to prevent election fraud by paid political operatives who take advantage of the elderly or even steal their votes. Detractors say the law is overly broad, goes too far in criminalizing legitimate political activity and infringes on voters' rights to assistance in casting ballots.

This week, a Washington-based voting rights attorney aligned with Texas Democrats plans to challenge the state law in federal court, arguing it violates the Voting Rights Act and the U.S. Constitution's guarantees of free speech, free association and equal protection.

Democrats complain, and the suit will argue, that Abbott is selectively enforcing the law against Hispanics and blacks to intimidate minority voters and dilute their strength at the polls.

Abbott, a Republican, said he's enforcing state law to root out an "epidemic" of fraud and to prevent "cheaters" from abusing or intimidating the elderly or disabled. For too long, he argues, Texas officials have failed to hold accountable those who undermine the electoral process.

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"This has to do with breaking state law, falsifying state documents, registering illegal people to vote, casting votes for people who are dead, casting votes for other people," he said.

Last month, Abbott announced the indictment of a Hispanic Port Lavaca city councilwoman on allegations she falsely registered and encouraged noncitizens to vote and told one voter how to mark a ballot. Also last month, a Corpus Christi woman pleaded guilty to marking ballots for other voters without their consent, a felony. And, in July 2005, another woman pleaded guilty to mailing in a ballot for her dead mother.

Yet of the 13 individuals indicted for voter fraud during Abbott's term, 10 are accused of simply possessing another's absentee ballot for delivery to election officials or to a mailbox, Democrats say. Such activities had been legal until the 2003 law turned them into crimes.

Both Democratic and Republican political activists have traditionally assisted elderly or homebound voters who need help in voting, said attorney J. Gerald Hebert, executive director of the Washington-based Campaign Legal Center, who plans to file the lawsuit on behalf of Democrats.

"Now, merely possessing the mail-in ballot of another person is a misdemeanor. If you do it for several voters, it becomes a felony. It is my view that this is unconstitutional," said Hebert, who headed the Justice Department's voting section of the civil rights division until 1994.

Democrats also complain that of the 13 indicted individuals, 12 are minority women and only one is an Anglo male. Moreover, Abbott's voter fraud indictments include zero Republicans.

"I think it's evident that Abbott's practice of singling out minorities and seniors is a shallow political effort to suppress the votes," said Texas Democratic Party spokeswoman Amber Moon. "It's being done disingenuously. The majority of these cases are well-meaning folks who are simply trying to help their neighbors to vote."

Former state Rep. Steve Wolens, a Democrat from Dallas, authored the 2003 law creating criminal penalties for individuals who knowingly possess or transport another voter's official ballot.

It is an affirmative defense to prosecution, however, if the person assisting the voter is a relative or a registered voter living at the same address, as well as if the individual provides his or her printed name, signature and address on the outside of the envelope carrying the ballot.

Wolens said he is not familiar with Abbott's enforcement of the 2003 law. He said he wrote the law to stop underhanded tactics used against him in his own Democratic primaries and against his wife in her first Dallas mayoral race.

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"The problem I had seen was where these vote harvesters would go to old folks homes and bring empty ballots — and vote for the actual voter — and then deliver them in these sacks just like piles of stolen money," he said.

Lawyers from the Texas NAACP and the Mexican American Legal Defense and Educational Fund testified against the law because it targets a form of voting that is traditional among minorities.

Nina Perales, an attorney for MALDEF, said many elderly Hispanic voters prefer to vote absentee because they fear intimidation at the polls. It is common, she said, for trusted women in the community known as *politiqueras* (political women) or *comadres* (friends) to help the elderly apply for absentee ballots and then return to pick up the completed and sealed ballots.

The women sometimes are paid by political candidates as part of a get-out-the-vote effort, Perales said, but she sees nothing wrong with helping homebound people vote.

Rep. Marc Veasey, D-Fort Worth, said blacks and Hispanics could fear voting in the future, especially if investigators visit their homes and ask questions about how they cast their ballots and who helped them.

"You're sending a bad message to people who have already had to go through quite a bit, as far as their voting rights are concerned," he said. "You're basically asking them to go through this again. That's really the sad part."

Before last spring's primary, Abbott launched an education campaign in 44 Texas counties with either a history of voting fraud or a population exceeding 100,000. Hebert plans to argue, however, that Abbott's Power Point presentation uses racial cues, linking blacks to voter fraud.

For instance, one slide alerts authorities that specialty stamps can be a tip-off to fraud. It depicts a postage stamp of a black woman holding a black baby, highlighting the disease sickle cell anemia, a genetic malady that affects blacks.

Tom Kelley, a spokesman for Abbott, said the stamp was included in the presentations because it was among evidence uncovered in one of Abbott's fraud investigations.

Another slide, noting that all rules apply for early voting, shows a photograph of only black people in line to cast ballots.

Kelley said there was "absolutely no reason whatsoever" that the only individuals portrayed voting in the voter fraud package are black. He said the slide itself does not say those pictured committed a wrong.

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"It's simply symbolic of what a polling place looks like on voting day or in early voting," said Kelley, adding Abbott's staff found the photo on the Internet while looking through clip art.

Ray, who's a Texarkana city councilwoman, said that because she is getting older, she had hoped during the general election of 2004 to teach her granddaughter, Jamillah Johnson, 30, how to help the homebound — whether it's delivering their ballots or their groceries

She said local officials gave no warning about Wolens' election law change before the general election in 2004, so she took Johnson with her to pick up ballots for mailing.

The two later agreed to plead guilty to handling absentee ballots, paying fines of \$200 each and serving probated sentences of six to eight months.

Another election is coming, and Ray wonders what effect the voter fraud prosecutions will have on the next round of absentee voting.

"A lot of blood has been shed for the rights of people to vote," she said. "I just hope those rights are not taken away or people are frightened so bad they won't vote."

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Online at:

<http://www.mysanantonio.com/news/metro/stories/MYSA091806.01B.voterfraud.2c76b68.html>

The Monitor

<http://www.themonitor.com/>



Print

Investigation into fraud allegations begins

August 11, 2006

Kaitlin Bell

Monitor Staff Writer

EDINBURG — A grand jury investigation into the Alton city elections may begin soon, after county elections officials opened a locked ballot box on Thursday to look for evidence of voter fraud.

Armed with a judge's order authorizing her to open the locked ballot box, Elections Administrator Teresa Navarro separated 85 disputed mail-in ballots from various voter tallies, sign-in sheets, unused ballots and other materials mixed in since the May elections.

Sheriff's deputies seized the locked box from Alton City Hall in mid-June, but Navarro said she had held off opening the box until she knew there was a "strong likelihood" a grand jury would investigate the city's elections.



Navarro's office has received more than 20 official complaints, including some from elderly residents alleging the mayor's wife took their mail-in ballots before they had selected a candidate.

The mayor and his nephew, Commissioner Arturo Galvan, Jr., were both behind their chief opponents on Election Day and in early votes cast on electronic machines, but they won all but a handful of the mail-in votes.

Other complaints involved Mayor Salvador Vela, who began a 17th year in office after winning re-election in May, and Commissioner Ricardo Garza, who was not up for re-election this year.

District Attorney Rene Guerra was out of town and declined to make detailed statements about the case Thursday, but he confirmed he told Navarro that he will push for the grand jury to investigate the elections sooner, rather than later.

"Whatever we need to do, we'll do," Guerra said in a short cell-phone interview from El Paso.

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A district attorney for 23 years, Guerra has traditionally been reluctant to push forward with elections cases, saying convictions are notoriously difficult to win. But Navarro said she's confident the district attorney is sufficiently pursuing the case.

"It's a priority. He may not have used that word with you," she said, referring to Guerra's statements in the media, "but he knows it's a priority."

This is not the first time Vela or his wife, Sylvia Vela, are embroiled in elections controversies.

Sylvia Vela pleaded no contest in 1994 to charges of tampering with mail-in ballots, and Navarro said she heard a host of informal complaints about the mayor in 2001 that resembled current ones. Those included allegedly improperly contacting the city secretary, who oversees elections, during the voting period, Navarro said.

Dealing with the current complaints is complicated by how Alton stored its elections records this year, Navarro said.

City Secretary Janie Gaytan, who had been in her post a year and had never overseen city elections, inadvertently stored ballots, vote tallies and other materials in a single locked box.

State law requires ballots sealed for 22 months after elections, but Gaytan opened the box whenever she needed to refer to records, Navarro said. She said she suspects no wrongdoing on Gaytan's part, as the city secretary had contacted both her and the Texas Secretary of State with concerns both before and after Election Day.

Gaytan, who was present while Navarro unlocked the ballot box and a staffer recounted the ballots, declined to comment. But she did not appear nervous, smiling and chatting with elections staffers and reporters.

Garza, the city commissioner named in complaints, also declined to comment.

The mayor did not return two calls left on his cell phone Thursday afternoon.

Anita Lugo, who lost to Vela in May and has encouraged citizens to submit complaints to Navarro, welcomed Thursday's events.

"I know it's been very, very disappointing to many of our citizens, who keep asking is anything going to happen?" she said of an investigation into the Velas' purported election-time conduct. "But I'm glad they're finally looking into it."

Navarro predicted her staff would have itemized and inspected the elections materials within a week or two, and that the grand jury would begin its investigation shortly thereafter.

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Past investigations in 2001 and 2005 have taken a year and six months, respectively, she said, but predicted this one would go faster as her staff is now more experienced and can more efficiently provide information to the grand jury.

*Kaitlin Bell covers Mission, Starr County and general assignments for **The Monitor**. You can reach her at (956) 683-4446.*

017371

Posted on Thu, Sep. 21, 2006

Challenge planned to voter fraud law

By AMAN BATHEJA
STAR-TELEGRAM STAFF WRITER

Gloria Meeks said she was just drying off from her bath when she saw the two men looking into her bathroom window.

She screamed, setting off a confrontation that is expected to land in federal court today with a tangle of allegations about overzealous investigators and racism.

Meeks, 69, of southeast Fort Worth, said the two men were investigators with Texas Attorney General Greg Abbott's office, undermine efforts in the black community to get out the vote.

State officials will say only that Meeks is under criminal investigation.

The Lone Star Project, a group based in Washington, D.C., that supports Democrats, said it plans to file a lawsuit in federal court to use the encounter as an example of what it calls heavy-handed tactics in the state's enforcement of a voter fraud law that violates the U.S. Constitution and the federal Voting Rights Act.

Meeks' lawyer, Gerry Hebert, said his client has been targeted as part of a broader investigation by the attorney general's office of voter fraud in Tarrant County and across the state.

The local allegations apparently stem from a complaint about the possible illegal handling of mail-in ballots in a Fort Worth neighborhood in May.

"We think the law is overly broad," said Hebert, a longtime lawyer for the Texas Democratic Party who is affiliated with the party. "It is penalizing conduct that is a very legitimate activity in a political election."

The attorney general's office has prosecuted just over a dozen people for voter fraud since 2005. All appeared to be support candidates, although the office is investigating cases involving Republican candidates as well, said Angela Hale, a spokeswoman.

Some Democratic activists, however, say Abbott's prosecution is a thinly veiled attempt to frighten elderly people in minority neighborhoods from voting.

"What is apparent is the attorney general is less interested in trying to find real circumstances of voter fraud and what he's doing is protecting the Republican Party," said Matt Angle, the Lone Star group's founder.

Angle said most of the cases prosecuted involved people who were helping elderly people vote by mailing their ballots for them under the 2003 law. He noted that the practice has a long tradition in Fort Worth's African-American neighborhoods, thanks to activists such as the late Izean Davidson.

The law, if fully enforced, could hamper efforts by low-income minorities to vote, said Art Brender, chairman of the Tarrant County Democratic Party, who is a lawyer working on the suit.

"In the minority community, they're trying to stop people from voting absentee," Brender said. "The way they're doing it is through people on technical violations of the election code."

On its Web site, the Lone Star Project has highlighted Meeks' experience as an example of flagrant abuse by Abbott's office.

Meeks, a Democratic activist, said the two men invaded her privacy by looking into her window Aug. 10. She said the men they thought they were looking into a kitchen window, according to a sworn statement by Meeks.

"I doubt that those agents would have been peeking in the windows of homes in Highland Park or Westover Hills," Angle said.

Hale would not give details on the criminal investigation of Meeks but said it stems from a complaint by a Tarrant County resident.

"It is not uncommon ... for targets of criminal investigations to make baseless allegations of law enforcement in order to deflect serious criminal allegations they face," Hale said.

"The investigation is expected to move forward regarding her in the near future," Hale said.

Hebert suggested that the allegation came from the opponent of a candidate whom Meeks supported.

"It's fairly common for people who lose elections to try and put the blame on anyone but themselves," Hebert said. "They're not true, and in Gloria's case, it certainly is not true."

Meeks has worked for candidates in various local races, including the heated race in May between Fort Worth school Trustee challenger Shirley Knox Benton. Moss said Meeks operated a phone bank for her.

"You can't find a person with better values than Gloria Meeks, and I can't determine why a person would want to attack her who appears as though African-Americans are being attacked."

Knox Benton said Wednesday that she will not comment about the investigation.

Hale said the attorney general's office is not targeting Democrats but is responding to complaints that often have been filed against them.

Some Tarrant County Democrats agree that the fraud problem may be unique in their party because of intense competition for votes in minority communities.

Sharon Armstrong, a longtime Democratic activist in southeast Fort Worth, said she believes that problems have existed for years with candidates buying votes through mail-in-ballot schemes.

"It's a method that people have used for years to get into office," Armstrong said.

Armstrong said she supports the legislation being challenged by the Lone Star Project. She called it a good start to address the problem, but said repealing it would hurt minority communities.

"These communities are going to remain undeveloped because of the voter fraud," Armstrong said.

IN THE KNOW

Voter fraud law

Texas Attorney General Greg Abbott's office is coming under fire for his enforcement of a 2003 state law addressing voter fraud.

The law prohibits people from possessing mail-in ballots that are not their own unless they are related to or living with the voter.

The law is intended to prevent campaign workers from intimidating senior citizens into filling out mail-in ballots for certain candidates.

Aman Batheja, 817-390-7695 abatheja@star-telegram.com

Voter fraud and disenfranchisement

by kos

Sun Oct 31, 2004 at 05:21:55 PM PDT

Here's a sampling of what we face nationwide.

In West Virginia -- it was bad enough the **first time**.

In a letter, Berkeley County clerk John Smalls cites calls from a cell phone were made to Eastern Panhandle democrats telling them that they were not registered to vote. The letter also said the calls informed democrats in some cases they wouldn't be able to vote on Election Day [...]

It's considered an improper act because when upset citizens called the voter registration office to make sure they were registered to vote, indeed they were. So, who made these misleading calls? The Berkeley County Clerk's Office traced the number voters gave as the source back to the Eastern Panhandle Republican Headquarters.

Bad enough the first time, as I said. Problem is, despite their "slap on the wrist" (or because of it), local Republicans are still up to the same dirty tricks. From an email statement today: Democratic leaders in one of the nation's most hotly-contested battleground states are receiving reports of voter-suppression activities that can be traced back to the Republican Party. The suppression activities have continued despite warnings from officials in Berkeley and Jefferson Counties.

Hopefully these WV Republicans face the same fate as those in Ohio who tried to challenge 35,000 new voters for no reason other than disenfranchisement. After hundreds of hearings found **zero** illegal registrations, the entire lot of challenges was **thrown out** and the Republican masterminds now face criminal charges.

Speaking of Ohio, I got this from a Toledo volunteer:

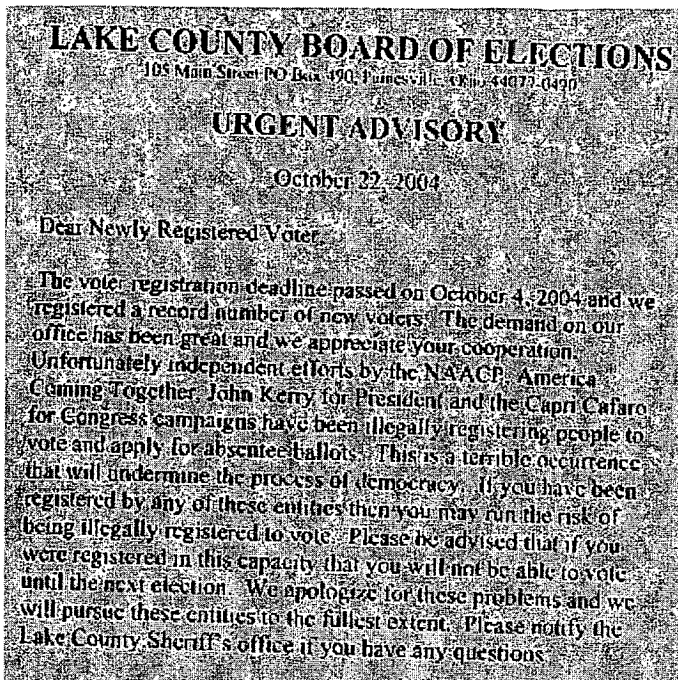
I worked all day yesterday at the largest Toledo area Kerry GOTV phone bank at Gallon and Takacs law offices, 3516 Granite, Sylvania. Out of the 8 phone banks that we had here in the Toledo area yesterday, ours produced one third of all of the contacts made.

Both the local phone company and our phone systems provider have confirmed to us that phone relay point into the building was purposely severed. Many volunteers were rerouted to other locations and several also had to rely on cell phones when we found our lines down this morning. We thought it was a coincidence until the phone company verified to us that the lines were intentionally cut.

More Republican dirty tactics.

And more Ohio, check out this letter supposedly sent from the Lake County (Painesville) Board of Election to newly registered Democrats:

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Of course, the letter is not from the Board of Election, and it's obviously all bullshit. (From Law Geek.)

In Milwaukee, Wisconsin, the GOP wants to take a page from the Ohio playbook.

Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded Saturday that Milwaukee city officials require identification from all of those voters Tuesday.

If the city doesn't, the party says it is prepared to have volunteers challenge each individual - including thousands who might be missing an apartment number on their registration - at the polls.

In Ohio, the "questionable addresses" were those where GOP-sent registered mail wasn't accepted. Wherever the WI GOP's list comes from, it's definitely not reality.

City Attorney Grant Langley labeled the GOP request "outrageous."

"We have already uncovered hundreds and hundreds and hundreds of addresses on their (original list) that do exist," said Langley, who holds a non-partisan office. "Why should I take their word for the fact this new list is good? I'm out of the politics on this, but this is purely political."

Still in Wisconsin, let's head to the ultra-liberal University of Wisconsin -- Madison, which should be a **huge source** of Kerry votes on Tuesday.

UW-Madison students in six residence halls received misleading information this week about how to vote, triggering allegations of dirty tricks.

The Dave Magnum for Congress campaign and the College Republicans took responsibility and apologized for the mailing Friday evening, insisting it was an honest error.

But a progressive group called it a deliberate attempt to confuse student voters. And University of Wisconsin-Madison Chancellor John Wiley, saying he was concerned that students

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might not know where to vote, had e-mails sent to all students Friday afternoon containing correct information.

The Campus Republican flyer told students they could vote at the polling location of their choice. Obviously, voters must vote in their assigned polling location.

The College Republicans, of course, are mired in a scandal of their own -- **bilking innocent seniors** of more than \$6 million.

The College Republican National Committee has raised \$6.3 million this year through an aggressive and misleading fund-raising campaign that collected money from senior citizens who thought they were giving to the election efforts of President Bush and other top Republicans.

Many of the top donors were in their 80s and 90s. The donors wrote checks -- sometimes hundreds and, in at least one case, totaling more than \$100,000 -- to groups with official-sounding names such as "Republican Headquarters 2004," "Republican Elections Committee" and the "National Republican Campaign Fund." [...]

Some of the elderly donors, meanwhile, wound up bouncing checks and emptying their bank accounts.

"I don't have any more money," said Cecilia Barbier, a 90-year-old retired church council worker in New York City. "I'm stopping giving to everybody. That was all my savings that they got."

Barbier said she "wised up." But not before she made more than 300 donations totaling nearly \$100,000 this year, the group's fund-raising records show.

Makes you glad to be a Democrat, huh? We all knew College Republicans were slime. Now we have hard evidence. I hope to see some of those scum carted off to jail. But I digress, since cheating the elderly of their life savings isn't really voter fraud or supression.

Let's wrap up in Alabama, where Democratic areas have been infested with this flyer:

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**Attention:
Jefferson
County!!!!**

**See You At The Poles
November 4th, 2004.**

**To Find your local polling
place, call Jefferson
County Voter's
Registration
Commission.**

Update: Here's another one -- a fake letter, supposedly from the NAACP, threatening South Carolina blacks with arrest if they vote with outstanding parking tickets, or if they haven't submitted a credit check, provide two forms of photo identification, a Social Security card, a voter registration card and a handwriting sample.

017377

Voter Fraud Charges Out West

TEMPE, Ariz., Oct. 14, 2004

(CBS) By CBSNews.com Chief Political Writer David Paul Kuhn

Officials in Oregon have launched a criminal investigation after receiving numerous complaints that a Republican-affiliated group was destroying registration forms filed by Democratic voters statewide, Oregon Secretary of State Bill Bradbury told **CBSNews.com**.

Meanwhile, **CBS affiliate KLAS-TV** is reporting accusations of similar malfeasance in Nevada.

Both state's allegations are linked to a Phoenix political consulting firm called Sproul & Associates run by Nathan Sproul, former head of the Arizona Republican Party. Sproul & Associates has received nearly \$500,000 from the Republican National Committee this election cycle, according to the Center for Responsive Politics.

Calls from **CBSNews.com** to Sproul were not returned.

Late Thursday afternoon, two Democratic senators, Patrick Leahy of Vermont and Ted Kennedy of Massachusetts, sent a letter to Attorney General John Ashcroft asking the Justice Department to "launch an immediate investigation into the activities of Mr. Sproul and his firm."

According to **KLAS-TV**, a former employee claimed hundreds, if not thousands, of Democratic registration forms were destroyed by a Sproul & Associates group called Voters Outreach of America.

The former employee first told local Nevada reporters that he had personally witnessed his boss shredding eight to ten voter registration forms, according to Steve George, a spokesman for the Nevada Secretary of State.

KLAS-TV quotes the chair of the Nevada Republican Committee, Earlene Forsythe, as saying, "The Republican National Party would never intentionally hire any staff people to come into the state to intentionally do voter fraud."

While Nevada is considering an investigation, Oregon's is well underway. Bradbury expects to have more than 200,000 new registered voters in Oregon by Election Day, when all the forms are tallied and verified. He said that they are now paying particular attention to issues of improper registration.

"We've had three [voter registration] complaints filed and we forwarded them to the attorney general who's doing the criminal investigation," Bradbury, a Democrat, said in an interview. "The complaints specifically name Sproul."

In Nevada and Oregon, Sproul allegedly canvassed voters for which candidate they intend to support. If voters were leaning Republican, the group is said to have assisted in their registration. If they leaned Democratic, the group allegedly ignored them or later destroyed the form.

It is illegal to destroy voting registration material.

"I've never seen this before. The allegations that are being made just totally offend me, not only because they are illegal," Bradbury said. "Regardless of whether it is a Democratic, Republican or Independent form, there is no better way to disenfranchise a voter than to say you are registered and then throw away a voter registration form."

Both Oregon and Nevada are considered battleground states in the presidential election. Though polls show Oregon likely to go to Democrat John Kerry, Nevada remains a dead heat between Kerry and President Bush.

Concerns over Sproul's practices were initially raised in early September when a Medford, Oregon, county librarian, Meghan O'Flaherty, received a fax from Sproul requesting to hold a voter registration drive at the local library on behalf of a nonpartisan group called America Votes. As a precaution, O'Flaherty did her own research on Sproul.

"I was just being a good reference librarian and checking the facts. We want to be sure someone who claims to be nonpartisan is nonpartisan," O'Flaherty said. "I didn't want anything going on here in the library that would call into question our neutrality."

The fax from Sproul was also received by three other Oregon libraries. **CBSNews.com** obtained a copy of the fax, as well.

In part, the fax reads: "Our firm has been contracted to help coordinate a national nonpartisan voter registration drive, America Votes!, in several states across the nation." The one-page fax also claims, "We will equally register all those who wish to register to vote."

However, Cecile Richards, the president of America Votes, said in a letter to Sproul that he "had never even heard of Sproul & Associates," and asked that "he refrain from using the name 'America Votes' in any of your activities from this point forward."

Part of the problem, said Bradbury, the Oregon secretary of state, is the "bounty system" where people are "paid by the signature for circulating petitions and that led to significant fraud."

"I have not seen a bounty system for voter registration before," Bradbury continued. "It's not illegal but I've never seen that before."

In Nevada, the allegations of voter registration malfeasance have irked local election officials. The Nevada Secretary of State's office has contacted the Department of Justice in Washington. An investigation is not yet underway.

"The allegations are that there was a group that was doing voter outreach in Las Vegas – Voters Outreach of America – allegedly made by one of its former workers that the group would destroy Democratic voter registration forms," said George, the spokesman for the Nevada Secretary of State's office.

In Las Vegas, the Clark County registrar's office has in the last month alone received more than 100,000 new registrations. Though it has only five electoral votes, the possibility that Nevada could go for either Bush or Kerry has brought the state to the forefront of the presidential race.

"If the allegations are true," George said "it could" involve hundreds if not thousands of voter registration forms. "We are looking at what state and federal laws may have been broken."

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VOTER FRAUD ALLEGATIONS: Judge denies request

Democratic Party loses bid to reopen voter registration

By ADRIENNE PACKER
REVIEW-JOURNAL

District Judge Valerie Adair on Friday denied the Democratic Party's request to reopen voter registration to voters whose forms might have been destroyed by a Republican-backed organization.

In denying the Democratic Party's petition, Adair said extending registration could "open the floodgates" to allow people not affected by the purported fraud to register. Such a move would be inviting "additional fraud and manipulation," she said.

"This court does not believe that there is any way to ensure that only those individuals legitimately affected will register if the time period is extended," the judge said. "There is no guarantee that hundreds of people will not seek to register or claim that they have been impacted."

The appropriate remedy under Nevada law is for those who believe they've been wrongfully denied the right to vote to file individual lawsuits against the Clark County registrar asking to be included on the voter rolls, Adair said.

"The interests of the affected individuals do not justify overriding the statutes enacted by our Legislature and embarking upon a highly dangerous path where the claims of a single individual can impact the voter registration practice of an entire county," Adair said.

The judge pointed to a disclaimer on registration forms that says if voters do not return registration forms themselves or personally mail them to the elections office, they risk not being registered.

Clark County Deputy District Attorney Mary-Anne Miller said elections staff could not process some 58,000 absentee ballots, oversee early voting, and handle a court order to register hundreds of new voters. She said the county could not guarantee voters' information would be in order by the Nov. 2 general election.

Clark County Registrar of Voters Larry Lomax said he was satisfied with Friday's ruling.

"What we wanted was a quick decision, and that's what we got," Lomax said.

Voter registration fraud has plagued Clark County since spring, but Lomax said early in the process it was money-driven. Some voter registration outfits were paying canvassers \$3 per form submitted, not by the hour.

But former Voter's Outreach of America employee Eric Russell told KLAS-TV, Channel 8 a different story earlier this week. Russell said the Republican-backed organization paid only for Republican forms and tore up any Democratic registration forms.

"I have proof. I have a witness. It happened," said Russell, who was disappointed in Adair's ruling.

Two other former employees, Tyrone Mrasak and Ashlee Tims, have told similar stories about their experiences working for Voter's Outreach.

Chris Carr, executive director of the state Republican Party, said organizations tied to the Democrats are not innocent of political tricks against the GOP. On Friday, he presented three registration forms submitted by Moving America Forward that listed addresses that do not exist or are empty lots. Moving America Forward is a Democratic group linked to New Mexico Gov. Bill Richardson.

"The Democrats have used selective outrage," Carr said. "This is nothing more than a thinly veiled, politically motivated effort to draw media attention away from the real issues just days prior to early voting."

Carr called a recent Channel 8 report that two Republican Party registration supervisors instructed a female employee to destroy Democratic forms "outrageous."

The woman who launched the allegations, Patricia Parker, was a Democrat who eventually switched parties, Carr said. The employees Parker accused of destroying Democratic forms work at party headquarters and are experienced and professional, he said. Parker could not be reached for comment.

Republicans outraged by the accusations said some party workers believe Democratic operatives are volunteering in their office under the guise of being Republicans and then using their employee status to add credibility to their unfounded claims.

When asked if he suspected the same, Carr responded: "Absolutely. That's going to cross your mind."

The controversy surrounding the validity of the Democrats' recent claims have reached Washington D.C., where representatives of both parties are accusing each other of trying to steal the heated presidential election.

During a rally Friday morning at the West Las Vegas Library, U.S. Senate candidate

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Barack Obama of Illinois, who rose to political stardom with his rousing speech during the Democratic National Convention, expressed concerns about trickery.

"We get bamboozled sometimes, but not this time," he said.

Clark County Commissioner Yvonne Atkinson Gates, who is also chairwoman of the Democratic National Committee's Black Caucus, told the crowd of about 300 that Republicans have twice tried to pull "shenanigans."

She referenced the attempt to remove 17,000 Democratic voters from the rolls by a Republican and the recent allegations of Republican operatives destroying Democratic voter registration forms.

"They stole the election four years ago in Florida, and we're not going to tolerate it Nov. 2," Atkinson Gates said.

Former Sen. Bob Dole lodged similar allegations against the Democratic Party in a statement issued through the Bush-Cheney campaign.

"Here we go again," Dole said. "In 2000, Democrats tried to disenfranchise military voters in Florida. They tried to do it again in 2004 using the same cast of characters."

Party representatives are painting Nevada, a contentious battleground for the presidential election, as the Florida of the 2004 elections. In Florida, some voters used punch-card ballots, resulting in a significant number of votes that could not be detected.

Donna Brazile, who ran Al Gore's 2000 presidential campaign and is now in charge of the party's voter national protection efforts, paid a brief visit to Las Vegas on Friday.

"We're trying to prevent it from becoming a Florida," Brazile said of Nevada. "We're determined not to let Florida happen again, and what happened here in Nevada has gone in the books as a Florida-style attack."

Eric Herzik, a political science professor at the University of Nevada, Reno, won't dismiss the possibility that Democrats are trying to lay the groundwork to later challenge an unfavorable election result.

"It certainly isn't a stretch to think this is part of a broader legal strategy," he said. "This isn't just in Nevada. They have teams of lawyers looking for things all over."

Agreed, said David Damore, an assistant political science professor at the University of Nevada, Las Vegas.

"If you read the aftermath of Florida, they (Democrats) got overwhelmed down there. In that sense, they are prepared" this time, Damore said. "I imagine if the shoe was on the

other foot, you'd see the same thing (from Republicans). It's just good strategy."

"There are a lot of Democrats still bitter over 2000," Damore said. "This may be overreacting in that sense, but there's a lot at stake."

The Democrats' claims of voter fraud did not surprise Republicans, said Carr, chairman of the state party. The Republican Party referred to an Election Day manual published Thursday on www.drudgereport.com.

A portion of the manual, which a Democratic official said is authentic, says: "If no signs of intimidation techniques have emerged yet, launch a 'pre-emptive strike,' " such as issuing a press release "quoting party/minority/civil rights leadership as denouncing tactics that discourage people from voting."

Clark County Democratic Party officials said after Adair's ruling Friday they had not decided whether to appeal.

"We're still considering our legal options," said Jon Summers, a spokesman for the state Democratic Party.

However, he pointed out that Adair in her remarks from the bench said defrauded voters have another legal remedy.

"If they are a victim of this company, they can come back and file their own individual lawsuits," Summers said.

The FBI and the Nevada Secretary of State's office are looking into the Democrats' allegations, but neither agency has concluded that laws were violated.

Review-Journal writer Omar Sofradzija contributed to this report.

Election News

Campaign 2004: Voter registration workers cry foul

Wednesday, October 20, 2004

By Dennis B. Roddy, Pittsburgh Post-Gazette

An ostensibly nonpartisan voter registration drive in Western Pennsylvania has triggered accusations that workers were cheated out of wages and given instructions to avoid adding anyone to the voter rolls who might support the Democratic presidential nominee.

Sproul & Associates, a consulting firm based in Chandler, Ariz., hired to conduct the drive by the Republican National Committee, employed several hundred canvassers throughout the state to register new voters. Some workers yesterday said they were told to avoid registering Democrats or anyone who indicated support for Democratic nominee John F. Kerry.

"We were told that if they wanted to register Democrat, there was no way we were to register them to vote," said Michele Tharp, of Meadville, who said she was sent out to canvass door-to-door and outside businesses in Meadville, Crawford County. "We were only to register Republicans."

Tharp said volunteers were sent door-to-door to seek registrants but were instructed to first ask prospective new voters which candidate they planned to support.

"If they said Kerry, we were just supposed to say thank you and walk away," Tharp said.

Brenda Snyder, a volunteer with the Republican Victory Center in Erie said workers "absolutely never" were told not to register Democrats. She said some workers were not paid "because of discrepancies in their paychecks" and said the party was attempting to correct the problem. Tharp, for instance, said she was paid only \$14 for 15 hours of work after being hired at a rate of \$11 per hour.

Heather Layman, a spokesperson for the Republican National Committee, confirmed Sproul's role in the effort and said that complaints by 45 to 50 workers who had not been paid had been straightened out. Layman denied that the canvassers avoided registering Democrats and suggested that Democrats were orchestrating the charges.

"I do smell politics here if that's what they're saying," Layman said.

Much of the controversy yesterday centered on the registration drive in Crawford County, where canvassers claimed to be owed thousands of dollars after hunting out Bush supporters.

"If they were a Kerry voter, we were just supposed to walk away," said Michael Twilla, of

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Meadville, who said he has been paid for only eight of 72 hours he worked.

Twilla provided the Post-Gazette with a copy of the script he said he had been given.

It instructs the canvassers to hand unregistered Bush supporters a clipboard with a registration form, and to advise them the canvassers will personally deliver the forms to the local courthouse.

A lower portion of the form also advises the canvassers to ask undecided voters two questions: "Do you consider yourself pro-choice or pro life?" and "Are you worried about the Democrats raising taxes?" If voters say they are pro-life, the form says, "Ask if they are registered to vote. If they are pro-choice, say thank you and walk away."

The form also tells canvassers, "If anyone asks who you are working for, it's 'Project America Vote.' "

America Votes, whose name is similar, is a self-described nonpartisan voter registration organization sponsored by generally liberal-leaning groups.

Several canvassers said they had been instructed to skip the lower portion of the form and others said they were told to say they were working for a local employment agency.

Twilla said the canvassers were told to say they worked for Career Concepts, a local employment agency. Career Concepts was contracted by a Florida firm, Apple One, to assist them in locating temporary employees. A spokeswoman for Career Concepts last night said her firm did not employ the canvassers.

Sproul's role in voter registration drives this month triggered official investigations in several other states, with canvassers alleging they had been told to discard Democratic registration forms, leaving voters who thought they had registered off the rolls.

The firm has a contract with the Republican National Committee to register new voters and has operated using the name Voters Outreach of America. Sproul's chairman, Nathan Sproul, is a former executive director of the Arizona Republican Party.

The firm attracted attention in Pittsburgh last month when Sproul employees called a Carnegie Library official to request space outside the buildings to register voters.

Holly McCullough, special assistant to the library director, said a woman from the firm said they were working for America Votes, the nonpartisan but liberal leaning organization.

McCullough said she agreed to allow the group to set up at the libraries.

"I said there has to be no issue advocacy. It has to do nonpartisan voter registration and they said that was right," McCullough said. Instead, several days later, McCullough received a call from Ryan Hughes, director of the Woods Run library branch, saying patrons had

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complained about the behavior of the canvassers.

Hughes said a patron came in the library Sept. 7 "and said 'There's this person out there asking me who I was voting for.' "But McCullough said she also became concerned because she discovered that Sproul was not working for America Votes, and that the registration drive was being organized by the Republican Party.

(Dennis Roddy can be reached at 412-263-1965 or at droddy@post-gazette.com)

017387

Ten people, including former mayor, indicted for voter fraud

AP Associated Press

(12/22/05 - EDINBURG, TX) - Ten people, including the son of long-term former McAllen Mayor Othal Brand, were indicted Wednesday on allegations of voter fraud, Hidalgo County District Attorney Rene Guerra.

Guerra said a grand jury handed up 43 counts in the indictment ranging from unlawful assistance of voters, which he said meant telling people who to vote for, to unlawful solicitation of ballots for money.

Guerra said the investigation started in July after Brand's loss in the mayoral election in May.

Othal Brand Jr. is accused in a vote-buying scheme and could get up to two years in jail if convicted, he said.

Reached Wednesday, Brand Jr. said the indictment was "news to me."

He said he didn't want to comment until he read it.

Also indicted was La Joya city secretary Elvira Rios, who's accused of using her daughter's name for voting materials.

Guerra said defendants would be summoned for arraignments.

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Vote fraud training called legit

Web Posted: 03/17/2006 12:00 AM CST

Guillermo Contreras
Express-News Staff Writer

The Texas attorney general's office this week defended examples given in materials used to train law officers to watch for voter fraud, saying viewers must look at them in the proper context.

Critics took issue this week with two examples in a PowerPoint presentation used by the attorney general's office to train law officers to recognize election fraud. The critics argued the examples give poll monitors huge discretion that could result in voters inappropriately being turned away.

One example pictured apparel with logos of the Dallas Cowboys as a possible violation of a section of the state election code that bars in polling places badges, insignias and emblems that relate to any candidate, measure or political party on the ballot.

The other example gives law officers tips on what to look for when examining documents for fraud, including "unique stamps" on mail-in ballots. Appearing next to those words is a postage stamp of a black woman kissing a black child. The stamp promotes testing for sickle cell disease. The racial undertones of that example riled some critics.

Tom Kelley, spokesman for the attorney general's office, offered an explanation: "Our efforts in education are intended solely for law enforcement, not the general public. The example of the Dallas Cowboys shirt is a specific example of a real-life example involving a referendum for a new Cowboys stadium in Arlington, Texas. The example of the sickle cell stamp is a piece of evidence a grand jury relied on to issue an indictment in Bowie County.

"Unfortunately, there have been numerous instances of voter fraud in the state of Texas. These instances have led to nearly a dozen indictments across the state," Kelley said.

The state's stance, however, did little to appease critics like Common Cause Texas and the Mexican American Legal Defense and Educational Fund, groups that say the approach will intimidate voters and result in lower turnout.

One political analyst said the state's approach profiles minorities and assumes they go to the polls to cheat.

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"If you start with the assumption that people go to church to steal from the offering plate, you'd make people very uncomfortable," said Andy Hernandez, a political scientist at St. Mary's University. "After a while, they're going to stop going to your church."

The training was offered to 44 counties where voter fraud had occurred, or where the population is at least 100,000. The training took place before early voting began in the March primary.

The crackdown on voter fraud was backed by cases that resulted in indictments and by an editorial Feb. 6 in the San Antonio Express-News, according to the attorney general's office.

The training was offered to law enforcement agencies in Bexar County, but was not used here.

gcontreras@express-news.net

Online at:

http://www.mysanantonio.com/news/politics/stories/MYSA031706.03B.aq_training.1c6b62e1.html

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KEYTV.com

Aug 7, 2006 1:41 pm US/Central

65-Year-Old Woman Arrested For Illegal Voting

(CBS 42) CORPUS CHRISTI A 65-year-old Corpus Christi-area woman has been sentenced to probation and fined for ~~illegally voting other people's ballots.~~

Maria Dora Flores pleaded guilty Friday to two third-degree felony illegal voting counts.

The Texas attorney general's office says Flores admitted marking ballots for other voters without their permission during the early voting for the March primaries.

She's been sentenced to two years of probation, fined 750 dollars and restricted from future campaign work.

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Scott County Virginia Star

7/28/06

Former GC Mayor Convicted on 16 Counts of Election Fraud

Lisa Watson McCarty
Publisher



Charles S. Dougherty, Jr. was fined \$32,000 and handed down a 32-day jail sentence. He is expected to appeal the decision.

Last Friday Gate City's former mayor was convicted of 16 counts of election fraud in relation to the May 4, 2004 municipal election.

Charles Dougherty Jr. was indicted by the Scott County Special Grand Jury in August 200 on 37 counts of election fraud dealing mainly with securing absentee votes. In February, the former mayor was acquitted on two counts of conspiring to interfere with voting rights.

He faces another 15 felony counts with the trial on those counts scheduled for October.

This time round the jury of six men and six women deliberated a little more than 90 minutes during their lunch hour on Friday, July 21 before rendering a unanimous guilty verdict.

They took more time to settle on how to penalize Dougherty and spent nearly 2 hours behind closed doors deciding his penalty.

During opening statements on Thursday morning, Scott County Special Prosecutor Joel Branscom told the jury he wasn't seeking jail time for Dougherty but noted during closing arguments that the jury would know the specific punishment to fit the crime.

Branscom complained that Defense Attorney Carl McAfee tried to "muddy the waters" by reading new wording on the indictments but ultimately the case boiled down to how much cheating and corruption they [the jury] could handle.

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"This case is about how much corruption you as representatives of this community are willing to take," the prosecutor explained to the jury.

Dougherty was fined \$2,000 on each of the 16 counts (\$32,000) and ordered to serve 2 days in jail on each of the 16 counts (total of 32 days). He remains free on bond while waiting for his official sentencing.

Although Thursday and Friday's case involved 9 counts of aiding and abetting violations of absentee voting procedures and 9 counts of making false statements on absentee applications, Branscom agreed to drop two of the charges involving Vernoi Littrell but remained determined on the other 16 charges.

Littrell, who is confined to his home with a health condition, was listed as working a 13-hour at his job at Food Lion and was unable to testify in the trial.

Eight witnesses, many of them friends of Dougherty, testified they probably weren't stricken by some of various ailments listed on their absentee applications. Nor were any of them vacationing in another state, an explanation cited on some of the other applications.

Although it was clear, many of the victims suffered from health problems, a few of them became upset when the prosecutor suggested they were homebound.

Lucian Kinhead, who resides in Gatewood Apartments, testified he didn't fill out the application but did sign it at the request of former councilman Jack Anderson. He admitted that he had known Anderson for years and knew Dougherty on sight.

"Hell, no I didn't know signing the form committed a felony," Kinhead stated. "If I knew I could get in trouble, I wouldn't have signed it."

The World War II veteran, who suffers from several health problems, admitted he had voted absentee several times because Anderson asked him to but owned a car and could have driven himself to the polls on that May day.

Gary Falin also explained that Dougherty came to his home in April and asked him if he wanted to vote. Falin testified Dougherty drove him to the registrar's office where he voted in person after the former mayor told a staff member in the office Falin would be traveling to West Virginia on election day.

"I didn't tell him that," Falin said. "I've never been to West Virginia and I had never planned to go there."

Falin, who is employed by Wal-Mart contractor, commented that he voted for the candidates he wanted to but hadn't really thought about voting until Dougherty came by his home.

After Branscom questioned whether he would lie in order to vote, Falin said wouldn't lie in order to vote.

"I didn't say anything," Falin added. "Charles Dougherty did when he told them I was going to West Virginia."

Penny Hammonds testified Dougherty drove her and her husband, Rickey, to vote at the registrar's office in early April 2004. According to her testimony, Scott County Registrar Willie Kilgore filled out the absentee application for her and listed her reasons for wanting the absentee ballot was because the couple was going to Gatlinburg, Tenn.

Hammonds said that the former mayor told Kilgore Hammonds and her husband would be in Gatlinburg on election day.

"I've always wanted to go there, maybe I would get to this time," Hammonds said.

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She added her father, Alfred 'Hagan' Cassell, had asked her to vote and called Dougherty to assist the couple. Hammonds also said Dougherty showed which candidates to vote for because she "don't know nothing about" voting.

Hammonds' husband, Rickey, echoed his wife's sentiments. He admitted that he suffered from a nervous condition and was physically disabled. Again Rickey Hammonds told the same story as his wife did including Dougherty suggesting to the registrar the couple was going to Gatlinburg.

"If I knew I was going to get into trouble by signing this paper, I wouldn't have," stated Ricky Hammonds, who clearly remembered signing his application in blue ink. "I've never been to Gatlinburg."

Rickey Hammonds also testified that Scott County Registrar Kilgore filled out his paperwork and instructed Dougherty to show him how to vote. He recalled voting for Dougherty and Anderson but couldn't remember who else he marked on the ballot.

Dougherty's attorney Carl McAfee asked Rickey Hammonds about prescribed medications he might be taking that could affect his memory. Branscom countered that none of the medications her husband was taking would cause his wife, Penny's memory to fail.

During her testimony, Shirley Smallwood verified that Dougherty brought an absentee application to her home in Weber City where she was living. Although she had lived in Gate City with her husband, after their divorce Smallwood had moved part of her furniture out of her Gate City home to Weber City.

She admitted to having crippling arthritis and bad headaches and to living at least part of the time in Weber City but voted absentee in the May 4, 2004 election.

McAfee argued that Smallwood lived part of the time in Gate City and part of the time in Weber City and added that she wanted to help Dougherty win re-election.

Smallwood's mail ballot was mailed to her Gate City address and she filled out the ballot on her own.

McAfee explained that the registrar allowed Smallwood to vote because the office mailed her an absentee ballot.

Mavis Graham also admitted on the witness stand that she allowed Dougherty to fill out her application while she was cooking dinner.

According to court records, her reasons for voting absentee were due to a heart attack and being confined to her home. Graham explained to the prosecutor during his direct questioning she had had a heart attack in 1976 and was able to get out as much as she used to.

Graham said she was involved in a car accident in 2002 and her doctor had commented several times that she wasn't as active as she used to be.

Branscom asked how she had come to court on that day and Graham said she drove herself.

Graham said she shopped for herself, met friends in Kingsport, Tenn. to eat out and generally liked to keep busy. She stressed that she wouldn't lie for anyone because although she wasn't confined to her home, she "didn't get out much."

Branscom countered that anyone could say they didn't get out much anymore including him after the birth of his and his wife's child but that it didn't prove he couldn't leave his home.

Gladys Cleek stated that her son was married to Dougherty's sister and although she owns two cars she did indeed suffer from arthritis. She recalled the day Dougherty dropped by her house, she was lying on the couch in her living room to ease the pain.

Cleek said she asked Dougherty to stop by after finding out from her homebound neighbor his intentions to bring absentee applications.

She admitted she wasn't confined to her home but voting absentee would save her a trip to the polls on election day. On re-direct by Branscom, Cleek said she drove herself to vote at Gate City Middle School in the 2004 presidential election.

Alfred 'Hagan' Cassell told a similar story in that he, too, was driven to the registrar's office by Dougherty. But Cassell said he originally wasn't going to the office to vote and went to talk to the "Kilgore girls."

After the application was completed by Assistant Registrar Tammy Presley, Dougherty said Cassell was going to be in the hospital on May 4, 2004 and Cassell signed the application.

He testified that the women employed in the office were his friends and he liked to go visit them.

"I didn't know it was time to vote but they wanted to know if I wanted to," Cassell said.

He admitted that he couldn't read nor write very well and said Scott County Registrar Kilgore marked his ballot for him after consulting a piece of paper where Cassell said he wrote the names of the candidates he wanted.

Former electoral board member Sherry Wilson began the day's testimony by helping the prosecutor introduce the absentee applications into evidence. Wilson stated that Virginia law does not allow absentee voting based on a voter's age after Branscom pointed out many of the absentee voters were older.

During cross examination, McAfee suggested that all of absentee voters involved in the trial were because the electoral board and registrar didn't do their jobs properly.

Wilson explained that only the electoral board secretary, registrar or assistant registrar were authorized to approve absentee applications and as the third member of the three-member board she had no authority to approve or deny applications.

When McAfee questioned whether Wilson knew if there was some type of relationship between staff in the registrar's office and Dougherty to cause them to help him out, Wilson said she had no hard proof only rumor and speculation.

She also added there was no procedure in Virginia law to challenge absentee votes unless a contest suit was filed in the election. In this case, the challenger, Mark Jenkins contested the results of the election which were overturned by a three-member panel of judges appointed by the Virginia Supreme Court. Dougherty received 357 votes compared to Jenkins' 355 vote total.

The candidates receiving the four highest vote counts were appointed to the Gate City Town Council. They, in turn, selected a fifth member and appointed Jenkins as mayor.

Betty Pendleton, a former clerk in the registrar's office, also testified after she was subpoenaed by the defense. Branscom had originally subpoenaed Pendleton but released her shortly after the day began.

The prosecutor said he had no intentions of calling Pendleton to the stand because prosecution witnesses are immune from prosecution of their crimes.

McAfee became very upset and said he should have been advised of her release. He demanded Pendleton be subpoenaed for the defense as well as Scott County Registrar Willie Mae Kilgore.

Although McAfee planned to bring Pendleton back into the courtroom as his witness, Branscom granted her immunity to testify but not before some legal maneuvering in front of Judge Birg Sergent.

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Branscom told the judge that Pendleton would have to be advised of her rights prior to her testimony and that things she said in court might be used against her. Sergeant also advised Pendleton that she could invoke her fifth amendment right to remain silent if her testimony might be viewed as incriminating.

Pendleton was informed of her rights and took the stand, still as a prosecution witness where she immediately invoked her Fifth Amendment rights. Several minutes later after McAfee stated he had no defense witnesses, Branscom granted immunity to Pendleton, which allowed her to testify for the defense.

Pendleton stated that when applications were brought in for ballots to be mailed, she used the computer system to access the voter's information record. Once that application was approved, then a ballot and mailing label was printed. If the voter came in person, after their application was approved then they voted in person.

Pendleton testified that she couldn't remember if Dougherty was present when some of the day's earlier witnesses had voted. She explained that lots of people were in and out of the office and it was difficult to remember everyone.

Pendleton admitted that Dougherty visited the office more than Jenkins but couldn't remember exactly when the former mayor was there. During her 24 years of employment in the registrar's office, Pendleton said she never favored one candidate over another.

"I tried to be honest not because I was for Charles [Dougherty] to win this election," she said.

Pendleton also said that the number of absentee votes cast in the election (158) was about the same as previous years. Dougherty received 138 of those votes cast while Jenkins only earned 20 absentee votes.

McAfee said during his closing argument that Dougherty hadn't interfered with the voting rights of any of the witnesses and that other candidates received more absentee votes than he did.

He also pleaded with jury to that put the stigma of a felony conviction on his client.

"A felony conviction is a felony conviction," McAfee said. "It is an offense that hangs with you throughout your life. It will not go away."

McAfee also poked fun at the large number of media representatives in the courtroom including reporters from Richmond, Roanoke, Bristol, Kingsport and locally.

"For some reason or another, this is bigger news than what's going on in the Middle East, the way they've been covering it," McAfee said.

But Branscom summed it up by explaining the purpose of elections.

"This is what we are in the Middle East fighting for – free votes," Branscom said. "This is what we believe in. It's about how much corruption you are willing to accept in Scott County."

According to Virginia Code 24.2.1012: "Any public official who knowingly violates any of the provisions of the law concerning absent voters and thereby aids in any way the illegal casting, or attempting to cast a vote, or who connives to nullify any provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in the Commonwealth and shall forever be disqualified from exercising the right of franchise."

It is unclear whether Friday's guilty verdict threatens Dougherty's employment. He is currently employed by the Southwest Virginia Regional Jail in Duffield as a jailor.

017396

Bond may be revoked for suspect in Appalachia election fraud case

03/29/2006

By STEPHEN IGO

WISE - A bond revocation hearing for one of the 14 individuals indicted in an alleged election fraud and government corruption scandal in Appalachia has been rescheduled for Monday.

The bond revocation hearing was continued from 1 p.m. Tuesday upon a request by Stephanie Pease, an Abingdon attorney representing Adam Brody Sharrett, the brother of former Town Councilman Andy Sharrett, also indicted by a Wise County grand jury in an alleged conspiracy to commit election fraud and other alleged illegal activities before, during and after the 2004 town elections in Appalachia. Andy Sharrett resigned from the Town Council last week.

Arrestment of 13 of the 14 individuals charged in the alleged conspiracy took place two weeks ago. Betty Chloe Sharrett Bolling, a great-aunt to Adam and Andy Sharrett, was arraigned Monday. She had gall bladder surgery just before the en masse arraignment hearing before Circuit Judge Tammy McElyea. McElyea has scheduled an Oct. 3 jury trial for all 14, with a pair of pretrial conferences scheduled for Aug. 3 and Sept. 26.

Adam Sharrett has been free on unsecured bond. One of the terms of his bond is not to have contact with any prosecution witnesses. Special Prosecutor Tim McAfee said Tuesday that Adam Sharrett jeopardized the terms of his bond as a result of an alleged March 17 altercation during a youth dance at the Appalachia Rescue Squad.

McAfee said a prosecution witness, Lora Bowers, dropped her daughter and a friend of her daughter's off at the dance, then parked at a market not far from the rescue squad facility to wait for the girls. At around 10 p.m., McAfee said the girls returned to Bowers' vehicle, the daughter in tears. The girls "basically tell Miss Bowers there was an incident involving a boy at the dance and some girl got slapped by another girl," McAfee said, and that chaperones of the dance or members of the rescue squad kept Bowers' daughter and another girl in an office and would not allow them to leave or contact their parents.

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McAfee said Bowers walked up the street to get the names of those who held her daughter against her will, and the two women allegedly involved in the incident - one of them, McAfee said, is Adam Sharrett's girlfriend - were standing outside at the entrance. McAfee said a "sort of heated exchange between Miss Bowers and the two women" ensued, and Adam Sharrett allegedly injected himself into the dispute.

McAfee said Bowers' statement to Virginia State Police investigators alleges that Adam Sharrett "uttered words related to the (election fraud conspiracy) investigation that related to Bowers," and that Sharrett allegedly poked a finger in her face while making disparaging comments about Bowers' role in the probe.

At that point, McAfee said Bowers was asked to enter the rescue squad building to await the identities, in writing, of the two individuals who allegedly held her daughter against her will. Instead of the promised note bearing the identities of the two women, McAfee said Appalachia Police Officer Lee Ray Williams arrived and allegedly "became antagonistic with her."

In her statement to the VSP, McAfee said Bowers alleged that Williams slapped her hand or arm when Bowers attempted to give her cell phone to her daughter to call 911. Bowers alleges Williams prevented her from calling for outside law enforcement assistance and, instead, arrested her for disorderly conduct and hauled her to the magistrate at the Wise County Courthouse. McAfee said Bowers attempted to file an assault warrant against Williams, but the magistrate denied Bowers' request.

Based upon Bowers' interview with VSP investigators and statements of other witnesses, the allegations against Adam Sharrett, "if true, would be in violation of the court's order, and we filed a motion to revoke his bond," McAfee said.

Besides Adam and Andy Sharrett, those indicted include their parents, Owen Anderson "Dude" Sharrett Jr. and Belinda Carolyn Sharrett, who were on the town payroll as the director of parks and recreation and as a clerk in Town Hall, respectively, until they were suspended without pay by the Town Council. Two brothers of Dude Sharrett, Dennis Martin "Boogie" Sharrett and Kevin Lee Sharrett, have also been indicted on various charges, including charges against Kevin Lee Sharrett involving the alleged importation of illicit drugs to Appalachia to spice up alleged voter bribery enticements such as packs of cheap cigarettes, six-packs of beer and bags of pork rinds.

Appalachia Mayor Ben Cooper heads the indictment list that bears a host of charges including tampering with absentee ballots and forgery. He relinquished his duties as town manager but rescinded an intention to resign as mayor yet remain on the council. Cooper is still mayor and on the council.

Two suspended law enforcement officials are among those indicted. Suspended without pay are former Chief Law Enforcement Officer Benjamin Graham Surber and former Police Officer Walter Mike Baber. Surber is accused of doing little more than collect a paycheck as a figurehead to allegedly provide Cooper full control over the police department, while charges against Surber and Baber include seizure of private property for personal use.

Indicted for allegedly making false statements on a request for voter assistance forms at the polls on election day are Betty Roxann Riddle, Krystal Shana Chandler Turner and Natasha Sharrett Mullins. A former U.S. Postal Service employee, Don Houston Estridge, is charged with illegally diverting absentee ballots to the alleged conspirators.

Published: April 17, 2006
Contact this Times-News contributor- STEPHEN IGO

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Roanoke.com

Thursday, October 05, 2006

Vote fraud case hangs on red ink, ballots

A defense attorney conceded that some of the defendants are "as crooked as a barrel of fish hooks." But not his client.

By Laurence Hammack

WISE -- It seemed a little strange that so many people in Appalachia wanted to vote by absentee ballot in the 2004 town elections.

Stranger still that so many of the voters were nursing home occupants, Alzheimer's patients, alcoholics, residents of low-income neighborhoods and other citizens not known for their regular participation in democracy.

And stranger still that so many of their applications for absentee ballots were filled out in red ink.

"It was just kind of odd that so many people in Appalachia happened to have a red ink pen when they needed to sign something," special prosecutor Tim McAfee told a Wise County jury Wednesday.

As authorities continued to investigate the election, collecting thousands of pages of documents and eventually finding the incriminating red pen, they pieced together what has been called the biggest case of election fraud in recent state history.

Now it's up to the jury to see if the pieces fit to form a conviction.

Outlining his evidence in opening statements, McAfee described how a corrupt slate of candidates bought votes with bribes, cited false reasons to obtain absentee ballots for their ill-gotten supporters, diverted those ballots from the mail before they reached the intended voters and used the stolen documents to vote repeatedly for themselves through forgery and fraud.

Even defense attorney Walt Rivers conceded that some of the defendants were "as crooked as a barrel of fish hooks."

But not his client, Don Houston Estridge, Rivers told the jury.

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Estridge, a former postal worker who prosecutors say played a key role in diverting mail in ballots to the other conspirators, is maintaining his innocence in a trial that began Tuesday and is expected to last through next week.

There appears to be no direct evidence that Estridge stole blank ballots so that others could steal votes.

Instead, prosecutors will rely on circumstantial evidence and the testimony of co-defendants. Of the 14 people charged in the case, 12 have agreed to cooperate with authorities.

At the center of the conspiracy, McAfee said, is Ben Cooper.

Cooper is the former mayor and acting town manager of Appalachia, an economically depressed town of about 1,900 that sits not far from the Kentucky state line, surrounded by dormant coal mines.

Obsessed with a desire for power and a deep dislike for Vern Haefele, who was Appalachia's town manager in 2004, Cooper set out to win re-election to the council at any cost, McAfee said.

He enlisted the help of two town employees, parks and recreation director Owen "Dude" Sharrett and his wife, town clerk Belinda Sharrett. Because Haefele had expressed concerns about the Sharretts' competence and had suggested their jobs be eliminated, McAfee said, they were eager to join a political effort to remove the town manager.

In fact, one of Cooper's two running mates for council was the Sharretts' son, Owen "Andy" Sharrett. Seven members of the Sharrett family have been charged with assisting the Cooper campaign.

Estridge was pulled into the scheme for two reasons, McAfee said: As a letter carrier in Appalachia, he had access to the ballots the other conspirators needed. And a personal dispute he had with town leaders at the time over a land transaction made him a willing agent for change.

As Election Day approached, the defendants fanned out to find the kind of voters they could control, visiting nursing homes and housing projects.

"They are the people who don't know how to fight back," McAfee said of the victims. "They were easy targets for this conspiracy."

Although some voters have said, and the indictment alleges, that they were given beer, cigarettes and even pork rinds in exchange for their votes, McAfee downplayed that aspect of the case, focusing instead on stolen mail and forged ballots.

"This is not about pork rinds," he told the jury.

However, it was a complaint by Christina McKinney, who said Dude Sharrett offered her cigarettes and pork rinds for her vote, that started the investigation in May 2004. By then, Cooper, Andy Sharrett and a third member of the slate who has not been charged had been elected.

Cooper and Sharrett resigned after they were indicted in March. Estridge, 63, resigned from the postal service in February. Victor Dubina, a spokesman for the postal service, said he could not say if the resignation was related to the criminal charges.

Although no one apparently saw Estridge steal any absentee ballots, McAfee is asking the jury to consider circumstantial evidence, including the following:

- Of 57 documented cases of voter fraud (authorities suspect the actual number is much higher), 30 of the voters who never received absentee ballots were on Estridge's mail route.
- A computer-generated list of voters found in Cooper's house had the name "Don" written next to many of the names. A search of the Sharrett home the same day produced a pen with red ink on top of a pile of absentee ballot applications.
- Cooper was a regular visitor to the Appalachia post office where Estridge worked, and some employees heard him ask the letter carrier about whether certain absentee ballots had arrived in the weeks before the election.

While Estridge admitted that he "ran his mouth a lot" in the community while supporting Cooper and his running mates, he plans to testify that he did nothing illegal, Rivers told the jury.

Rivers suggested that the postal employee best positioned to help the corrupt candidates was the Appalachia postmaster, Sid Cooper -- Ben Cooper's brother.

"He had the keys to the post office," Rivers said of Sid Cooper, who has not been charged. "He was the first one in the door every morning, and Ben Cooper was right on his heels."

Although Ben Cooper has agreed to cooperate with prosecutors, Rivers said he does not expect him to say anything to incriminate his brother.

"Somebody is being protected. Somebody is being covered. And somebody is being dumped on," Rivers said.

Pointing to his client as he sat alone at the defense table, Rivers said: "That man right there is being dumped on."

Tuesday, January 31, 2006

Inquiry into vote buying expands

State police searched the offices of Appalachia's town hall and police department.

By Laurence Hammack

981-3239

A state police investigation into election fraud in Appalachia has reached past the town's 2004 elections and into its town hall, its police department and the homes of its top officials.

Armed with a dozen search warrants, police officers swarmed into the small coal-mining town in far Southwest Virginia on Monday morning to seize potential evidence from government buildings.

No charges have been filed. Court records indicate that authorities are looking into suspicions of both election fraud and the government corruption that it spawned.

Among the claims: that some votes were bought with promises of cigarettes and six-packs of beer, that absentee ballots were stolen from voters' mailboxes and fraudulently cast, and that one of the candidates for the town council went on to head the town police department, now suspected of illegally seizing drugs, money and property.

"It was a very disturbing discovery today," special prosecutor Tim McAfee said after a day of police searches. "We've got pre-election misconduct, we've got Election Day misconduct, and we've got post-election misconduct."

In addition to seizing evidence from the town hall and the police department, authorities also raided the homes of a town council member, the police captain and the mayor.

The investigation will even reach into the mouths of six suspects, with police planning to take saliva swabs that will be compared to DNA recovered from the envelopes that contained dozens of disputed absentee ballots.

Nearly two years ago, town resident Christina McKinney sparked the probe when she complained that family members of Andy Sharrett, one of seven candidates running for the council, enlisted her to vote by absentee ballot -- only to take her ballot from her

mailbox and cast it in her name.

McKinney said she and other residents of her government-subsidized apartment complex were offered cigarettes, beer and even a bag of pork skins in exchange for their votes.

When authorities checked out her story, "what stuck out like a neon light flashing was the fact that there was not just one incident, but there were probably 60 or 70 voters where it looked like something had happened," McAfee said.

Since then, the election probe has led authorities to look into the town's police department.

"The investigation into the election fraud claims by many voters has revealed a conspiracy by a lot of individuals to violate the election laws, with one of the goals being to allow the creation of a police department that was controlled and would permit certain illegal activities to occur," McAfee said.

Search warrants identify police Capt. Benjamin Surber, who was once a candidate for the town council.

Shortly before the 2004 election, Surber withdrew from the race and supported a slate of three candidates that included Sharrett and incumbent councilman Ben Cooper. Both Sharrett and Cooper were elected; the new council then named Cooper mayor.

Not long after the new council took over, Surber was named police captain, the de facto head of a five-man department that has no chief, McAfee said.

Search warrants executed on Surber's home and police headquarters show that authorities are interested in examining the workings of the department since May 2004.

The warrants authorized police to seize records related to Surber's hiring and other personnel issues. Authorities also were looking for paperwork involving drug arrests, search warrants, the use of confidential sources, seizures of money and property, and the work schedules and mileage claims of individual police officers.

Evidence uncovered Monday indicates that drugs were often seized without proper warrants or record keeping, McAfee said, and that there is little accounting for what happened to it afterward.

In addition to the police department, authorities are focusing on what happened in the Sharrett home on Lee Street.

Councilman Andy Sharrett shares the home with two family members implicated in the search warrants. His father, Owen "Dude" Sharrett, is head of the town's parks and

recreation department. His mother, Belinda Sharrett, is a bookkeeper at town hall.

The warrants seek saliva samples from all three Sharretts, in addition to various records and paperwork that might have been in their home.

Cooper's home also was searched Monday, and he and Surber will be required to submit saliva samples.

Police also are seeking DNA samples from two other people, and McAfee said the investigation could extend beyond the six people named in search warrants executed Monday.

A 60-page affidavit that details what investigators have found to date -- and which convinced a judge that there was sufficient evidence to issue the 12 search warrants -- remains sealed in Wise County Circuit Court. What's known is that authorities are investigating the following crimes: voting more than once in the same election, theft of ballots and other voting records, aiding or abetting in the violation of absentee voting procedures, and hindering a citizen's right to vote -- a charge that has been used to allege vote buying.

Nearly 20 percent of the votes cast in the town election were by absentee ballot, nearly four times the state average.

McAfee said he might be ready to seek charges by the end of February. But that could depend on whether state police continue to discover illegal activity they were not aware of, as happened Monday.

"We're going to investigate everything," the prosecutor said, "because we can't trust any of it."

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VIRGINIA MEETING & CONFERENCE PLANNER

14 charged in election fraud receive warning

Judge orders them to avoid 100 witnesses in town of Appalachia

BY KATHY STILL

MEDIA GENERAL NEWS SERVICE

Wednesday, March 15, 2006

WISE -- The tiny town of Appalachia got smaller yesterday for the 14 people indicted last month on charges of scheming to rig the 2004 Town Council race.

Mayor Ben Cooper, Councilman Andy Sharrett and the others indicted received a warning from Circuit Judge Tammy McElyea during their arraignment to stay away from those named in a five-page list of witnesses and absentee voters.

All pleaded not guilty and waived their right to a speedy trial. The judge set an Oct. 3 trial date.

They could be jailed if they contact the people on the list. However, avoiding more than 100 people in a town of 1,800 could prove difficult for those accused in the scheme, which authorities say involved buying votes to put Cooper in power so others could get town jobs or freely break the law.

Appalachia, once a bustling town surrounded by vibrant coal camps, now has just one bank, one grocery store, one post office, one Dollar General store, a couple of convenience stores, two traffic lights and a handful of specialty shops.

The town has plenty of churches. Still, some of those charged worship at the same places as the people they've been warned to avoid.

Patti Page Church, the mayor's attorney, summed up the situation for the judge near the end of the 90-minute arraignment.

"It's a very small community," she said. "It's a mile from traffic light to traffic light. The chances of running into somebody on this list at church or the Payless Supermarket are good."

017406

Tim McAfee, the special prosecutor who asked the court to prohibit contact, agreed with Church. He said a chance encounter on a grocery-store aisle would not be a concern.

It would be a different matter if one of the 14 charged initiated contact, McAfee said.

Some of those charged serve as volunteer emergency-medical technicians. Their attorneys asked the judge and the prosecutor to clarify what would happen if their clients responded to an emergency involving someone on the list.

Provide the care needed and avoid other contact, the judge said.

"This is probably going to be a very complicated matter," she said.

The first hour of the arraignment was chaotic. Nearly as many lawyers as those charged milled around the courtroom chatting with one another and with prosecutors. They talked with the judge at the bench and made it impossible for people to follow the proceedings.

The room settled down when paperwork was completed. The lawyers and those charged gathered around the judge's bench for the arraignment.

McElyea warned those charged not to miss a pretrial hearing or any court appearance.

The 14 were named in a 300-page indictment alleging election fraud and related charges. The indictment includes 269 counts.

In addition to the mayor and the councilman, police Capt. Ben Surber, Officer Mike Baber and town workers Belinda Sharrett and her husband, Dude Sharrett, were indicted. The four employees were suspended without pay by the Town Council this month.

Other members of the Sharrett family -- Adam Brody Sharrett, Betty Chloe Bolling, Dennis "Boogie" Sharrett and Kevin Sharrett -- also face charges. Bolling was not arraigned yesterday because of an illness. She will be arraigned later.

Former mail carrier Don Estridge and voters Betty Riddle, Krystal Turner and Natasha Mullins also face charges in the vote-buying conspiracy.

Cooper has resigned as town manager but not as mayor.

Kathy Still is a staff writer for the Bristol Herald Courier.

017407

July 05, 2005

NURSING HOME MAIL BALLOT FRAUD

Back in February I reported on a tip from a reader who wrote that a family member who is legally incompetent and living in a Lynnwood nursing home had voted by mail last November.

we found out my wife's' uncle who is declared 'incompetent' by the State and has a legal guardian, voted and is now a PAV as well. Besides being blind with cerebral palsy he cannot read nor write.

I now have documents from the Snohomish County Auditor confirming the reader's story. It strongly suggests that some of the caretakers at the nursing home conspired to fraudulently vote on behalf of individuals who weren't capable of voting.

Wallace Murphy, 77, is the disabled man whose family sent me the tip. This set of documents includes a court filing showing that Mr. Murphy has been declared to be an "incapacitated person" with a guardian, which under current state law means that he's legally ineligible to vote.

Nevertheless, the caretakers at the Manor Care facility in Lynnwood registered him to vote and voted on his behalf. Mr. Murphy's relative stressed that his mental capabilities are diminished and indicated that he was almost certainly taken advantage of

Current events have really no meaning as you might inquire about who is the President and he may say Kennedy or Reagan or whoever you say at the time. This set of documents includes the voter registration forms and absentee ballot outer envelopes for Mr. Murphy and six other Manor Care residents. All of the registration forms were filled out on March 9, 2004 in the same handwriting and by someone who had access to the residents' Social Security and WA state ID numbers.

Take a look at Murphy's registration card (page 1) and his absentee ballot envelope (page 3). His legal name is Wallace J. Murphy, but he was registered as Wally I. Murphy. The "signature" on his registration form (again, he never learned to write) does not match the "signature" on his ballot envelope. The witness was the same for both signatures.

Other interesting aspects of these registrations --

* In most cases, the signatures on the registration forms do not match the signatures on the ballot envelopes.

* Whoever pre-filled the registration forms assumed that the residents didn't have a driver's license, entering "N/A". Somebody went back later and where applicable overwrote this with an ID number. I looked up these numbers at the

DOL: None of these are driver's licenses. The few that actually check out are **identification cards.**

* Some of the signatures purportedly from different individuals look suspiciously similar.

* It's possible that some of the other individuals who were registered on March 9 are otherwise qualified to vote but simply needed a little help with the mechanics, but I doubt that all of them were competent to vote. I tried to call one of them and it was clear he/she didn't have the mental capacity to have a telephone conversation.

* The Snohomish County Auditor was also negligent here. Three of these absentee ballot signatures clearly don't match the registration signatures -- Murphy, Rosen and Erickson -- and the ballots were witnessed by someone from Manor Care. But state law requires that a witnessed absentee ballot have two witnesses to be counted. Nevertheless, these voters were credited and their ballots appear to have been counted.

The state legislature in its paroxysm of "election reform" legislation actually did address the issue of vote fraud by nursing home officials who take advantage of the mentally incapacitated -- they passed a law to ensure that it's going to happen more often than ever before.

Posted by **Stefan Sharkansky** at July 05, 2005 10:36 AM | [Email This](#)

017409

Original Story URL:

<http://www.jsonline.com/story/index.aspx?id=408760>

A felon but not a fraud: No charges for voter with prison I.D.

By GINA BARTON
gbarton@journalsentinel.com

Posted: March 16, 2006

Federal prosecutors have dismissed a fraud charge against a convicted felon who voted in the November 2004 election after learning that he had shown his prison I.D. as proof of identity at the polls.

Advertisement Derek G. Little was charged in July with a federal felony because he voted despite being on supervised release for a felony conviction of maintaining a drug trafficking place. Felons are ineligible to vote while they remain under court supervision.

Little, 45, admitted that he voted, according to court records. But Little recently proved that when he registered at the polling place on the day of the election, he presented his Department of Corrections identification card, which spells out "OFFENDER" in bold letters. According to the government's motion to dismiss the indictment, that action would have made it difficult to prove Little acted "willfully and with the intent to defraud state residents of a fair and impartially conducted election process."

"I expect that should have raised a red flag," city Election Commission Executive Director Susan Edman said of the prison I.D. "That shouldn't have been accepted, really."

gmtoday

Democrats submit complaint against Newcomer

Vote fraud alleged; Newcomer says he checked with state

By BRIAN HUBER - GM Today Staff

January 4, 2006

WAUKESHA - The Democratic Party of Waukesha County is seeking a special prosecutor to investigate its allegations 33rd state Assembly District candidate Scott Newcomer engaged in voter fraud.

Newcomer dismissed the complaint Monday as being "politically motivated," saying he checked with an attorney for the state Elections Board on whether he could vote from a Delafield address where he plans to build a house.



Scott Newcomer, winner of the 33rd Assembly District Republican primary election, greets supporter Jim Somers on December 14 at his victory party at Seven Seas restaurant in Hartland.

The Democratic Party sent a complaint and letter to District Attorney Paul Bucher alleging Newcomer, who lives in Elm Grove, voted in the Dec. 13 primary election for the Assembly seat using a Nagawicka Road address in Delafield. Democratic Party

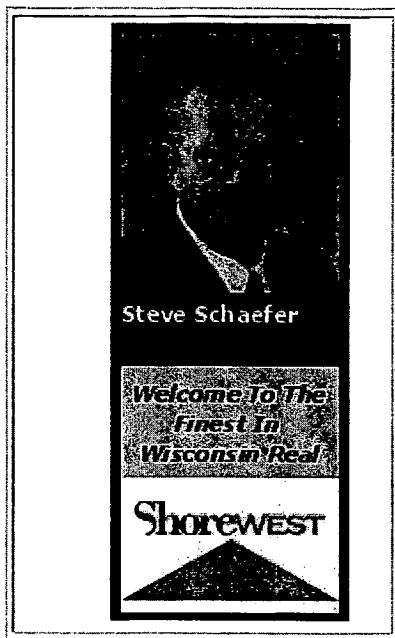
Chairman Rick Congdon said in a release the property is occupied only by a backhoe.

"Unless Scott Newcomer was living in the cab of the backhoe on his vacant lot," he could not have legally voted from that address, Congdon said in the release.

Congdon asked Bucher to appoint a special prosecutor for the case because political consultant R.J. Johnson is advising both Bucher and Newcomer in their respective campaigns. Bucher is running for state attorney general.

Newcomer said the residency issue was raised as part of the primary campaign. Newcomer said he recently bought the property, stayed there for the summer and September and had the house razed so a new one can be built.

017411



He said he obtained an opinion from George Dunst, attorney for the state Elections Board, that said he could vote from the Delafield address if he did not vote from the Elm Grove address.

"I did my due diligence up front knowing there might be an issue with my residency and my voting," he said, adding that he also voted in the Oct. 18 county executive election from the Delafield address.

Bucher said he had not received a copy of the complaint as his office was closed Monday for the New Year's holiday.

"Procedurally if they are going to file a complaint by the media it kind of tips their hand as to motive and agenda," Bucher said. "The fact they filed it with the media rather than my office tells me it's politically motivated."

But Bucher said he would review the complaint and determine whether a special prosecutor is needed.

"We are putting the cart before the horse in this case, which I don't like to do. If A, B, and C occur, I probably would request a special prosecutor, but until I review the complaint, talk to George Dunst and see the substantive aspects of the complaint, it'd be professionally inappropriate to say what I would do. ... I will review it in the ordinary course as always and act appropriately."

Newcomer, who faces Democratic challenger Patrick Byrne in the Jan. 10 election for the 33rd District seat, said he was not worried about the complaint.

"He (Congdon) is trying to create a formal issue out of it and it's just politics," he said. "It's part of the game."

Brian Huber can be reached at bhuber@conleynet.com

This story appeared in The Freeman on January 3, 2006.

017412

Most West Virginia Residents Believe Vote Buying a Problem

Posted 12/22/2005 06:00 AM

According to a poll commissioned by The State Journal, 69 percent of registered voters in West Virginia believe vote buying happens either very often or somewhat often.

Story by Beth Gorczyca

Ask most West Virginians whether corruption and vote buying mar political races, and about seven times out of 10 people will say yes.

They just don't think it happens in their neck of the woods.

According to a poll commissioned by The State Journal, 69 percent of registered voters in West Virginia believe vote buying happens either very often or somewhat often. About 21 percent of voters say they don't think it happens very often, and 2 percent say it never happens.

When asked whether voter fraud occurs in their home county, voters are a little more optimistic. About 9 percent said it never happens in their county, while 31 percent said it doesn't happen very often. A combined 49 percent said votes are bought either somewhat or very often.

"It's a little concerning that 69 percent of people believe vote buying occurs," said Mark Blankenship, senior vice president of RMS Strategies, the Charleston-based research company that conducted the poll from Nov. 22 to Dec. 1.

RMS Strategies interviewed 400 registered voters in West Virginia for the poll. The margin of error is plus or minus 4.9 percentage points.

Blankenship said residents' perceptions about how often voter fraud occurs in their communities differ based on where they live.

"Southern West Virginians are more likely to believe vote buying and political corruption happens very often in their county, while people living in the Northern Panhandle are less likely to believe its happening," Blankenship said.

Specifically, 11 percent of Northern Panhandle residents believe political corruption happens very often compared to the 35 percent of southern residents and between 14 and 16 percent of residents in the Eastern Panhandle, north-central region and the eastern mountains. About 23 percent of residents in the metro area between Charleston and Huntington believe voter fraud occurs very often.

Blankenship said some of those differences may be linked to the amount of attention vote buying and political corruption have received in different regions during the past several months. Newspapers and television stations in the Charleston-Huntington area, as well as the southern region, have had numerous stories about elected officials investigated for election tampering, bribery and other charges. Several public officials from Lincoln and

Logan counties have been sent to jail.

In the poll, voters were asked how much they have read, seen or heard relating to political corruption in West Virginia.

Only 5 percent of people from the Eastern Panhandle said they had heard a lot about the issue, compared to 29 percent in the Charleston-Huntington area.

Overall, 56 percent of residents said they had either heard very little or nothing about political corruption in recent months. Forty-four percent said they had heard either some or a lot about the issue.

"There has been a lot of media attention about election corruption ... but awareness is tough to achieve," Blankenship said. "But since the allegations were first made, nearly half of the entire sample is aware of the issue."

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017414

Pittsburgh Post-Gazette
News from The Associated Press

Dec 30, 3:08 PM EST

Sixth Lincoln resident pleads to election fraud

By LAWRENCE MESSINA
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The final defendant pleaded guilty Friday in the federal case alleging election fraud in Lincoln County, though prosecutors don't consider their investigation closed.

Wandell "Rocky" Adkins admitted that he distributed \$6,000 in cash to two precinct captains to buy votes during last year's Democratic Party primaries. Bribed voters were also given a slate, or list of candidates for whom they were to cast ballots.

Adkins, 50, said he got the money from Gregory Brent Stowers, who was Lincoln County's circuit clerk before resigning Thursday and pleading guilty in the case. Stowers, who also stepped down from the state Democratic Party's executive committee, admitted to providing Adkins with the cash.

Adkins, of Ferrellsburg, pleaded guilty to a charge filed Friday by prosecutors, who in exchange have agreed to dismiss the six counts in the pending indictment that target him. As part of the plea deal, Adkins has agreed to cooperate with prosecutors and faces up to two years in prison at a March 15 sentencing. He remains free on bond.

Adkins is the last of six defendants in the case to plead guilty this week; they had been slated for trial Jan. 3. But hints that Stowers, 48, was negotiating with prosecutors last week prompted a rush of guilty pleas, starting with Lincoln County Assessor Jerry Dale Weaver on Tuesday.

Weaver, 56, admitted to the case's core allegation: that a group in Democrat-dominated Lincoln County routinely conspired to buy votes in elections dating back to 1990 to retain control of county offices.

Prosecutors allege that led by Stowers, the conspirators sought to keep power so they could fix traffic tickets, parcel out road gravel and asphalt, tamper with property tax assessments, offer public jobs and otherwise peddle influence in the region.

"I've collected and given out cash to buy votes. I've given gravel for votes," Stowers said in a statement issued after Thursday's guilty plea.

The vote-buying probe began last year in Logan County, where the officials who resigned and pleaded guilty have included the county sheriff and the city of Logan's police chief.

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Earlier this month, Logan County Clerk Glen Dale "Hound Dog" Adkins pleaded guilty to selling his vote for \$500 in the 1996 Democratic primary.

Stowers and other defendants in both the Logan and Lincoln county cases have agreed to cooperate with prosecutors investigating election fraud.

"We will follow all leads that are presented to us," Acting U.S. Attorney Chuck Miller said at a Thursday news conference.

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ELECTION 2000

Half of Americans see Demo vote fraud

WND/Rasmussen Survey shows most suspect government databases abused

Editor's note: Following is the second in a series of monthly public-opinion surveys conducted by Rasmussen Research/ Portrait of America in partnership with WorldNetDaily.com. This is the first such partnership between a major polling firm and an independent Internet news company.

By Julie Foster

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A national survey conducted by Rasmussen Research on behalf of WorldNetDaily.com shows nearly half of Americans believe the Democratic Party is most responsible for voter fraud, and two-thirds of those sampled suspect government files and databases are subject to misuse during political campaigns.

The scientific telephone sampling of 1,000 voters taken last weekend found that 48.8 percent of respondents believed the Democratic Party was more culpable in alleged voter fraud, while only 15.7 percent believed the Republicans were.

Ironically, more of the respondents had voted for Al Gore for president than for George Bush. Of those sampled, 48.1 percent had cast their ballots for Gore and 46.5 percent had supported Bush.

A whopping 66 percent of those sampled said they believe government files and databases are abused in political campaigns, while only 12.7 percent said they were not.

Younger voters were more inclined to believe voter fraud and irregular voting practices -- including the intentional casting of illegal ballots -- were widespread problems in the U.S. electoral system. They were also more likely to suspect misuse of government resources in campaigns.

Asked if young people could have confidence in a system they view as corrupt, Karen Saranita of the Institute for Fair Elections responded, "How could anybody?"

"People misunderstand the term voter fraud," she said. "Fraud is a precise legal term. It is a criminal intent to do something illegal." Saranita, who heads the non-partisan organization, explained that when someone votes twice, that's voter fraud. Someone

registers their dog, that's voter fraud. Someone who's not a citizen voting, that's voter fraud. That's not what's going on in Florida." Instead, that state's predicament is a question of process -- which kinds of chads will be counted and which will not, she said.

Though the WND/Rasmussen survey polled voters around the country, Saranita believes most participants likely had Florida in mind given the massive media coverage of events there.

The Florida Supreme Court recently decided to allow selected counties to finish their hand recounts, as long as the counts are completed and reported by 5 p.m. Sunday. However, the court set no uniform standard as to which kinds of chads -- dimpled, "pregnant," or hanging -- should be counted.

"I'm afraid [the situation in Florida] is really going to undermine what little confidence people have in our system," Saranita continued. "Maybe it will be a wake-up call. My experience says it won't. My experience says that six months from now it won't be an issue" due to America's "short attention span."

As for Americans' overwhelming finger-pointing at Democrats when assigning blame for voter fraud allegations, Saranita said the poll results could be explained by bad public relations on the part of the Democratic Party and Vice President Al Gore's campaign. A 5-page memo circulated by Gore staff provided tips on how to challenge, and ultimately throw out, military absentee ballots that historically favor Republicans. Additionally, Gore's repeated calls for recounts have reflected badly on Democrats, she said.

"In some ways, people may see that as fraud. That could have a lot to do with it. It's a mess. It's embarrassing. It's going to make for some rather loud Thanksgiving dinners," said Saranita.

The survey, taken on Nov. 19, has a margin of sampling error of +/- 3 percentage points with a 95 percent level of confidence.

This is WND's second poll in conjunction with Rasmussen/Portrait of America. The first poll, conducted in August, surveyed Americans on the proper role of the press in a free society.

- *If you would like to sound off on this issue visit WND's daily poll.*

Julie Foster is a contributing reporter for WorldNetDaily.

All-mail voting may cut fraud

By Keith Ervin
Seattle Times staff reporter

King County Executive Ron Sims' proposal for all-mail voting could reduce the possibility of fraud by election workers, a leading critic of electronic voting says.

Bev Harris, founder and executive director of Renton-based Black Box Voting, said voting by mail would eliminate more than 500 tamper-prone voting machines. It also would allow the county to buy more secure high-speed counting equipment, she said.

Sims last week proposed to simplify elections in 2006 or 2007 by ending poll voting at all but a handful of regional centers. He cited voters' trend toward mail voting, with 70 percent of county voters casting absentee ballots in November's general election.

Sims has asked Elections Director Dean Logan to submit a plan for mail voting by Jan. 31. The switch would require approval by the County Council.

Harris, the nation's best-known promoter of improved safeguards against election rigging on computerized voting equipment, will meet with Sims Wednesday to discuss ways of improving election security in King County.

Logan and Harris have disagreed often on election-security issues, but they agree on one thing: The county should acquire high-volume, digital-scan counting machines if it becomes the largest vote-by-mail county in the nation.

"There's no question that for a county the size of King County we would need a higher-speed tabulation system than we have now. She's right. That's the next iteration," Logan said.

Harris likes the new digital technology because the counting machines would record an electronic image of every ballot cast — images she said citizens could review to verify the vote counts reported by the county.

"This is the best example in voting of how you can actually use technology to make it more transparent and also, I think, make it more efficient. It's wonderful," Harris said.

The state Republican Party has opposed all-mail voting in King County, saying signature-verification procedures now in use are inadequate to confirm a voter's identity.

Harris said all-mail balloting would eliminate the county's "most serious vulnerability" to a rigged election: the 500-plus polling-place inspectors who take voting machines home for up to a week before each election. Inspectors are responsible for delivering voting machines, ballots and other supplies to polling places on Election Day.

The security of those voting machines, manufactured by Diebold Election Systems, became a national issue this month when a computer-security expert used a credit-card-sized memory card to reverse the outcome of a simulated election in Leon County, Fla.

The mock election was arranged by Black Box Voting.

Diebold and King County officials say the Florida test ignored a number of safeguards that are designed to prevent and detect vote tampering.

There is no evidence that memory cards have been maliciously reprogrammed in a real election. Cards can't be removed from voting machines without breaking a numbered plastic seal.

But Leon County Elections Supervisor Ion Sancho said the mock election was disturbing because neither the Diebold voting machine nor the Diebold central tabulator showed any evidence of tampering.

"Quite frankly, this is a hole I could drive a Mack truck through," Sancho said. "I could rig elections, leave no fingerprints, and how would the voters ever know?"

Sancho said Leon County is switching from Diebold to rival vendor Election Systems & Software, and plans to discontinue sending voting machines home with poll workers.

In the mock election, Finnish security expert Harri Hursti reprogrammed a memory card in a Diebold AccuVote machine so that it reported election results that differed from the ballots that were put into the machine.

Harris said, after observing King County's insertion of memory cards into AccuVote machines before the Nov. 8 election, that controls were inadequate to prevent election workers from secretly replacing some legitimate cards with tampered cards.

Diebold spokesman David Bear said results were altered in the Leon County mock election only because officials there violated standard election practices by giving the testing team "complete and unfettered access" to a counting machine.

Although some people "are going to believe conspiracy theories," Bear said, "we have to believe what history tells us. The systems are safe, they're secure, they're accurate. They've been validated by voters, by election officials, by institutes of higher learning, by the market."

King County Elections Assistant Director Sherril Huff Menees said it is "a pretty far-fetched supposition" to suggest that anyone could throw an election without getting caught.

Paper ballots are used for manual recounts of three precincts chosen by the major parties after every election, and recounts of all affected precincts are also required by law in close races.

Diebold has been a target of electronic-voting critics since 2003, when Harris discovered computer source code for the company's voting equipment on the Internet. She said some other manufacturers' voting equipment also may have serious security problems.

Wally O'Dell resigned this month as president and CEO of Diebold Inc., parent company of Diebold Election Systems, after stock prices fell.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

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017421

Friday, January 7, 2005

Dead voted in governor's race King County investigating 'ghost voter' cases

By PHUONG CAT LE AND MICHELLE NICOLOSI
SEATTLE POST-INTELLIGENCER INVESTIGATIVE REPORTERS

At least eight people who died well before the November general election were credited with voting in King County, raising new questions about the integrity of the vote total in the narrow governor's race, a Seattle Post-Intelligencer review has found.

The evidence of votes from dead people is the latest example of flaws in an election already rocked by misplaced votes and allegations that there were thousands more votes counted than actual voters.

County officials say they are investigating the cases pointed out by the P-I. "These are not indications of fraud," said Bill Huennekens, King County's elections supervisor. "Fraud is a concerted effort to change an election."

The P-I review found eight people who died weeks before absentee ballots were mailed out, between Oct. 13 and 15, but were credited with voting in King County. Among them was an 81-year-old Seattle woman who died in August but is recorded as having voted at the polls.

The state is required by law to send monthly lists of the deceased to county auditors so they can purge those names from their voter rolls. But those lists are sent only every few months. That means thousands of deceased voters may have been sent absentee ballots.

"If we don't receive a notice that they're dead, then we have no way of taking them off the rolls," said Dean Logan, the county's elections director. Relatives of the deceased can and do cancel some registrations, he said.

Doris McFarland said she voted for her husband, Earl, who died Oct. 7.

"I called up the elections board and said, 'Can I do it because he wanted me to vote?' " the Duvall woman said. "The person ... said, 'Well, who would know?' I said, 'I don't want to do anything that is wrong.' "

Huennekens disputed that election workers would say such a thing.

McFarland said she signed her husband's name and mailed in his ballot, along with her own. She said she had power of attorney for her 92-year-old husband, who was blind.

"If I did something that wasn't right, you can just throw that ballot out," McFarland said last night.

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Huennekens said one of the P-I's eight cases involved an administrative error that showed a deceased person as voting and would be corrected. In four cases, the signatures on the ballot matched. Huennekens said officials needed further information or could not track down enough information on the other cases.

Election officials said that if cases merit potential fraud, they would forward them on for prosecution.

King County keeps a voter list as a record of who voted in elections and to establish requirements for levies and bonds, Logan said.

The preliminary voter list shows that Mary Coffey mailed in a ballot. But the 51-year-old Seattle woman died about two weeks before absentee ballots were mailed.

"She couldn't have (voted). She died on Sept. 29," said her husband, Michael Coffey. He added that he voted by mail, but destroyed his wife's ballot when it arrived in the mail.

"I don't see how she could have voted. It doesn't make sense. There has to be some kind of error that happened."

Election officials were still looking into what happened in her case.

Bob Holmgren said yesterday that he voted on behalf of his late wife, Charlette Holmgren, who died Sept. 29. The West Seattle man filled out his own ballot and hers, and signed both of them.

"Her vote was important to her," Holmgren said. "She was very strongly against Governor-elect Gregoire." Election officials said all signatures on absentee ballots were doubled-checked against the signature on record.

"Our system of allowing people to vote absentee and never checking anything is designed for voter convenience at the expense of security," said Chris Vance, chairman of the state Republican Party.

He said the GOP has found cases of dead people casting ballots, and it plans to challenge the race results.

Votes from the 2004 election have been heavily scrutinized. With Democrat Christine Gregoire set to take office on Wednesday, Republicans are searching for ways to contest the election and force a revote.

Kirstin Brost, spokeswoman for the state Democratic Party, said, "We're very satisfied with the results of this election. It's the most closely examined election in our state's history."

017423

James M. Courneya of Auburn died three months before the election. But the King County voter list shows that he voted absentee.

"He couldn't have. He died Aug. 7," said his wife, Anna Courneya, who resides at the same address as her late husband. She said her husband didn't receive a ballot but she did. She voted absentee but the King County voters list doesn't register her vote, only his.

Huennekens said Anna Courneya voted using her husband's ballot, and because she didn't cast a separate one, that ballot was valid.

The state Health Department sends out lists of the deceased "every two to three months," not every month as the law states, said Jennifer Tebaldi, who helps oversee the department's vital statistics operation.

"We have an informal understanding with the counties that we send it when there's a bulk of information to send."

County auditors received lists of the deceased from the state three times last year -- on Jan. 28, May 5 and Nov. 1, a day before the election. Most of the names they received in May were of people who died in 2003, because of a lag of four to six months in collecting and sending data.

Secretary of State Sam Reed said a statewide voter database, expected in 2006, would improve the process.

He said he hasn't seen the problem of dead people voting occur in Washington. Voter fraud is a serious crime that may be punished with up to 10 years in prison and up to a \$10,000 fine, he said.

"We do not expect people to sit down and vote a ballot just because it happens to arrive in their homes," Reed said. "Double-checks are in place."

Rosalie B. Simpson, 81, died of a massive heart attack Aug. 4, but voter rolls show she voted at the polls.

If a voter dies after having voted, it's still perfectly legal, Logan said.

Owen Skau of Federal Way made his choices before he died last October, said his wife, Maya.

"He filled it out," she said. "He always voted. ... He filled out his vote before he fell and had a heart attack. But he had it filled out. I went ahead and mailed it in."

Other voting problems may also be raised. Timothy Harris, general counsel for the Building Industry Association of Washington, which is preparing a court challenge of the

governor's race, said his group has documented about 50 felons who did not have their voting rights restored but voted in Pierce County.

P-I investigative reporter Phuong Cat Le can be reached at 206-448-8390 or phuongle@seattlepi.com

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55,000 dead or duplicate voters deleted from state database

By Andrew Garber
Seattle Times Olympia bureau

OLYMPIA — The Secretary of State's Office has deleted about 55,000 registrations from Washington's voter rolls after finding duplicate records and dead voters with the aid of a new statewide database.

The database, put in place earlier this year, allowed the state to find 19,579 dead people still on the rolls and 35,445 duplicate voter records.

"It's a critical piece to help regain the trust and confidence of the voters of the state of Washington," Secretary of State Sam Reed said Friday. "I think we are slowly but surely rebuilding trust in the system."

Voter confidence was shaken in 2004, when Democratic Gov. Christine Gregoire narrowly beat Republican Dino Rossi after two recounts. The tumultuous election was replete with lost ballots, mismatched signatures, and dead people and convicted felons casting ballots. Rossi challenged the election in court and lost.

Several changes were made by the state Legislature to help keep the problems from happening again, including moving the primary back from the third Tuesday in September to the third Tuesday in August, starting in 2007. That move is expected to give election workers more time to get out absentee and overseas ballots to voters for the general election.

The scrub of the state database found few cases of potential voter fraud. About 30 cases of possible double voting were forwarded to county officials for investigation, Reed said.

The database was paid for with federal money as part of the national 2002 Help America Vote Act. It consolidates individual lists kept by the state's 39 counties into one database.

The information can be cross-checked with records at the state Department of Licensing, the Department of Health, the Department of Corrections and the Social Security Administration.

Booker Stallworth, a spokesman for the Evergreen Freedom Foundation, disagreed that the database will help restore voter confidence.

"The problems we experienced in the 2004 election, that fiasco, have not been addressed in a systematic way," he said. "There are things that can be done that can actually restore voter confidence in the system."

For example, his group advocates requiring all registered voters in the state to supply their legal name and proof of citizenship to guarantee the accuracy of the voter rolls.

Reed said he hasn't pushed for that type of requirement because courts in other parts of the country have viewed such actions as discriminatory.

Reed said his office will do regular checks throughout the year to keep the database up to date and purge names of people who have died or have duplicate registrations. Duplications can occur when people move to a different county and register to vote, but fail to notify officials of the change.

The state also is checking the database for the names of people who are registered to vote and are currently serving time for a felony conviction. So far the state has found about 900 names of people who could be in prison but still are on voter-registration rolls.

"Those are being investigated," Reed said.

A King County Superior Court judge recently struck down a state law that bars felons, who are out of prison, from voting until they have paid all their court-ordered fines and fees. The state is appealing that ruling, but for now Reed's office is not purging those voters.

The Associated Press contributed to this report.

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017427

SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/local/209406_voter26.html

Inquiry into 4 possible cases of ballot fraud

3 county residents suspected of voting for dead relatives

Wednesday, January 26, 2005

By MICHELLE NICOLosi

SEATTLE POST-INTELLIGENCER REPORTER

The King County Prosecutor's Office has asked the King County sheriff to investigate four possible cases of voter fraud: three in which county residents are suspected of having voted for dead relatives and one case in which a person is suspected of voting twice.

Officials would not release the names of the people who are being investigated, as they have not been charged with a crime.

The Prosecutor's Office forwarded the cases to the sheriff Thursday. The county elections office reported the cases to the Prosecutor's Office last Wednesday, said prosecutor's spokesman Dan Donohoe.

"We had an initial review of the complaints and determined that we needed some additional investigation," Donohoe said. "It will be a couple of weeks before we can have a decision whether a charge can be filed."

The Seattle Post-Intelligencer reported Jan. 7 that at least eight people who died well before the November general election were credited with voting in King County.

Two people contacted by the P-I -- Doris McFarland of Duvall and Bob Holmgren of West Seattle -- said they had filled in ballots for their dead spouses. McFarland said yesterday that she had no comment; Holmgren could not be reached for comment.

This month, Holmgren said his wife, Charlette Holmgren, died Sept. 29 at 57. He said she had asked her husband of 40 years to vote for her in the event that she was unable.

Bob Holmgren said: "I honored my wife's request. I did her last wish for her. At the time, I really thought, honestly, it wasn't going to make a difference -- this one vote -- but it was going to make a difference for her. Who would ever guess the (governor's race) vote was going to be that close?"

Washington Republicans -- who are suing to have the results of the governor's race thrown out -- say ballots cast for dead voters and by felons, along with other previously reported problems, could easily have affected the outcome of the election.

017428

Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes in a hand recount of almost 2.9 million ballots statewide. Rossi had won the initial count and a subsequent machine recount. In a lawsuit, Republicans are trying to prove that mistakes made in the election process invalidate the result.

Donohoe said he could not confirm whether McFarland and Holmgren are among the cases under investigation. If those under investigation are charged and found guilty, they could be sentenced to as much as a year in jail, he said.

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Karen Lynn-Dyson/EAC/GOV
09/19/2005 01:05 PM

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

Commissioners-

FYI-

Eagleton's August progress report.

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

*Tom's docs
& emails
Lofgren*

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005



"Lauren Vincelli"
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09/15/2005 12:04 PM

Please respond to
Vincelli@rutgers.edu

To kly

cc tom_oneill@verizon.net, jdobrich@eden.rutgers.edu

Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

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

Have a great day,
Lauren Vincelli

Lauren Vincelli
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Progress Report_AUGUST2005_EagletonInst.pdf

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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT
AUGUST 2005**

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

September 15, 2005

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

017432

**Deliberative Process
Privilege**

OUTLINE

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

INTRODUCTION

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

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

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

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

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

PROVISIONAL VOTING

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

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

LEGISLATION, REGULATIONS, AND LITIGATION

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

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

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

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

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

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

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

PROVISIONAL VOTING NARRATIVES

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

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

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

Work Plan: We completed revisions of the narratives.

SURVEY OF COUNTY ELECTION OFFICIALS

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

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

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

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VOTER IDENTIFICATION REQUIREMENTS

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

Task 3.10: Legislation, regulations, and litigation

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

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

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

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

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

SUPPLEMENTS TO LEGAL ANALYSIS

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

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

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

VOTER ID AND TURNOUT ANALYSIS

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

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

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

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

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

PROJECT MANAGEMENT

PEER REVIEW GROUP

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

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

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

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

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

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

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

INTRANET

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

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

FINANCIAL REPORT

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

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

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

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Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Coliver/EAC/GOV@EAC, Bert A.

bcc

Subject Fw: October Progress Report

FYI-

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

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



"Tom O'Neill"

11/14/2005 05:27 PM

To klyndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

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

From: Tom O'Neill [redacted]

Sent: Monday, November 14, 2005 5:26 PM

To: klyndyson@eac.gov

Cc: Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com

Subject: October Progress Report

Karen,

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

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

Tom O'Neill



OctoberFinal.doc

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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT
October 2005**

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

November 15, 2005

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

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**Deliberative Process
Privilege**

OUTLINE

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INTRODUCTION

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

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

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

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

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

Please direct questions or comments about this report to [REDACTED] or by telephone at (908) 794-1030.

PROVISIONAL VOTING

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

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

LEGISLATION, REGULATIONS, AND LITIGATION

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

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

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

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

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

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

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

PROVISIONAL VOTING NARRATIVES

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

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

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

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

PROVISIONAL VOTING STATISTICAL ANALYSIS

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

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

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

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

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

SURVEY OF COUNTY ELECTION OFFICIALS

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

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

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

<p>Task 3.6: Prepare preliminary draft guidance document.</p>
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The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

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

Task 3.10: Legislation, regulations, and litigation

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

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

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

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

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

SUPPLEMENTS TO LEGAL ANALYSIS

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

VOTER ID AND TURNOUT ANALYSIS

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

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

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

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

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

PROJECT MANAGEMENT

PEER REVIEW GROUP

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

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

Challenges: No new challenges were encountered during October.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

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

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

INTRANET

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

FINANCIAL REPORT

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

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

ATTACHMENT TO OCTOBER PROGRESS REPORT

Characteristics of the Provisional Voting Process Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting¹ and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

¹ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

Table 1 CATEGORIZATION OF STATES -- Old vs New		
Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

Statewide List of Registered Voters

The Electionline preview of the 2004 Election² was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline’s criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

² “Election Preview 2004: What’s changed, What Hasn’t and Why”. This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

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because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Table 2			
CATEGORIZATION OF STATES -- Statewide Registration Database			
Had Database 2004	No Database A-N	No Database N-W	HAVA Exempt or NA
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
16	27		8

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”

Table 3
CATEGORIZATION OF STATES – Counting Out-Of-Precinct Ballots

Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Delaware	Connecticut	New Hampshire
Georgia	District of Columbia	North Dakota
Illinois	Florida	Wisconsin
Kansas	Hawaii	Wyoming
Louisiana	Indiana	
Maryland	Iowa	
New Mexico	Kentucky	
North Carolina	Massachusetts	
Oregon	Michigan	
Pennsylvania	Missouri	
Rhode Island	Montana	
Utah	Nebraska	
Vermont	Nevada	
Washington	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
17	26	7

Voter Identification

We relied on Electionline studies, including the Voter Identification study³ and the 2004 Election Preview, to classify the states on their requirements for voter identification. Each state’s categorization is taken directly from the Electionline studies except Hawaii.⁴ The five different, and increasingly rigorous, categories are: Give Name (8 states), Sign Name (14 states), Match Signature (8 states), Provide ID (15 states), and Photo ID (5 states).

³ This study can be found at: <http://electionline.org/Portals/1/Publications/Voter%20Identification.pdf>

⁴ In 2004, ElectionLine listed Hawaii as requiring identification. Our review of statutes revealed that Hawaii could require photo ID. Since that is the most rigorous form of identification that may be required of voters, we classified Hawaii under this category.

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Table 4**CATEGORIZATION OF STATES -- Forms of Identification Required**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Give Name	Sign Name	Match Signature	Provide ID	Photo ID
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
9	14	8	15	5

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Table 5				
CATEGORIZATION OF STATES – Ballot Evaluation Methods				
<i>States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.</i>				
Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state’s election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

Table 6	
Updated information by State	
Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁵
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁶	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁷	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁵ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁶ Maryland reported provisional ballots that were counted per county, but not number cast.

⁷ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

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Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

Karen Lynn-Dyson/EAC/GOV
01/20/2006 10:39 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Fw: December Progress Report

FYI-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 01/19/2006 10:36 AM —



"Tom O'Neill"
<tom_oneill@verizon.net>
01/17/2006 02:19 PM

To klynndyson@eac.gov
cc john.weingart@rutgers.edu
Subject December Progress Report

Karen,

Attached is our progress report for December. Still eager to learn the schedule for the completion of the review of our analysis and recommendations on provisional voting.

Tom O'Neill



Progress ReportDecemberTON.doc

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EAGLETON INSTITUTE OF POLITICS

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

**MONTHLY PROGRESS REPORT
December 2005**

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

January 16, 2006

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

017461

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.7
 - Task 3.8
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

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

In December we continued to make progress in the research needed for the draft report on voter identification requirements. We completed a careful review of data on the effect of various voter id regimes on turnout and worked to reconcile that information other sources and identified the latest, most reliable information to use in the analysis.

We still await the EAC's comments on our Provisional Voting analysis paper, which included our recommendations to the EAC for best practices. Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting.

As a result of such unanticipated delays we have revised the schedule for the project. Early in this reporting period, we requested from EAC a no-cost extension of the contract through the end of February. At this point, we have extended the no-cost extension request through March, so that we will have adequate time to revise our report once we receive feedback from the EAC.

In the meantime, as we await a response from the EAC, we are moving ahead quickly on the statistical analysis of voter identification data and summarizing the legal research that was

completed earlier. We are working with the Peer Review Group to arrange a date for it to comment on the draft of the Voter ID analysis and recommendations.

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

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

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November. We await comments from EAC on the draft report.

Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

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

Task 3.10: Legislation, regulations, and litigation

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

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

Progress: we have completed: the 50 state (plus D.C.) chart, the collection of voter identification statutes for all states and D.C., and summaries of the existing voter identification statutes. Moritz has completed its review of voter identification litigation and has summarized the results in a memo. Moritz and Eagleton have reviewed all research, clarified the categorization of that research on our charts, and reconciled the research categories used in the two different analyses.

Challenges: The biggest challenge in the reconciliation process is understanding the comparative strengths of different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has strengthened the rigor of our efforts by shining a light on the raw data.

Work Plan: During January, we will continue our analysis of our voter identification research, and we will complete the memo summarizing the major litigation surrounding voter identification requirements. We will identify the most important issues and best practices in the area of voter identification, and to develop our voter identification document for the EAC.

RESEARCH EFFORTS

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

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

In the upcoming month, Eagleton will continue to examine and categorize voter registration forms across the states to see what forms of identification are requested from mail-in registrants in order to highlight how easily accessible states make information about voter identification. The difficulty will be determining the 2004 status of the states, especially because most of this material is gathered from state websites which at this point have been updated since 2004.

VOTER ID AND TURNOUT ANALYSIS

The statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters, as projected, was completed during the month of December.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

Progress: During December, the analysis was completed for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. The findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. A number of control variables were added to the analysis and the results of these efforts will be summarized in our report.

Challenges: These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming

Work Plan: We will draft the findings from the statistical analyses by the end of January. The report will tie these findings to the research findings summarized in the litigation memos to create our first draft Voter Identification report.

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PROJECT MANAGEMENT

PEER REVIEW GROUP

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

Progress: During the month of December, Eagleton contacted the PRG Members to reschedule the potential conference call session for mid-February due to the delays in getting the EAC's feedback on our report. We have asked the PRG members to reserve a couple of dates in mid-February for a conference call meeting to review the Provisional Voting report with the EAC's comments and the first draft of our Voter Identification Report.

Challenges: No new challenges were encountered during December.

COORDINATION AND INFORMATION MANAGEMENT

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

INFORMATION SYSTEM

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

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added. During December we rearranged the folders on the hard drive and created a master document detailing which folder each report, memo, or data source could be found in.

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

01/20/05

INTRANET

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

FINANCIAL REPORT

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

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

Sheila A. Banks/EAC/GOV
03/24/2006 02:33 PM

To Bert A. Benavides/EAC/GOV@EAC
cc
bcc
Subject Fw: Voter ID Paper --Final Draft

— Forwarded by Sheila A. Banks/EAC/GOV on 03/24/2006 02:32 PM —

Karen Lynn-Dyson/EAC/GOV
03/16/2006 08:57 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
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Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC, Amie J.
cc Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
Sheila A. Banks/EAC/GOV@EAC, Elieen L.
Collver/EAC/GOV@EAC
Subject Fw: Voter ID Paper --Final Draft

Commissioners-

Attached please find a copy of the draft Voter ID best practices paper which Eagleton submitted to me last evening.

I will confer with Tom regarding when you would like this put on your Commissioner meeting agenda.

Regards-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 03/16/2006 08:47 AM —



"Tom O'Neill"
<tom_oneill@verizon.net>
03/15/2006 08:21 PM

To klynndyson@eac.gov
cc "Tim Vercellotti" <tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, johannis@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com
Subject Voter ID Paper --Final Draft

Karen,

017468

Attached is the final draft of the Voter ID paper, with recommendations for the EAC to consider promulgating as best practices. Two appendices are included as part of the draft and a third, the statistical analysis of the effects of different voter ID requirements on turnout, is attached separately to this email.

We look forward to discussing this final draft with you and with the commissioners on April 3. I'll be preparing a Powerpoint presentation for that meeting. Any guidance you can give me later this month on particular questions that briefing should address would be appreciated.

The Moritz-Eagleton team will be meeting next Tuesday at 9:30 a.m.. If you have preliminary comments you would like us to consider, that meeting would be a most convenient occasion to discuss them.

Tom O'Neill



ReportFinalDraft.doc

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REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

1. Introduction and Report Background

This report to the United States Election Assistance Commission (EAC) presents recommendations for best practices to improve implementation of the requirements for voters to show identification pursuant to [statute or regulation citation] It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under contract to the EAC, dated May 24, 2005. The research included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting, a sample survey of local election officials, and a statistical analysis of the effects of various requirements for voter identification on turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the EAC (SEC. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

2. Voter Identification –Background and Approach of the Study

Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The burden of providing required ID documents on the voter may be greater at the polls on Election Day than at the time of registration. The burden of checking ID, even as simple as a signature match, can be much greater on election workers at the polls than on those registering voters. Poll workers may be faced with long lines and limited time. This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.¹ The emphasis here is on Voter ID on Election Day and afterwards as election judges evaluate provisional

¹ As the Carter-Baker Commission noted, photographic ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify identification. Commission on Federal Election Reform, pp 46-47.

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**Deliberative Process
Privilege**

FINAL D R A F T

ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

This analysis takes a view of voter ID issues broader than the rather narrow identification requirements in HAVA. Much of the national ferment over voter ID goes beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those casting a ballot for the first time who had not registered in person. The controversy in the states over voter ID stems from the HAVA requirements, goes beyond those requirements, and sets the context for the analysis here.²

Identification is often described as the critical step in protecting the integrity of the ballot, the process that ensures that the potential voter is eligible and permitted to cast a ballot and one ballot only. In fact, ensuring ballot integrity requires a perspective that takes in the entire voting process. Protecting the integrity of the ballot requires more than preventing the ineligible from voting. It also should ensure that all those who are eligible and want to vote can cast a ballot that counts, and that they can effectively cast a ballot for the candidate of their choice. The protection effort must take into account all forms of voting, including absentee ballots, and embrace each step in the process. A voting system that establishes onerous requirements for voters to identify themselves may prevent the ineligible from voting, but it may also prevent the eligible from casting a ballot. If the ID requirements of a ballot protection system block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or forget to bring to the polls the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This analysis does not include consideration of the incidence of vote fraud, the forms that it takes, nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. The EAC has commissioned a separate study of vote fraud and instructed us not to address that issue in this research.

² Harvard Law Review 119:1127. "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA. . . . HAVA makes explicit that it shall not 'be construed to prevent a State from establishing election technology and administration requirements that are more strict than' HAVA itself provides. The states have accepted the invitation. "

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Nonetheless, a broad view of ballot integrity is needed to appreciate the background and context of this narrower study. We explore the inter-relationships between Voter ID requirements and Provisional Voting and estimate the effects of various voter id requirements on turnout and on the casting of provisional ballots.

Voters lacking required ID, or who have ID that does not reflect their current address, may be able to vote only by casting a provisional ballot.³ To the extent that stricter voter ID requirements divert more voters to the provisional ballot, voter ID requirements can put stress on the already pressured management of the polling place. Administering provisional ballots is more expensive than the normal ballot. Scrutiny of ID can create lines at the polling places, lines made longer as voters are diverted to the provisional voting line. Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle that will keep more citizens from the polls. A review of voter identification practices should keep in mind that America's problem may well be that too many people do not vote rather than that a few people may vote more than once.

An evaluation of the effect of different Voter ID regimes will be more effective if based on clear standards –legal, equitable, practical. The standards suggested here can best be described as the set of questions to be asked about Voter ID requirements. We suggest 7 questions that try to measure the most important dimensions of the problem.

- Is the Voter ID system designed on the basis of valid and reliable, empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?
- How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?⁴
- How practical is the requirement? Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required? Is it simple enough or can it be defined with sufficient clarity

³ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

⁴ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

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that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?⁵

- How cost-effective is the system? Does it increase the security of the ballot at an affordable cost, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.
- If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?⁶
- Does it comply with the letter and spirit of Voting Rights Act?
- The seventh question is more difficult to measure than those described in the 6 questions outlined above. The Voter ID requirements should have a neutral result on the composition of the qualified electorate. That is, those requirements should not be designed to reduce the turnout of particular groups of voters who may have a propensity to support one party over another. Whatever the requirement may be, all citizens should be able to comply with it easily and at no or minimal cost.

Summary of findings and conclusions

Voter turnout at the state level in 2004 declined where voter identification requirements were more demanding. While the trend is not perfectly linear, the data show a general movement toward lower turnout as requirements tend toward requiring greater levels of proof. An average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 57.3 percent in states that required photo identification. Including other factors beyond voter id requirements diminishes the influence of voter ID on turnout. But the analysis still offers some support for the hypothesis that as the burden of voter identification

⁵ In New York, in 2004, disparities in training and voting information were made all too apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

⁶ For example, the Carter-Baker Commission accompanied its recommendation for a national voter ID card with a recommendations for an affirmative effort by the states to reach out and register the unregistered, to use the new Voter ID regime as a means to enroll more voters.

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requirements increases, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or of people living below the poverty line.

Evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification is not sufficient to evaluate the tradeoffs between ensuring ballot access and ensuring ballot integrity. The lack of full understanding of the dynamics of voter ID requirements on political participation can be remedied by requiring the collection and reporting of data on the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots. Also useful would be the results of exit polling of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁷ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements, broadly defined, and the two important goals of ensuring ballot access and ensuring ballot integrity.

- Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot.
- Recommend as a best practice that before states adopt a change described as increasing ballot security, states should publish an analysis of the number of eligible, potential voters that the new requirement may keep away from the polls or be permitted to cast only a provisional ballot as well as an estimate of the number of ineligible voters who will be prevented from voting.
- Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. The data should be analyzed to provide a sound estimate of the incidence of the kinds of vote fraud that more stringent ID requirements may prevent and should describe the dynamics of voter ID in preserving the security of the ballot?

⁷ Arizona held its first election with new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways not possible with the current lack of information on this subject.

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- Useful information could be supplied by exit polling. It would identify those who had cast a provisional ballot and ask why they were unable to cast a regular ballot. Answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
- Polling to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter id requirements on electoral participation.
- Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three criteria: the convenience of the voter, the total time allowed to evaluate ballots⁸, and the safe harbor provision in presidential elections.

⁸ Our research on provisional voting reveals that states that provide more than week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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3. Voter ID and Turnout

As of the 2004 election, the states and the District of Columbia could be divided into 5 different Voter ID regimes. These are shown in Table 1, *Voter ID Requirements*. Nine states required that voters give their names; 14 that they sign their names; 8 match the signature to a sample in the registration book; 15 require some form of ID (ranging from a utility bill to a government-issued photo ID), and 5 states in 2004 required a photo ID, although in all those states voters without that credential could cast a regular ballot after signing an affidavit concerning their identity and eligibility.

TABLE 1 -- Voter ID Requirements

State	Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID*	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	HAVA**	Sign Name	Address & Registration
Florida	Photo ID^	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID**	Gov. Issued Photo ID**	Affidavit
Hawaii	Photo ID^^	Photo ID	Photo ID	Affidavit
Idaho	Sign Name	HAVA	Sign Name	EDR
Illinois	Match Sig.	HAVA	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	HAVA	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID^	Photo ID	Photo ID	DOB and Address
Maine	Give Name	HAVA	Give Name	EDR
Maryland	Sign Name	HAVA	Sign Name	Bring ID Later
Mass.	Give Name	HAVA	Give Name	Affidavit
Michigan	Sign Name	HAVA	Sign Name	Bring ID Later
Minnesota	Sign Name	HAVA	Sign Name	EDR
Mississippi	Sign Name	HAVA	Sign Name	Affidavit
Missouri	Provide ID	HAVA	Provide ID	Address & Registration
Montana	Provide ID	HAVA	Provide ID	Bring ID Later
Nebraska	Sign Name	HAVA	Sign Name	Affidavit
Nevada	Match Sig.	HAVA	Match Sig.	Affidavit
NH	Give Name	HAVA	Give Name	EDR
New Jersey	Match Sig.	HAVA	Match Sig.	Bring ID Later

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New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	HAVA	Match Sig.	Affidavit
North Carolina	Give Name	HAVA	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Match Sig.	Address & Registration
Oklahoma	Sign Name	HAVA	Sign Name	Address & Registration
Oregon	Match Sig.	HAVA	Match Sig.	Signature
Penn.	Match Sig.	HAVA****	Match Sig.	Address & Registration
Rhode Island	Give Name	HAVA	Give Name	Address & Registration
South Carolina	Photo ID^^	Photo ID	Photo ID	Address & Registration
South Dakota	Photo ID^^	Photo ID	Photo ID	Affidavit
Tennessee	Provide ID	Provide ID*****	Provide ID	Affidavit
Texas	Provide ID	Provide ID*****	Provide ID	Bring ID Later
Utah	Give Name	HAVA	Give Name	Bring ID Later
Vermont	Give Name	HAVA	Give Name	Affidavit
Virginia	Provide ID	HAVA	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	HAVA	Match Sig.	Address & Registration
Wisconsin	Give Name	HAVA	Give Name	Bring ID Later
Wyoming	Give Name	HAVA	Give Name	Affidavit

^In Florida and Louisiana, states that required a photo id in 2004, voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

^^In these states in 2004, voters lacking a photo ID could vote by providing other ID.

*Arizona voters who lack a photo ID may present 2 forms of ID with no photograph, such as 2 utility bills.

**State only requires ID for first-time voters who register by mail without providing ID. They accept all forms of ID listed in the statute.

***Georgia is currently enjoined from implementing this law, returning them for the time being to their 2004 requirement of provide ID.

****Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

*****Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compare to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with registration.

*****Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

In 9 states, voters were required merely to state their names so that poll workers could locate them in the registration book. In 14 states, voters signed their names. In 8 states, voters' signatures were matched with a specimen signature. In 15 states voters had to show some form of ID, not necessarily an official picture ID. And in 5 states, voters were required to show an official photo ID, although in 2004 voters who lacked a picture ID could execute an affidavit and vote a regular ballot.

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This neat assignment of each state to one of a few categories may fail to reflect actual practice at a polling place. Like any system run by fallible people it is subject to wide variation in practice. Voters may be confronted with demands for identification at variance with state statutes or legislation. Other voters may be waved through the process without a look at any document, no matter what the regulations may say. Under the press of long lines and unfamiliar requirements, there is, in short, no sure way to report the wide variety of conditions voters may encounter.

It is not practical to attempt to capture the wide variety of how voter ID requirements may be actually implemented across the nation's tens of thousands of polling places. Recognizing that means that the analysis of the effect of state requirements on county-level turnout must be viewed with some caution.

Effect of Voter ID requirements on Turnout

Summary of Findings and Conclusions

We categorized each state according to its voter ID requirements in 2004, as shown in Table 1 and analyzed turnout data for each county according to the voter identification requirements of its state. We also assessed self-reported turnout by the sample interviewed in the November 2004 Current Population Survey of the Census Bureau.⁹

Voter turnout at the state level in 2004 varied based on voter identification requirements. An average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 57.3 percent in states that required photo identification. Other factors, of course, also influence turnout. Taking those other factors into account in the county-level analysis makes the effect of the voter ID requirement less dramatic. But the analysis still offers some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or of people living below the poverty line.

The individual-level analysis, based on the CPS, produced a similar result. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. The probability that a respondent to the survey voted dropped with each

⁹ See Appendix ____ for the full report on voter ID and turnout.

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level of voter identification requirement, with a total drop of 2.5 percent across the five types of identification.

Future policy decisions should consider the tradeoffs between the incidence of vote fraud that can be prevented by stricter voter ID requirements and the number of eligible voters who will be kept from the polls by those stricter ID requirements. Continuing research is needed to provide the information to inform this calculation of benefits and costs.

Methods and Findings

We classified each state as having one of five types of identification requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (9 states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (8 states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (5 states). We then tested the assumption that voter identification requirements would prove to be increasingly demanding on the voter, with providing photo ID the most rigorous. a form of identification, and providing a form of photo identification.

The analysis recognized that election laws in numerous states offer exceptions to these requirements if a prospective voter lacked the ID. Laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot. We therefore also categorized states based on the minimum requirement for voting with a regular ballot. None of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). This analysis treats the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

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Voter turnout at the state level in 2004 declined as voter identification requirements became more demanding, as shown in Table 2. While the trend is not perfectly linear, there is a general movement toward lower turnout as requirements tend toward requiring greater levels of proof. Using the maximum requirements as the independent variable, an average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 57.3 percent in states that required photo identification. A similar trend emerged when using the minimum requirements as the independent variable. Sixty-one percent of the voting age population turned out in states requiring voters to state their names, compared to 58.7 percent in states that required an affidavit from voters.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	63.1 %	State Name	61.3 %
Sign Name	58.6 %	Sign Name	60.4 %
Match Signature	62.1 %	Match Signature	59.2 %
Provide Non-Photo ID	57.8 %	Provide Non-Photo ID	57.6 %
Provide Photo ID	57.3 %	Swear Affidavit	58.7 %
Average Turnout (All States)	59.6 %		

Voter identification requirements alone do not determine voter turnout. Other influences – demographic or political-- also affect voter participation. Multivariate models that take into account other predictors place the effects of voter identification in a more accurate context. To consider that broader context, our multivariate analysis included whether the county was in a presidential battleground state or a state with a competitive race for governor or the U.S. Senate. Demographic variables included the percentage of the voting-age population in each county that was Hispanic or African-American, the percentage of county residents age 65 and older, and the percentage of the county population living below the poverty line. The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the voting-age population that voted in the 2004 election.

The aggregate analysis for the maximum identification requirements revealed a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. If the state was a battleground for president, governor or senate voter turnout increased. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-

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Americans in the county had no effect, but the percentage of Hispanic adults reduced voter turnout, as did the percentage of individuals living below the poverty line.

In general, analysis of the aggregate data at the county level provides some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines, at least in the case of the maximum requirements. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line.

Information collected for the Census Bureau Current Population Survey in November 2004 makes it possible to examine the influence of voter ID requirements at the individual level. Self-identified registered voters reported their experience at the polls in the survey. (Note that the voter turnout rate for the CPS sample, an average of 89%, is much higher than the turnout rates presented in the aggregate data analysis, which average 58%. The difference is a result of several factors, including different denominators in calculating the turnout rate – self-reported registered voters in the CPS versus the much larger voting-age population for the aggregate data. Also some survey respondents overstate their incidence of voting.) Nevertheless, the CPS serves as a widely accepted source of data on voting behavior.

The dependent variable in the individual analyses is whether respondents said they voted in the 2004 election. As in the aggregate analysis the contextual variables consist of whether the state was a battleground state or had competitive state-level races. The analysis also controlled for gender, age in years, education, household income, race or ethnicity, and employment status, marital status, and residential mobility.

The analysis revealed that voter identification requirements exerted a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 91.2 percent if all voters had to state their names to 88.7 percent if all voters had to provide photo identification. (Note

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that these turnout figures are higher than actual because of the factors involved in the CPS's self-reported survey, but that the difference in effect is reasonably related to the results obtained in the aggregate analysis.) In other words, the probability of voting dropped with each level of the maximum voter identification requirement, with a total drop of 2.5 percent across the five types of identification. When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Both the maximum and minimum identification requirements had negative and statistically significant effects for white voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.3 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of African-Americans voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name would be the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent. Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

Discussion and Conclusions of the Analysis

The results presented here give evidence that tougher voter identification requirements are associated with a decline in voter participation. The overall effect for all registered voters was fairly small, but even a slight decline in turnout has the potential to alter the outcome of a close election. The decline is apparent in both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements.

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- Hispanic voters and the poor appear to be less likely to vote if the level of required identification becomes more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households would be 5.3 percent less likely to vote as the requirements vary from stating one's name to attesting to one's identity in an affidavit.
- Self-reported registered voters who had not graduated from high school would be 6.7 percent less likely to vote if the maximum requirement is photo identification as opposed to stating one's name. When considering the minimum requirements, those with less than a high school education would be 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name.
- Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit.
- Two concerns aired by critics of voter identification requirements were not borne out by the results. African-American voters did not appear to be affected by voter identification requirements, according to both the aggregate data and individual-level data analyses. Also, the elderly, while they would be slightly less likely to vote as requirements range from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

The data examined in this analysis could not capture the dynamics of how identification requirements might lower turnout. Do these requirements dampen turnout because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer these questions, pointing up the need for collection of additional data. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most

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effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for poll workers to handle questions about, and potential disputes over, voter identification requirements.

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4. Litigation over Voter ID Requirements

There have been a handful of cases challenging identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether or not laws requiring photo ID will be upheld is more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on cases challenging requirements that voters present some form of identifying documents if the photo identification is the only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification in order to have one's vote counted, without an affidavit exception: Georgia and Indiana. Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*,

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Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement without an affidavit exception (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). Cross-motions for summary judgment are currently pending. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. The court's decision in this case indicates that courts are likely to look strictly on photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions

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suggest that best practice may be to conform to the NVRA's limitation on requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

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5. Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

This information would allow a more informed judgment to be brought to bear in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

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HAVA does not require that the states notify registrants to remedy any failure to provide either of these numbers or to confirm that they have provided a verifiable number. Verification at the time of registration could forestall difficulties at the polling place. HAVA is silent on how the ID might be required at the polling place for new voters whose driving license or Social Security number could not be verified. Errors in recording those numbers are sure to occur.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation require that voters must be able to confirm their registration through a secure access to the SVRL. It also requires voters to present ID at the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

6. Conclusions

The form of Voter ID required of voters affects turnout. Lack of ID can keep voters from the polls. Or, when they go to the polls, it is reasonable to conclude that stricter Voter ID requirements will divert more voters into the line for provisional ballots. (This conclusion is a conjecture because we lack good data on why voters must cast their ballots provisionally.) The result can be longer lines at the polls and confusion, without a clear demonstration that the security of the ballot is correspondingly increased.¹⁰ The dynamics of Voter ID requirements—how the more rigorous Voter ID requirements—affect the decision by potential voters to go or stay away from the polls are not well understood. This lack of understanding should be recognized in the policy process. The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That research might address that, so far as may be

¹⁰ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." The exclusion of voters through restrictive ID requirements could affect election outcomes as much as fraud by voters at the polls. *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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necessary to reduce vote fraud, could identify methods to eliminate the need for voters to bring specific identity documents with them to the polls while assuring that each voter who casts a ballot is eligible and votes only once. One way to break the connection between the benefits of photo ID and the need for the voter to bring identification to the polling place, as recommended by our colleague Edward Foley: keep the information to verify a voter's identity in the records at the polling place. Other approaches could be developed. ¹¹

¹¹ "A potential solution to this problem is to break the connection with the photo requirement and the obligation to produce identification at the polls. Eligible citizens could be required to provide a photograph at the time they *register* to vote, and poll workers would match this photograph with the image of the person standing in front of them. Given the availability of digital photography, the photos of registered voters could be stored in electronic poll books and easily "pulled up" with a click of a computer mouse when voters sign in to vote. These electronic photos should satisfy the anti-fraud concerns of conservatives as much as printed photos that citizens would be required to bring to the polls. . . . Of course, to satisfy the concerns of liberals, a requirement to provide a digital photograph at time of registration would have to address the cost and accessibility issues identified earlier. "

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Appendices

- a. Summary of case law on Voter ID issues (included with this draft)
- b. Analysis of Effects of Voter ID Requirements on Turnout (attached as a separate document)
- c. Indexed database of major articles on Voter ID Requirements and related topics (included with this draft)
- d. Compendium of states' legislation, procedures, and litigation

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APPENDIX –Court Decisions and Literature on Voter Identification and Related Issues

Court Decisions

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination

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- Preventing voter fraud is a compelling interest since it is irreversible once vote is cast
- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Rhiddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

American Civil Liberties Union of Minnesota v. Kiffmeyer, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating

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between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that

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provisional ballots would not be counted if the voter applied for an absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of

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several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues¹²

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

¹² As of January 2, 2006

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Georgia (*Common Cause/Georgia v. Billups*):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)¹³. In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.¹⁴ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the

¹³ Litigation documents are available at the Election Law @ Moritz website.

<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

¹⁴ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

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Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.¹⁵ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

¹⁵ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

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Annotated Bibliography on Voter Identification Issues

Law Journals

- Angelo J. Genova & Rebecca Moll Freed, *The Right to Vote and Be Counted: A Liberty at Risk*, 233 N.J. LAW 44, Apr. 2005.
 - Discusses HAVA a lot
- George W. Grayson, *Registering and Identifying Voters: What the United States Can Learn From Mexico*, 3 ELECTION L.J. 513 (2004).
 - Benefits of US adopting Mexican system of identifying voters and voter registration
- Robert A. Pastor, *Improving the U.S. Electoral System: Lessons from Canada and Mexico*, 3 ELECTION L.J. 584 (2004).
 - Discusses HAVA, problems of 2000 election, discusses registration & identification
- Brian Kim, *Recent Development: Help America Vote Act*, 40 HARV. J. ON LEGIS. 579 (Summer 2003).
 - Discussion of HAVA requirements and voter ID, problems in 2000
- Robert L. McCurley, *Legislative Wrap-Up: Election Law Changes*, 64 ALA. LAW. 364, Nov. 2003.
 - Discusses changes in AL to their election law in 2003, including adding voter ID
 - HAVA discussed
- Clifford B. Levine, Esq. & David J. Montgomery, Esq., *Post-Election Litigation in Pennsylvania*, 41 Duq. L. Rev. 153 (Fall, 2002).
 - Discusses challenging elections based on voter fraud & illegal votes
- Rebecca Barrett, *Election*, 18 GA. ST. U. L. REV. 114 (Fall 2001).
 - Discusses a GA law in 2001 removing hunting & fishing licenses from list of acceptable ID and a failed amendment to limit acceptable ID to photo ID only
- Robert A. Junell, Curtis L. Seidlits, Jr. & Glen G. Shuffler, *Consideration of Illegal Votes in Legislative Election Contests*, 28 Tex. Tech L. Rev. 1095 (1997).
 - General discussion of ways voters are verified, what happens when voters are challenged as illegal voters
- John Victor Berry, *Take the Money and Run: Lame-Ducks "Quack" and Pass Voter Identification Provisions*, 74 U. DET. MERCY L. REV. 291 (Winter 1997).
 - discusses a photo ID law passed in Michigan in 1997 (later declared violated EPC of 14th amendment)
 - arguments against photo ID
- Deborah S. James, Note, *Voter Registration: A Restriction on the Fundamental Right to Vote*, 96 YALE L.J. 1615 (1987).
 - Discusses voter registration as a way to combat fraud & several different ways to do it

Historical articles:

- Gabrielle B. Ruda, Note, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 FORDHAM URB. L.J. 235 (November 2003).
 - Lot of analysis on HAVA and voter ID
 - Little bit of historical
 - Arguments for and against certain types of voter ID laws

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- Kimberly C. Delk, *What Will it Take to Produce Greater American Voter Participation? Does Anyone Really Know?*, 2 LOY. J. PUB. INT. L. 133 (Spring 2001).
 - History of voting & requirements & laws throughout time
 - Future: I-voting & e-registration – improvements in voter ID which would result

Marginally relevant/limited discussion of Voter ID issues

- Jeanne S. Zaino & Jeffrey T. Zaino, *The Changing Landscape of Election Disputes*, 59 DISP. RESOL. J. 11 (Aug. – Oct. 2004).
 - Discusses HAVA & implementation
- Symposium, *Disability Law, Equality, and Difference: American Disability Law and the Civil Rights Model, Alabama Section*, 55 ALA. L. REV. 1167 (Summer 2004).
 - Discusses an AL law expanding exemptions to ID requirement if 2 poll workers identify them
- Bryan Mercurio, *Democracy in Decline: Can Internet Voting Save the Electoral Process*, 22 J. MARSHALL J. COMPUTER & INFO. L. 409 (Winter 2004).
 - Internet voting
- Kristen E. Larson, Note, *Cast Your Ballot.com: Fulfill Your Civic Duty over the Internet*, 27 WM. MITCHELL L. REV. 1797 (2001).
 - Voter ID and Internet voting
 - Costs & Benefits of Internet voting
 - States using or examining Internet voting
- Hugh M. Lee, *An Analysis of State and Federal Remedies for Election Fraud, Learning from Florida's Presidential Election Debacle?*, 63 U. Pitt. L. Rev. 159 (Fall, 2001).
 - Discusses illegal ballots, fraudulent registration
- Katharine Hickel Barondeau & Terry M. Jarrett, *The Florida Election Debacle: Can it Happen in Missouri?*, 57 J. Mo. B. 294, Nov./Dec. 2001.
 - Anti fraud election reform in Missouri
- Priscilla L. Southwell & Justin Burchett, *Vote-by-Mail in the State of Oregon*, 34 Willamette L. Rev. 345 (Spring 1998).
 - Vote by mail and discusses fraud issues involved
- Jonathan E. Davis, *Comment: The National Voter Registration Act of 1993: Debunking States' Rights Resistance and the Pretense of Voter Fraud*, 6 Temp. Pol. & Civ. Rts. L. Rev. 117 (Fall 1996/Spring 1997).
 - Voter fraud arguments against NVRA
- James A. Gardner, *Consent, Legitimacy and Elections: Implementing Popular Sovereignty Under the Lockean Constitution*, 52 U. PITT. L. REV. 189 (Fall 1990).
 - History of voting and requirements
 - Theory

Political Science Literature

Abramson, Paul R. "Political Participation." In *The Encyclopedia of Democracy*. Ed. Seymour Martin Lipset. Washington, DC: Congressional Quarterly, 1995.

Aldrich, John H. "Rational Choice and Turnout." *American Journal of Political Science*. 37:1 (February 1993).

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FINAL D R A F T

Arvizu, John R. and F. Chris Garcia. "Latino Voting Participation: Explaining and Differentiating Latino Voter Turnout." *Hispanic Journal of Behavioral Sciences*. 18:2 (May 1996).

Barber, Benjamin R. *Strong Democracy: Participatory Politics for a New Age*. Berkeley, CA: University of California Press, 1984.

Blais, Andre. *To Vote or Not to Vote? The Merits and Limits of Rational Choice Theory*. Pittsburgh, PA: University of Pittsburgh Press, 2000.

Blais, Andre and Robert Young. "Why Do People Vote? An Experiment in Rationality." *Public Choice*. 99:1-2 (April 1999).

Bowler, Shaun. David Brockington and Todd Donovan. "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001).

Boyd, Richard W. "The Effects of Primaries and Statewide Races on Voter Turnout." *Journal of Politics*. 51:3 (August 1989).

Brady, Henry E., Sidney Verba, and Kay Lehman Schlozman. "Beyond SES: A Resource Model of Political Participation." *American Political Science Review*. 89:2 (June 1995).

Brians, Craig Leonard. "Voter Registration's Consequences for the Mobile: A Comparative Turnout Study." *Political Research Quarterly*. 50:1 (March 1997).

Brians, Craig Leonard and Bernard Grofman. "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001).

----- "When Registration Barriers Fall, Who Votes? An Empirical Test of a Rational Choice Model." *Public Choice*. 99:1-2 (April 1999).

Burnham, Walter Dean. "The Appearance and Disappearance of the American Voter." In *Electoral Participation: A Comparative Analysis*. Ed. Richard Rose. Beverly Hills, CA: Sage, 1980.

Cassel, Carol A. and Robert C. Luskin. "Simple Explanations of Turnout Decline." *American Political Science Review*. 82:4 (December 1988).

Castanheira, Micael. "Victory Margins and the Paradox of Voting." *European Journal of Political Economy*. 19:4 (November 2003).

Center for the Study of the American Electorate. "2004 Election Report". 4 November 2004. Available online at ??????????

Cho, Wendy K. Tam. "Naturalization, Socialization, Participation: Immigrants and (Non-) Voting." *Journal of Politics*. 61:4 (November 1999).

Crewe, Ivor. "Electoral Participation." In *Democracy at the Polls: A Comparative Study of Competitive National Elections*. Eds. David Butler, Howard R. Penniman, and Austin Ranney. Washington, DC: American Enterprise Institute, 1981.

FINAL DRAFT

- Franklin, Mark N. "Electoral Participation." In *Comparing Democracies: Elections and Voting in Global Perspective*. Eds. Laurence Le Duc, Richard G. Niemi, and Pippa Norris. Thousand Oaks, CA: Sage Publications, 1996.
- Franklin, Mark N., Cees van der Eijk, and Erik Oppenhuis. "The Institutional Context: Turnout." In *Choosing Europe? The European Electorate and National Politics in the Face of Union*. Eds. Cees van der Eijk and Mark N. Franklin. Ann Arbor, MI: University of Michigan Press, 1996.
- Gerber, Alan S., Donald P. Green, and Matthew Green. "Partisan Mail and Voter Turnout: Results from Randomized Field Experiments." *Electoral Studies*. 22:4 (December 2003).
- Gerber, Alan S., Donald P. Green, and Ron Shachar. "Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment." *American Journal of Political Science*. 47:3 (July 2003).
- Gimpel, James G., Joshua Dyck, and Daron Shaw. "Registrants, Voters, and Turnout Variability across Neighborhoods." *Political Behavior*. 26:4 (December 2004).
- Gimpel, James G. and Jason E. Schuknecht. "Political Participation and the Accessibility of the Ballot Box." *Political Geography*. 22:5 (June 2003).
- Gray, Mark and Miki Caul. "Declining Voter Turnout in Advanced Industrial Democracies, 1950 to 1997: The Effects of Declining Group Mobilization." *Comparative Political Studies*. 33:9 (November 2000).
- Green, Donald P. and Alan S. Gerber. *Get Out the Vote!: How to Increase Voter Turnout*. Washington, DC: Brookings Institution Press, 2004.
- Hanmer, M.J. and Michael W. Traugott. "The Impact of Voting by Mail on Voter Behavior." *American Politics Research*. 32:4 (July 2004).
- Highton, Benjamin. "Alternative Tests for the Effects of Campaigns and Candidates on Voting Behavior." In *Capturing Campaign Effects*. Eds. Henry Brady and Richard Johnston. Ann Arbor, MI: University of Michigan Press, forthcoming.
- "Easy Registration and Voter Turnout." *Journal of Politics*. 59:2 (May 1997).
- "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000).
- "Voter Registration and Turnout in the United States." *Perspectives on Politics*. 2:3 (September 2004).
- "Who Reports? Self-Reported Versus Proxy-Reported Voter Turnout." *Public Opinion Quarterly*. Forthcoming.
- Highton, Benjamin and Arthur Burris. "New Perspectives on Latino Voter Turnout in the United States." *American Politics Research*. 30:3 (May 2002).
- Highton, Benjamin and Raymond E. Wolfinger. "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998).

FINAL D R A F T

----- "The Political Implications of Higher Turnout." *British Journal of Political Science*. 31:1 (January 2001).

Highton, Benjamin, Raymond E. Wolfinger, and Megan Mullin. "How Postregistration Laws Affect the Turnout of Citizens Registered to Vote." *State Politics and Policy Quarterly*. 5:1 (Spring 2005).

Hirczy, Wolfgang. "The Impact of Mandatory Voting Laws on Turnout: A Quasi-Experimental Approach." *Electoral Studies*. 13:1 (March 1994).

Jacobs, Lawrence et al. *American Democracy in an Age of Rising Inequality*. Report of the American Political Science Association's Task Force on Inequality and American Democracy. Available online at <http://209.235.207.197/imgtest/taskforcereport.pdf>

Jones, Bill. "California's Long Road to Election Reform." *Election Law Journal*. 1:4 (December 2002).

Karp, Jeffrey A. and Susan A. Banducci. "Absentee Voting, Mobilization, and Participation." *American Politics Research*. 29:2 (March 2001).

----- "Going Postal: How All-Mail Elections Influence Turnout." *Political Behavior*. 22:3 (September 2000).

Kelley, Stanley, Richard E. Ayres, and William G. Bowen. "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967).

Kimberling, William C. and Peggy Sims. *Federal Election Law 91: A Summary of Federal Election Laws Pertaining to Registration and Voting*. Washington, DC: National Clearinghouse on Election Administration, Federal Election Commission, 1991.

----- *Federal Election Law 96: A Summary of Federal Election Laws Pertaining to Registration, Voting, and Public Employee Participation*. Washington, DC: National Clearinghouse on Election Administration, Federal Election Commission, 1996.

Kleppner, Paul. *Who Voted?: The Dynamics of Electoral Turnout, 1870- 1980*. New York, NY: Praeger Publishers, 1982.

Knack, Stephen. "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*. 57:3 (August 1995).

----- "Does Rain Help the Republicans? Theory and Evidence on Turnout and the Vote." *Public Choice*. 79:1-2 (April 1994).

Lapp, John A. "Elections—Identification of Voters." *American Political Science Review*, 3:1 (February 1909).

Leighley, Jan E. and Arnold Vedlitz. "Race, Ethnicity, and Political Participation: Competing Models and Contrasting Explanations." *Journal of Politics*. 61:4 (November 1999).

Lijphart, Arend. "The Political Consequences of Electoral Laws, 1945-85." *American Political Science Review*. 84:2 (June 1990).

017503

FINAL D R A F T

----- "Unequal Participation: Democracy's Unresolved Dilemma." *American Political Science Review*. 91:1 (March 1997).

Magleby, David B. "Participation in Mail Ballot Elections." *Western Political Quarterly*. 40:1 (March 1987).

Manza, Jeff and Clem Brooks. "The Gender Gap in U.S. Presidential Elections: When? Why? Implications?" *American Journal of Sociology*. 103:5 (March 1998).

----- "The Religious Factor in U.S. Presidential Elections, 1960-1992." *American Journal of Sociology*. 103:1 (July 1997).

----- "Social Cleavages and Political Alignments: U.S. Presidential Elections, 1960-1992." *American Sociological Review*. 62:6 (December 1997).

----- *Social Cleavages and Political Change: Voter Alignments and U.S. Party Coalitions*. New York, NY: Oxford University Press, 1999.

Martin, Paul. "Voting's Rewards: Voter Turnout, Attentive Publics, and Congressional Allocation of Federal Money." *American Journal of Political Science*. 47:1 (January 2003).

Mattila, Mikko. "Why Bother? Determinants of Turnout in the European Elections." *Electoral Studies*. 22:3 (September 2003).

McDonald, Michael P. "Every Eligible Voter Counts: Correctly Measuring American Turnout Rates." *Brookings Institution Report*. 2004. Available online at <http://www.brookings.edu/views/papers/20040909mcdonald.pdf>

McDonald, Michael P. and Samuel Popkin. "The Myth of the Vanishing Voter." *American Political Science Review*. 95:4 (December 2001).

Merrifield, John. "The Institutional and Political Factors that Influence Voter Turnout." *Public Choice*. 77:3 (November 1993).

Mitchell, Glenn E. and Christopher Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate." *Political Behavior*. 17:2 (June 1995).

Morone, James A. *The Democratic Wish: Popular Participation and the Limits of American Government*. New Haven, CT: Yale University Press, 1998.

Nagler, Jonathan. "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991).

Nardulli, Peter F., Dalager, Jon K., and Donald E. Greco. "Voter Turnout in U.S. Presidential Elections: An Historical View and Some Speculation." *PS: Political Science and Politics*. 29:3 (September 1996).

017504

FINAL D R A F T

National Research Commission on Election and Voting. "Interim Report on Alleged Irregularities in the United States Presidential Election 2 November 2004." 23 December 2004. Available online at <http://elections.ssrc.org/research/InterimReport122204.pdf>

Neeley, G.W. and L.E. Richardson. "Who Is Early Voting? An Individual Level Examination." *Social Science Journals*. 38:3 (Autumn 2001).

Oliver, J. Eric. "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout." *American Journal of Political Science*. 40:2 (May 1996).

Pacek, Alexander and Benjamin Radcliff. "Turnout and the Vote for Left-of Centre Parties: A Cross-National Analysis." *British Journal of Political Science*. 25:1 (January 1995).

Palfrey, Thomas R. and Howard Rosenthal. "Voter Participation and Strategic Uncertainty." *American Political Science Review*. 79:1 (March 1985).

Pantoja, Adrian D., Ricardo Ramirez, and Gary M. Segura. "Citizens by Choice, Voters by Necessity: Patterns in Political Mobilization by Naturalized Latinos." *Political Research Quarterly*. 54:4 (December 2001).

Patterson, Thomas E. *The Vanishing Voter*. New York, NY: Alfred A. Knopf, 2002.

Piven, Frances Fox and Richard A. Cloward. *Why Americans Don't Vote*. New York, NY: Pantheon Books, 1988.

Phillips, Kevin P. and Paul H. Blackman. *Electoral Reform and Voter Participation: Federal Registration, a False Remedy for Voter Apathy*. Washington, DC: American Enterprise Institute for Public Policy Research, 1975.

Plutzer, Eric. "Becoming a Habitual Voter: Inertia, Resources and Growth in Young Adulthood." *American Political Science Review*. 96:1 (March 2002).

Powell, G. Bingham, Jr. "American Voter Turnout in Comparative Perspective." *American Political Science Review*. 80:1 (March 1986).

----- *Contemporary Democracies: Participation, Stability, and Violence*. Cambridge, MA: Harvard University Press, 1982.

----- "Constitutional Design and Citizen Electoral Control." *Journal of Theoretical Politics*. 1:2 (April 1989).

----- "Voting Turnout in Thirty Democracies: Partisan, Legal, and Socio-Economic Influences." In *Electoral Participation: A Comparative Analysis*. Ed. Richard Rose. Beverly Hills, CA: Sage, 1980.

Rallings, C., M. Thrasher and G. Borisyuk. "Seasonal Factors, Voter Fatigue and the Costs of Voting." *Electoral Studies*. 22:1 (March 2003).

Rosenstone, Steven J. and John Mark Hansen. *Mobilization, Participation, and Democracy in America*. New York, NY: Macmillan, 1993.

- 017505

FINAL D R A F T

Rosenstone, Steven J. and Raymond E. Wolfinger. "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978).

Rusk, Jerrold G. "The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876 – 1908." *American Political Science Review*. 64:4 (December 1970).

Shaw, Daron, Rodolfo O. de la Garza, and Jongho Lee. "Examining Latino Turnout in 1996: A Three-State, Validated Survey Approach." *American Journal of Political Science*. 44:2 (April 2000).

Southwell, Priscilla L. and Burchett, Justin I. "The Effect of All-Mail Elections on Voter Turnout." *American Politics Quarterly*. 28:1 (January 2000).

Squire, Peverill, Raymond E. Wolfinger, and David P. Glass. "Presidential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987).

Stein, Robert M. "Introduction: Early Voting (in Research Notes)." *Public Opinion Quarterly*. 62:1 (Spring 1998).

Stein, Robert M. and Patricia A. Garcia-Monet. "Voting Early but Not Often." *Social Science Quarterly*. 78:3 (September 1997).

Timpone, Richard J. "Structure, Behavior, and Voter Turnout in the United States." *American Political Science Review*. 92:1 (March 1998).

Tollison, Robert D. and Thomas D. Willett. "Some Simple Economics of Voting and Not Voting." *Public Choice*. 14:1 (April 1973).

Traugott, Michael W., Adam Berinsky, and Nancy Burns. "Who Votes by Mail?" *Public Opinion Quarterly*. 65:2 (Summer 2001).

Verba, Sidney, Norman H. Nie, and Jae-On Kim. *Participation and Political Equality: A Seven-Nation Comparison*. Cambridge, UK: Cambridge University Press, 1978.

Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and Equality: Civic Volunteerism in American Politics*. Cambridge, MA: Harvard University Press, 1995.

Wattenberg, Martin P. "Turnout Decline in the U.S. and Other Advanced Industrial Democracies." *Research Monograph: Center for the Study of Democracy, University of California, Irvine*. September 1998. Available online at <http://www.democ.uci.edu/papers/marty.html>

Winders, Bill. "The Roller Coaster of Class Conflict: Class Segments, Mass Mobilization, and Voter Turnout in the US., 1840-1996." *Social Forces*, 77:3 (March 1999).

Wolfinger, Raymond E. "The Rational Citizen Faces Election Day or What Rational Choice Theorists Don't Tell You about American Elections." In *Elections at Home and Abroad: Essays in Honor of Warren E. Miller*. Eds. M. Kent Jennings and Thomas E. Mann. Ann Arbor, MI: University of Michigan Press, 1994.

017506

FINAL D R A F T

Wolfinger, Raymond E., David P. Glass, and Peverill Squire. "Predictors of Electoral Turnout: An International Comparison." *Policy Studies Review*. 9:3 (Spring 1990).

Wolfinger, Raymond E. and Steven J. Rosenstone. *Who Votes?* New Haven, CT: Yale University Press, 1980.

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Appendix

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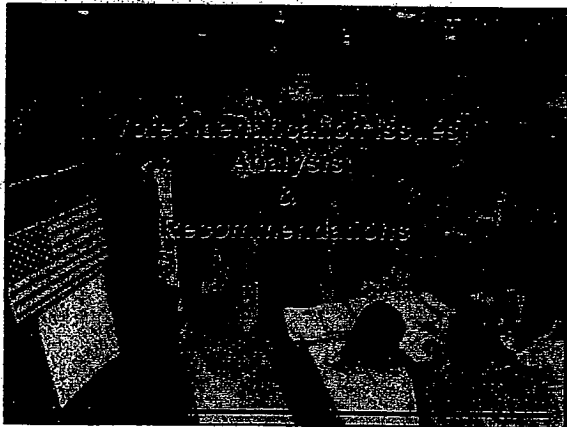
**Briefing for
U. S. Election Assistance Commission**

Thomas O'Neill, Project Director
Eagleton Institute of Politics

Dan Tokaji, Assistant Professor of Law
Moritz College of Law,

Tim Verceffotti, Assistant Research Professor
Eagleton Institute of Politics

April 3, 2006



Analytic Tasks

- Identify how voter ID requirements were implemented around the county to provide a baseline for consideration of other approaches.
- Diagnose the problems and challenges of voter ID and hypothesize alternative approaches.
- Recommend alternative approaches.
- Identify appropriate policy objectives by which to assess alternative approaches to voter ID.

Focus

HAVA's narrow ID requirements draw attention to the issue and helped spark the current debate.

National debate now goes beyond HAVA to focus on stricter ID for all would-be voters.

- Therefore our work takes a broad view of the issue.

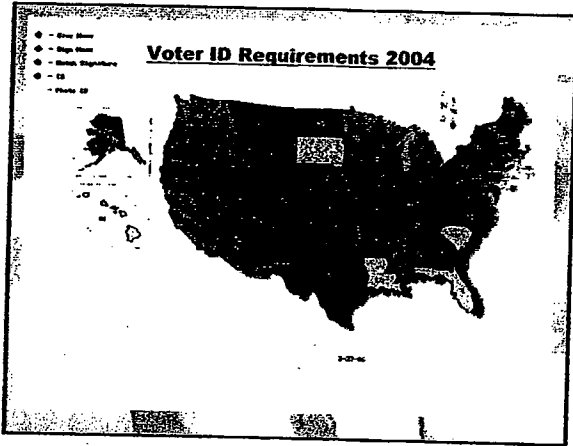
Voter ID and Ballot Integrity

Voter ID – a critical step in protecting the integrity of the ballot by checking that the potential voter is eligible and permitting the voter to cast a ballot and one ballot only.

- Ensuring ballot integrity requires a perspective that takes in the entire voting process.
- Requires more than preventing the ineligible from voting.
- Also should ensure that all those who are eligible and want to vote can cast a ballot that counts.

Vote Fraud Excluded From This Analysis

- Assessing the effectiveness of voter ID in preventing vote fraud should logically include an estimate of the nature and frequency of vote fraud.
- EAC commissioned a separate analysis of the incidence of vote fraud.
- Our analysis does not take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.



Limitations of the data

2004 data did not permit conclusions about the effect of signature ID laws such as those recently passed in Iowa and Indiana.

The 5 states that required photo ID in 2004 (Alabama, Georgia, Kansas, Louisiana, and Mississippi) who signed an affidavit provided another form of identification to cast a regular ballot.

Analysis of Turnout and Voter ID Requirements

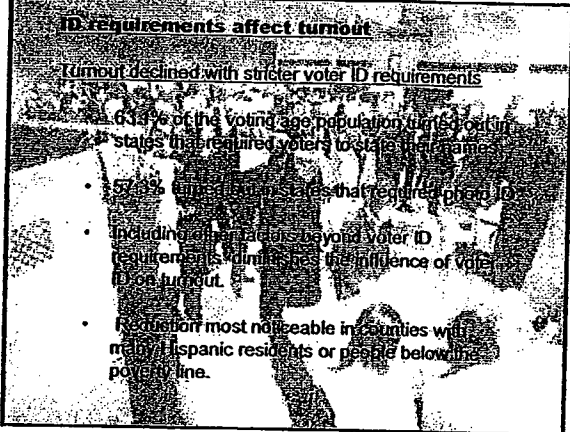
Tim Vercellotti

ID requirements affect turnout

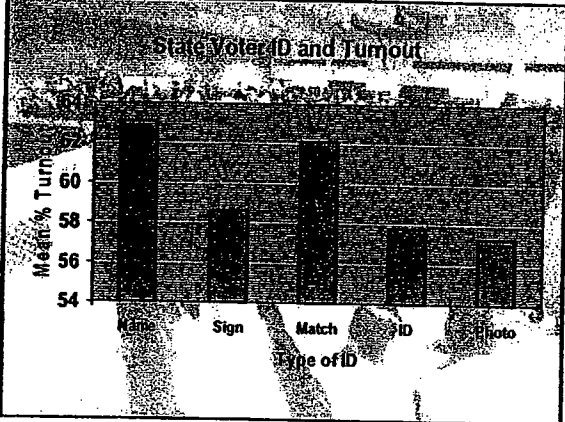
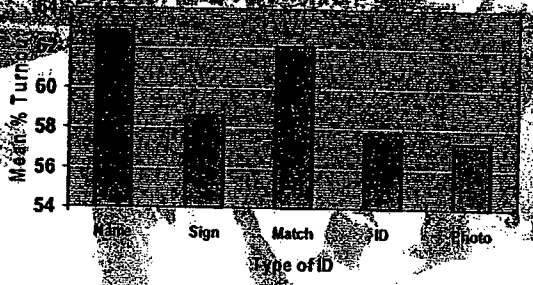
Turnout declined with stricter voter ID requirements

63% of the voting age population turned out in states that required voters to state their names

- 57.9% turned out in states that required photo ID
- Including all states beyond voter ID requirements diminishes the influence of voter ID on turnout.
- Requirement most noticeable in counties with many Hispanic residents or people below the poverty line.



State Voter ID and Turnout



Variation in Turnout Based on Voter ID Requirements

Voter Identification Required in the States	Mean Voter Turnout for States in that Category	
	Maximum Requirement	Minimum Requirement
State Name	63%	61.3%
Sign Name	60%	60%
Match Signature	59.2%	58.2%
Provide Non-Photo ID	57.8%	57.6%
Provide Photo ID	57.3%	Swear

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Reports from the voters

CPA in November 2004 asked respondents about their confidence voting.

Stricter ID requirements exert a negative effect on whether survey respondents said they would vote.

- Decline from *Sign* to *Photo ID* was 2.5%
- Small negative effect persists when controlling for other variables such as background state and demographics.

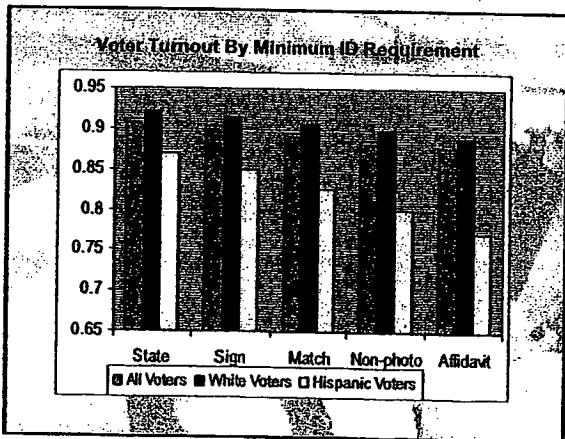
Effect of Stricter Voter ID requirements

Significant reduction in probability of voting by:

- Voters below the poverty line
- Voters with less than a high school education
- Young voters

No effect on the probability of voting by:

- African American voters
- Voters with some college education

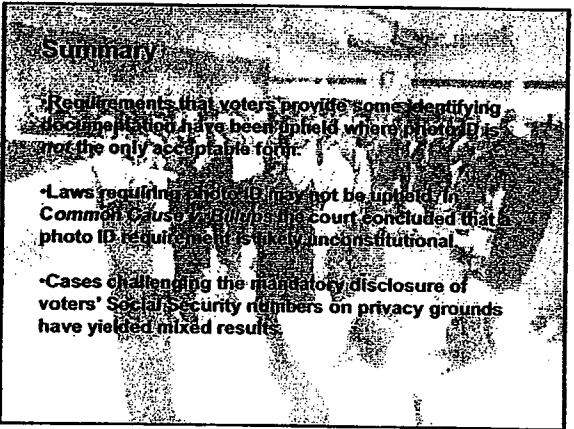


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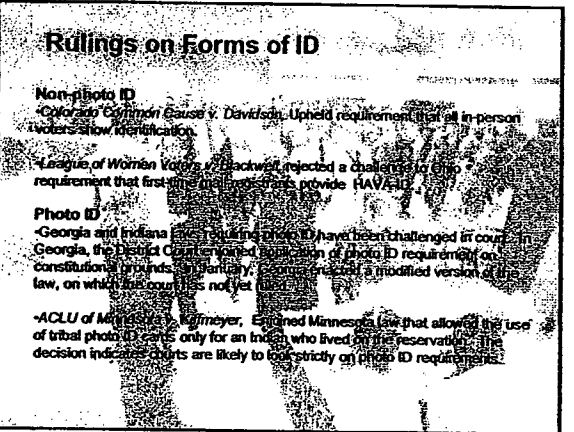
Trends in Litigation

Dan Tokaji



Summary

- Requirements that voters provide some identifying information have been upheld where photo IDs are not the only acceptable form.
- Laws requiring photo IDs may not be upheld. In *Common Cause v. Billups*, the court concluded that photo ID requirements are unconstitutional.
- Cases challenging the mandatory disclosure of voters' social security numbers on privacy grounds have yielded mixed results.



Rulings on Forms of ID

- Non-photo ID**
 - *Common Cause v. Davidson*: Upheld requirement that all in-person voters show identification.
 - *League of Women Voters v. Blackwell*: Rejected a challenge to Ohio requirement that first-time voters provide HAVA ID.
- Photo ID**
 - Georgia and Indiana laws requiring photo ID have been challenged in court. In Georgia, the District Court upheld the photo ID requirement on constitutional grounds. In Indiana, the court struck down a modified version of the law, on which the court has not yet ruled.
 - *ACLU of Minnesota v. Meyner*: Enjoined Minnesota law that allowed the use of tribal photo ID cards only for an Indian who lived on the reservation. The decision indicates courts are likely to look strictly at photo ID requirements.

Privacy

• *Greene v. Davis* (4th Cir. 1993) struck down on due process grounds a Virginia requirement that voters provide Social Security numbers to register. Public disclosure of these Social Security numbers was intended to prevent fraud.

• BUT *McKay v. Thornburg* (6th Cir. 2000) rejected privacy claims based to a Tennessee law requiring Social Security numbers for voter registration.

• NVRA permits requiring only the minimum information needed to prevent duplicate voter registration and ensure eligibility. The distinction between the two cases appears to be between the use of Social Security numbers for internal purposes, which was deemed permissible, and the disclosure of those numbers to the public, which took place in *Greene*.

Conclusions

• Courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot.

• Courts will balance the legitimate interest in preventing election fraud against:

- Citizen's right to privacy
- Reasonableness of requirements for identify documents

• To forestall destabilizing challenges to election outcomes, voter ID requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

Conclusions, Recommendations and Discussion

Tom O'Neill

Policy Perspective

If the ID requirements that block ineligible voters from the polls also prevent eligible voters from casting a ballot because they lack ID, the integrity of the ballot may not have been improved.

Policy Perspective Questions

- Are voter ID requirements based on valid studies of the incidence of the vote fraud they aim to prevent?
- Is the increase in ballot security promised by voter ID requirements reasonably proportional to the cost, measured in both monetary and other terms?
- Can all citizens comply with the requirements easily?
- If a requirement is likely to reduce turnout of eligible voters, what steps can or will be taken to ameliorate the adverse consequences?
- Do the requirements have a neutral result on the composition of the qualified electorate?

Continuing uncertainty

- Dynamics of Voter ID requirements, that is how they work in practice, are not well understood.
- Policy process should recognize this uncertainty – less certainty, more humility.
- Improve debate by additional research sponsored by the EAC.

Conclusions

More information is needed about:

- The kinds of vote fraud that could be prevented by more rigorous voter ID so that it is possible to evaluate tradeoffs between ballot access and ballot integrity.
- Why potential voters may be required to cast a provisional ballot.
- The ID-related reasons for rejecting provisional ballots during the 2006 and subsequent elections.
- The experience of voters in meeting ID requirements.

The EAC should:

A. Recommend the publication of a "Voting Impact Statement" by states considering changing their voter ID requirements. It would estimate the number and demographics of:

1. Eligible potential voters that a proposed stricter ID requirement may keep away from the polls or be permitted to cast only a provisional ballot; and
2. Assess the number of ineligible voters who will be prevented from voting by stricter ID requirements.

The EAC should:

B. Encourage or require the states to:

1. Collect and report reliable, credible information on the relationship between ballot access and ballot security.
2. Survey provisional voters (anonymously) to determine why they were unable to cast a regular ballot.
3. Conduct pre-election polling to ask voters what they know about the voter ID requirements.

Examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification.

Consider factors:

- a. Convenience of voters
- b. Total time allowed to evaluate ballots
- c. If a ballot provision in presidential

Time period	Number of States	% PB Counted
< 1		35.4%
1	15	47.1%
> 1	14	60.5%

Advise the states that to forestall destabilizing effects on election outcomes, voter ID requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

Briefing for

U. S. Election Assistance Commission

April 3, 2006

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

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

A statistical analysis was also performed on Eagleton's study of provisional voting. Although their conclusions and recommendation do, in some measure, rely on their statistical analysis and research, they do not appear to be as critical to this study's findings as they are for the voter identification study.

Before a final Eagleton report on Provisional Voting and Voter Identification are given to the EAC Standards Board and Board of Advisors for review at their May meeting, I recommend that a small peer review group be convened by the EAC. A review by a small panel, comprised of 3-4 experts with backgrounds in election research methodologies and statistics, should yield us the validation and verification of the reliability and validity of the Eagleton research, which we are seeking.

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

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

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

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

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

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

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"Tom O'Neill"

05/04/2006 05:00 PM

To klynndyson@eac.gov

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

bcc

Subject Revised Voter ID Analysis

Karen,

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

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

Tom O'Neill



VoterIDAnalysis VercRev0504.doc

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Analysis of Effects of Voter Identification Requirements on Turnout

Tim Vercellotti

Eagleton Institute of Politics

Rutgers University

May 4, 2006

Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen voter turnout. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater for some specific types of requirements. For example, critics argue that requiring voters to produce government-issued photo identification on Election Day is more demanding than, say, requiring that they state their names at the polling place. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. It draws on two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

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Deliberative Process
Privilege

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I treated the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Estimating turnout among citizens in the voting-age population

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

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

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

Analysis of aggregate data

If one treats maximum voter identification requirements as an ordinal variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.20, p < .0001$). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

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

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. I coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification. To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the percentage of individuals who fell below the poverty line in each county in the 2000 Census.

I estimated a series of random intercept models to account for the likelihood that data from counties were correlated within each state (for further explanation of random intercept and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).³ The

³ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the

dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, those requirements had a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county exerted a positive effect on voter turnout, and the percentage of individuals living below the poverty line had a negative effect. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ($p = .05$).

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities and the poor, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum voter identification requirements and the percentage of African-Americans, Hispanics, and poor individuals in the counties. The interaction involving African-Americans was not significant, but those involving Hispanics and poor individuals were significant.⁴ In addition, adding the interactions to the model resulted in the percentage of Hispanics in the population having a direct and negative effect on turnout. The interactions suggest that voter identification requirements have a greater effect for Hispanics and those living below the poverty line. A chi-square test of the difference in the deviance for each model (represented by $-2 \log$ likelihood in Table 2), shows that the model with interactions provides a better fit to the data ($p < 0.005$).

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

[Table 3 here]

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

intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

⁴ The interactions are labeled in Tables 2 and 3 as VID*African-American, VID*Hispanic, and VID*Poverty. To calculate the effects of voter identification requirements for a specific group, one must add the estimates for voter identification, the group, and the interaction. Doing so for Hispanic adults results in an estimate of $-0.13 [-0.03$ (voter id) $- 0.13$ (Hispanic) $+ 0.03$ (voter id X Hispanic)].

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

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the demands of voter identification requirements increase, turnout declines. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).⁵ Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁶ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S.

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

⁶ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

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

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

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less. At the individual level, I controlled for gender, age in years, education, household income, and dummy variables representing whether a voter was Black/non-Hispanic, Hispanic, or another non-white race (with white/non-Hispanic voters as the omitted category for reference purposes).⁸ Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which

⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

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

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calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 4 here]

The two models in Table 4 use either the maximum or minimum voter identification requirements in each state. The two models generate virtually identical results. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters to say they had cast a ballot, while those of other non-white races were less likely than white voters to say they had turned out. Hispanic voters were not statistically different from white voters in terms of reported turnout. Consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.⁹ I calculated the probabilities taking into account both maximum and minimum requirements, with photo identification serving as the most demanding of the maximum requirements and affidavits as the most demanding minimum requirement.

[Table 5 here]

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 0.912 for stating one's name to 0.887 for photo identification under the maximum requirements. In other words, the probability of voting dropped with each level of voter identification requirement, with a total drop of .025, or 2.5 percent, across the five types of identification.¹⁰ When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it

⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Lóng 1997).

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

was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group. I disaggregated the sample by the variable of interest, omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.¹¹ If the analysis showed that the voter identification requirements had a statistically significant effect on turnout, I used the probit coefficients from the model to calculate the predicted probability of voting for each group across the five requirements while holding the other variables in the model constant.

[Table 6 here]

Both the maximum and minimum identification requirements had negative and statistically significant effects for White/Non-Hispanic voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.2 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of Black/Non-Hispanics voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name was the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

[Table 7 here]

Voters in that age group had a predicted probability of 83.9 percent when the maximum requirement was stating one's name, and the probability dropped 8.9 percentage points if voters would have to provide photo identification. The range was from 83.1 percent to 75.4 percent under the minimum requirements. The gap in probability narrowed in older age groups (4.8 percent for the maximum requirements and 5.8 percent for the minimum requirements for those ages 25 to 44; 1.8 percent for the minimum requirements for those ages 45 to 64, and 2.4 percent for the minimum requirements for those ages 65 and older).

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

[Table 8 here]

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

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

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

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.¹²

[Table 9 here]

While the maximum set of requirements did not have a statistically significant effect for voters living below the poverty line, the minimum set of requirements had a significant and negative effect. The probability of voting was .784 for poor voters if they would have to identify themselves by giving their name, and the probability declined to .731 if they would have to provide an affidavit attesting to their identity. Both the maximum and minimum sets of requirements had a significant and negative effect on voters living above the poverty line, but the difference in probability across the effects was narrower (2.3 percent for the maximum requirements and 3.1 percent for the minimum requirements). Given that political discourse about voter identification requirements includes concerns about the effects of the requirements on poor and minority voters, I also ran probit analyses for sub-samples of white and minority voters who fell below the poverty line. The voter identification requirements did not exert statistically significant effects on turnout among poor White/Non-Hispanic and Hispanic voters, but did have a significant effect on Black/Non-Hispanic voters who were below the poverty line.¹³ Allowing the maximum voting requirement to vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

The effects of voter identification requirements varied across education levels as well, with those lowest in education demonstrating the widest variation in probabilities as identification requirements ranged from least to most demanding.

[Table 10 here]

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The difference from the lowest to the highest requirement among the minimum requirements was 7.4 percent. The difference in probabilities ranged from 3.3 percent for the maximum requirements to 4.5 percent for the minimum requirements for voters with a high school diploma. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

¹² I coded respondents as being above or below the U.S. Census Bureau's 2004 poverty line based on respondents' reported annual household income and size of the household.

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

Discussion and conclusion

The results presented here provide evidence that as the level of demand associated with voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit. African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the maximum requirements ranged from stating one's name to providing photo identification. When considering the minimum requirements, those with less than a high school education were 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name. Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters. The effects on African-American voters were pronounced for two specific sub-samples: African-American voters living below the poverty line and those in the 18- to 24-year-old age group. Also, the elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁴ Or, do the requirements result in some voters

¹⁴ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not

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

registered). Neither the maximum nor minimum array of voter identification requirements had a statistically significant effect on the probability that a survey respondent was registered to vote.

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References

- Alvarez, R. Michael, and Stephen Ansolabehere. (2002). *California Votes: The Promise of Election Day Registration*. New York: Demos. Retrieved online Feb. 23, 2006 at http://www.demos.org/pubs/california_votes.pdf
- Alvarez, R. Michael, Jonathan Nagler, and Catherine H. Wilson. (2004). *Making Voting Easier: Election Day Registration in New York*. New York: Demos. Retrieved online Feb. 23, 2006 at <http://www.demos.org/pubs/EDR%20-%20NY%20report%20b&w%20-%20Aug%202004.pdf>
- Baxter, Tom, and Jim Galloway. (2005). Latinos weigh in on voter ID debate. *The Atlanta Journal-Constitution*, March 21, 2005, p. 2-B.
- Bryk, Anthony S., and Stephen W. Raudenbush. (1992). *Hierarchical Linear Models: Applications and Data Analysis Methods*. Newbury Park, CA: Sage Publications.
- Electionline.org. (2002). *Election Reform Briefing: Voter Identification*. Washington, D.C.: Electionline.org.
- Filer, John E., Lawrence W. Kenny, and Rebecca B. Morton. (1993). Redistribution, income, and voting. *American Journal of Political Science*, 37:63-87.
- Flanigan, William H., and Nancy H. Zingale. (2002). *Political Behavior of the American Electorate, 10th Ed.* Washington, DC: CQ Press.
- Jacobs, Sonji. (2005). Legislature '05: Black lawmakers plot path in photo ID fight. *The Atlanta Journal-Constitution*, March 24, 2005, p. 1-C.
- Long, J. Scott. (1997). *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage Publications.
- Luke, Douglas A. (2004). *Multilevel Modeling*. Thousand Oaks, CA: Sage Publications.
- McDonald, Michael P., and Samuel L. Popkin. (2001). The myth of the vanishing voter. *The American Political Science Review*, 85:963-974.
- Mitchell, Glenn E., and Christopher Wlezien. (1995) The impact of legal constraints on voter registration, turnout, and the composition of the American electorate. *Political Behavior*, 17:179-302.
- Nagler, Jonathan. (1991). The effect of registration laws and education on U.S. voter turnout. *The American Political Science Review*, 85:1393-1405.
- Singer, J.D. (1998). Using SAS PROC MIXED to fit multilevel models, hierarchical models, and linear growth models. *Journal of Educational and Behavioral Statistics*, 24:323-355

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U.S. Census Bureau. (1990). *Studies in the Measurement of Voter Turnout*. Retrieved online March 13, 2006, at <http://www.census.gov/population/socdemo/voting/p23-168>.

U.S. Census Bureau. (2005). U.S. voter turnout up in 2004, Census Bureau Reports. News release issued May 26, 2005. Retrieved online March 13, 2006 at <http://www.census.gov/Press-Release/www/releases/archives/voting/004986.html>

Election Assistance Commission. (2005) Election Day Survey. Retrieved online March 28, 2006 at http://www.eac.gov/election_survey_2004/html/EDS-chap%201%20pop%20estimates2.htm.

Wolfinger, Raymond E., and Steven J. Rosenstone. (1980). *Who Votes?* New Haven, CT: Yale University Press.

Young, Virginia. (2006). ID foe says bill smacks of "Jim Crow" era. *The St. Louis Post-Dispatch*, Feb. 14, 2006, p. B-1.

Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.6 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout for All States</i>	60.9 %		

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Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

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

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Table 3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

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

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Table 4. Probit model of voter turnout.				
	Maximum requirements		Minimum requirements	
Variable	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard error
Voter ID requirements	-0.04*	0.01	-0.05**	0.01
Hispanic	-0.06	0.05	-0.05	0.05
Black	0.22**	0.04	0.22**	0.04
Other race	-0.23**	0.04	-0.23**	0.04
Age in years	0.01**	0.001	0.01**	0.001
Education	0.12**	0.005	0.11**	0.005
Household income	0.03**	0.003	0.03**	0.003
Married	0.20**	0.02	0.20**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.18**	0.04	0.19**	0.04
Competitive race	0.05	0.05	0.05	0.05
Employed	0.05	0.04	0.05	0.04
Member of workforce	-0.04	0.05	-0.04	0.05
Native-born citizen	0.03	0.04	0.04	0.05
Moved within past 6 months	-0.27**	0.03	-0.27**	0.03
Constant	-4.48**	0.20	-4.46**	0.20
Pseudo-R-Squared	0.09		0.09	

Notes:

N = 54,973 registered voters

p < .05* p < .01** (two-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

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

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Table 5. Predicted probability of voter turnout – full model		
	Maximum requirement	Minimum requirement
State name	0.912	0.911
Sign name	0.906	0.903
Match signature	0.900	0.895
Non-photo ID	0.894	0.887
Photo ID	0.887	---
Affidavit	---	0.878
Total difference from lowest to highest	0.025	0.033
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

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Table 6. Predicted probability of voter turnout – White and Hispanic voters

	White/Non-Hispanic voters		Hispanic voters
	Maximum requirement	Minimum requirement	Minimum requirement
State name	0.920	0.922	0.870
Sign name	0.915	0.915	0.849
Match signature	0.909	0.907	0.826
Non-photo ID	0.902	0.899	0.800
Photo ID	0.895	----	----
Affidavit	----	0.890	0.773
Total difference from lowest to highest	0.025	0.032	0.097
N	44,760		2,860

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.

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

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Table 7. Predicted probability of voter turnout – Age groups						
	18 - 24		25 - 44		45 - 64	65 and older
	Maximum requirements	Minimum requirements	Maximum requirements	Minimum requirements	Minimum requirements	Minimum requirements
State name	0.839	0.831	0.831	0.831	0.936	0.916
Sign name	0.819	0.814	0.820	0.817	0.932	0.910
Match signature	0.797	0.795	0.808	0.803	0.927	0.904
Non-photo ID	0.774	0.775	0.796	0.788	0.923	0.898
Photo ID	0.750	----	0.783	----	----	----
Affidavit	----	0.754	----	0.773	0.918	0.892
Total difference – lowest to highest	0.089	0.077	0.048	0.058	0.018	0.024
N	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

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

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

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

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

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

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

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

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

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Table 10. Predicted probability of voter turnout – By education

	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	----	0.705	----	0.824	----	0.940	----	0.950
Total difference – lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.

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

Karen Lynn-Dyson/EAC/GOV
05/12/2006 01:36 PM

To "Tom O'neill [REDACTED]@GSAEXTERNAL
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC
bcc Thomas R. Wilkey/EAC/GOV
Subject RE: Eagleton/Moritz presentations at the upcoming Board of
Advisors and Standards Board meetings

Tom-

To reiterate the details of our discussion:

By May 17 I will have received all of the materials you wish distributed to the EAC Board of Advisors and Standards Boards. You have indicated that this will be the Provisional Voting paper and the Voter ID paper, only.

On Tuesday, May 23 from 2:30-4:00 PM, Tom O'Neill and Ed Foley will present the Provisional Voting report to the EAC Standards Board. Julie Thompson-Hodgkins will be the resource person for that session

On Wednesday, May 24 from 1:40-2:45 PM, Tom O'Neill, Dan Tokaji, and Tim Vercellotti will present the Voter Identification report to the EAC Standards Board. Julie Thompson-Hodgkins will be the resource person for that session.

On Wednesday, May 24 from 8:30-9:15 am, Tom O'Neill and Ed Foley will present the Provisional Voting report to the EAC Board of Advisors. Julie Thompson-Hodgkins will be the resource person for that session.

On Wednesday, May 24 from 11:00-11:55 am, Tom O'Neill, Dan Takaji and Tim Vercellotti will present the Voter Identification report to the EAC Board of Advisors. Julie Thompson-Hodgkins will be the resource person for that session.

If you have further questions regarding the details of these sessions, please do not hesitate to contact me.

Regards-

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

017545

Margaret Sims/EAC/GOV

05/15/2006 03:51 PM

To pdegregorio@eac.gov, rmartinez@pac.gov,
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cc twilkey@eac.gov, jthompson@eac.gov, Gavin S.
Gilmour/EAC/GOV@EAC, ecortes@eac.gov, Amie J.
Sherril/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
bcc

Subject Voting Fraud-Voter Intimidation Project Briefing

Dear Commissioners:

Attached is our consultants' analysis of the literature reviewed for the Voting Fraud-Voter Intimidation preliminary research project. It was not included in the information packets delivered to you on Friday, May 12, because we did not receive it until today. I thought you might be interested in having it prior to tomorrow's briefing.

Peggy Sims
Election Research Specialist



Literature-Report Review Summary.doc

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Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Karen Lynn-Dyson/EAC/GOV
05/17/2006 09:34 AM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov
cc Amie J. Sherrill/EAC/GOV@EAC, Adam
Ambrogio/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC,
bcc

Subject Fw: Voter ID Report and Appendices

Commissioners-

Attached please find the Eagleton report on Voter Identification which has just been received.

I look forward to our discussion of this item at Thursday's meeting.

Regards-

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 05/17/2006 09:31 AM —

"Tom O'Neill"
<tom_onell@veriz
on.net>

05/17/2006 09:25
AM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, "Tim Vercellotti"
<tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu,
rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>
Subjec Voter ID Report and Appendices
t

Karen,

Attached for review by the Commissioners is the Voter ID Report and its appendices. The appendices are

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lengthy, but I believe Appendix A should be included in the report sent to the Advisory Boards for review.

Thanks for your forbearance.

Tom O'Neill



Appendices517.doc VoterIDReport05170910.doc

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Report to the

U. S. Election Assistance Commission

On

Best Practices to Improve Voter Identification Requirements

Pursuant to the

HELP AMERICA VOTE ACT OF 2002

Public Law 107-252

May 16, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

017551

**Deliberative Process
Privilege**

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

Project Management Team

Dr. Ruth B. Mandel
Director, Eagleton Institute of Politics
Board of Governors Professor of Politics
Principal Investigator
Chair of the Project Management Team

Edward B. Foley
Robert M. Duncan/Jones Day Designated
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The Moritz College of Law
Director of Election Law @ Moritz

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The Eagleton Institute of Politics

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Project Director

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Assistant Research Professor
Assistant Director, Center for Public Interest
Polling
The Eagleton Institute

Laura Williams
The Moritz College of Law

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

R. Michael Alvarez
Professor of Political Science
California Institute of Technology

Timothy G. O'Rourke
Dean, Fulton School of Liberal Arts
Salisbury University

John C. Harrison
Masse Professor of Law
University of Virginia School of Law

Bradley Smith
Professor of Law
Capital University Law School

Martha E. Kropf
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University of Missouri-Kansas City

Tim Storey
Program Principal
National Conference of State Legislatures

Daniel H. Lowenstein
Professor of Law, School of Law
University of California at Los Angeles

Peter G. Verniero
former Attorney General, State of New Jersey
Counsel, Sills, Cummis, Epstein and Gross, PC

REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud --multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

- Opponents seek to forestall more stringent identification requirements, such as for government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters --such as, they argue, racial and ethnic minorities, the young, and elderly voters-- may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate and investigates whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout, and important first step in assessing tradeoffs between ballot security and ballot access. The aim is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis was conducted to examine the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on turnout and on vote fraud is to collect more information on both topics systematically and regularly.

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For review by the EAC's Advisory Boards

Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, although it used different statistical methods and two different sets of data on turnout in 2004 election, it points to the same general finding. As discussed at greater length in the appendix to this report, stricter voter identification requirements were correlated with reduced turnout in the models employed.³ As explained below, these models find that a statistically significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. Political Behavior, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*.

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For review by the EAC's Advisory Boards

voters, however, the tradeoffs between ballot security and ballot access cannot be assessed fully.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be *asked* to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be *required* to do or show, in order to cast regular ballot (again leaving aside a state challenge process). We have included "maximum" requirements in our analysis, and not simply "minimum" requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the "maximum" of being asked to show photo ID may deter some voters even though the "minimum" would allow them to vote without photo ID.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

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For review by the EAC's Advisory Boards

It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a “minimum” requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis's aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names. With the addition of the registration closing data to the aggregate analysis, photo id is no longer a

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significant predictor of turnout. Signature match and non-photo id remain significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a “maximum” requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a “minimum” requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for

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example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls– are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

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or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC can also use this information to encourage the states to assess the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters by local election officials. It would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks statutory or regulatory requirements. Such reports should be available to the public.
4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors:

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the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.

5. Recommendations to the states from EAC should reflect current judicial trends.

Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more uncertain.

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.

- Brians and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997), concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.

- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.

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- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁸ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

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We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter

⁹ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls –rather than simply sign their names– may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards –legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest 7 questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." *Harvard Law Review* 127:1144 (2006)

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2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.
5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it,

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." *Harvard Law Review* 127:1144 (2006)

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," *62 Washington and Lee Law Review* 937 (2005).

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intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

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identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a “minimum” requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state’s voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state’s legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, “We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren’t that way, but it probably is.”

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TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID ^{^^}	Photo ID	Photo ID ^{^^}	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

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South Carolina	Photo ID ⁵	Photo ID	Photo ID ^{^^}	Address & Registration
South Dakota	Photo ID ⁶	Photo ID	Photo ID ^{^^}	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ⁸	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

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

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Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

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

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emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.²¹

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

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The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

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requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

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influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

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Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	—
Affidavit	—	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

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Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

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In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day , or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*). Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the

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only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

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2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

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Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

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the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

Karen Lynn-Dyson/EAC/GOV
06/02/2006 09:26 AM

To "Thomas O'Neill"
[REDACTED]@GSAEXTERNAL
cc twilkey@eac.gov
bcc
Subject Re: Next steps

Tom-

Indeed, the Commissioners were to review next steps with the Voter Identification research paper and next steps with the Provisional Voting report during yesterday's meeting.

As you are aware, your Provisional Voting report stimulated a great deal of discussion at last week's Standard Board and Board of Advisors meetings. Given this fact and the various political exigencies which surround the topic of voter identification, the Commissioners wish to take more time to consider thoroughly and carefully, how they wish to proceed with the delivery of an EAC research report on provisional voting and voter identification.

I will let you know in the next week to ten days, the outcome of the Commissioner's discussion on how they wish to proceed with Eagleton's studies on these topics.

K

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

"Thomas O'Neill" [REDACTED]

06/01/2006 03:55 PM

To klyndyson@eac.gov
cc
Subject Next steps

017595

Karen,

While we were in Washington for the meetings of the advisory boards, you told me the Commissioners were to meet today, June 1, and would reconsider the Voter ID paper. As you can, no doubt, imagine, we are all interested in learning the outcome of that discussion.

We also look forward to your guidance concerning the next steps to complete the work on the Provisional Voting report that we presented to the advisory boards last week.

Tom O'Neill

017586



EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
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Washington, DC 20005
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June 8, 2006

Dear Chairman DeGregorio:

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

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

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

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

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

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

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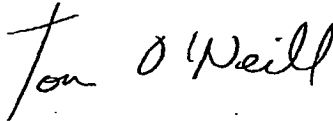
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**Deliberative Process
Privilege**

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Tom O'Neill". The signature is written in black ink and is positioned above the typed name.

Thomas M. O'Neill
Project Director

017588

Karen Lynn-Dyson/EAC/GOV
06/30/2006 08:45 AM

To "Thomas O'Neill"
[REDACTED]@GSAEXTERNAL
cc john.weingart@rutgers.edu
bcc Thomas R. Wilkey/EAC/GOV
Subject Re: Final Provisional Voting and Voter ID reports

Again, many thanks to the Eagleton/Moritz team.

I'm certain we'll be in touch over the next several weeks as we wrap up loose ends.

Regards-

Karen Lynn-Dyson
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Thomas O'Neill

06/29/2006 08:42 PM

To klynndyson@eac.gov
cc john.weingart@rutgers.edu
Subject Final Provisional Voting and Voter ID reports

Karen,

Attached are our final reports on Provisional Voting and Voter Identification in PDF format. The hard copies with all attachments are on their way to you via Fed Ex.

I understand from your email today that we will be receiving a letter from Tom Wilkey on the final steps to wrap up the contract. All of us are eager to see the Commission move forward with recommendations to the states for best practices on provisional voting and to take the next step on voter id issues by submitting our report to the advisory boards.

017589

**Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Provisional Voting
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252**

June 28, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

017591

**Deliberative Process
Privilege**

**Report to the
U. S. Election Assistance Commission
Best Practices to Improve Provisional Voting**

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The Research Team

This research report on Provisional Voting in the 2004 election is part of a broader analysis that also includes a study of Voter Identification Requirements, a report on which is forthcoming. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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The Peer Review Group improved the quality of our work by critiquing drafts of our analysis, conclusions and recommendations. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in the policy recommendations of the report.

EXECUTIVE SUMMARY

Background and Methodology

This report to the United States Election Assistance Commission (EAC) presents recommendations for best practices to improve the process of provisional voting. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under contract to the EAC, dated May 24, 2005.

The Help America Vote Act of 2002 (HAVA, (Public Law 107-252) authorizes the EAC (SEC. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient. Section 302(a) of HAVA required states to establish provisional balloting procedures by January 2004.¹ The process HAVA outlined left considerable room for variation among the states, arguably including such critical questions as who qualifies as a registered voter eligible to cast a provisional ballot that will be counted and in what jurisdiction (precinct or larger unit) the ballot must be cast in order to be counted.²

The general requirement for provisional voting is that, if a registered voter appears at a polling place to vote in an election for Federal office, but either the potential voter's name does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, that potential voter must be permitted to cast a provisional ballot. In some states, those who should receive a provisional ballot include, in the words of the EAC's Election Day Survey, "first-time voters who registered by mail without identification and cannot provide identification, as required under HAVA. . ." ³ HAVA also provides that those who vote pursuant to a court order keeping the polls open after the established closing hour shall vote by provisional ballot. Election administrators are required by HAVA to notify individuals of their opportunity to cast a provisional ballot.

¹The Election Center's National Task Force Report on Election Reform in July 2001 had described provisional ballots as providing "voters whose registration status cannot be determined at the polls or verified at the election office the opportunity to vote. The validity of these ballots is determined later, thus ensuring that no eligible voter is turned away and those truly ineligible will not have their ballots counted." It recommended "in the absence of election day registration or other solutions to address registration questions, provisional ballots must be adopted by all jurisdictions." See www.electioncenter.org.

² The 2004 election saw at least a dozen suits filed on the issue of whether votes cast in the wrong precinct but the correct county should be counted. One federal circuit court decided the issue in *Sandusky County Democratic Party v. Blackwell*, 387 F.3d565 (6th Cir. 2004), which held that votes cast outside the correct precinct did not have to be counted. The court relied on the presumption that Congress must be clear in order to alter the state-federal balance; thus Congress, the court concluded would have been clearer had it intended to eliminate state control over polling location (387 F.3d at 578). An alternative argument, that HAVA's definition of "jurisdiction" incorporates the broader definition in the National Voting Rights Act, however, has not been settled by a higher court. But for now states do seem to have discretion in how they define "jurisdiction" for the purpose of counting a provisional ballot.

³ The definition of who was entitled to a provisional ballot could differ significantly among the states. In California, for example, the Secretary of State directed counties to provide voters with the option of voting on a provisional paper ballot if they felt uncomfortable casting votes on the paperless e-voting machines. "I don't want a voter to not vote on Election Day because the only option before them is a touch-screen voting machine. I want that voter to have the confidence that he or she can vote on paper and have the confidence that their vote was cast as marked," Secretary Shelley said. See <http://wired.com/news/evote/0,2645,63298,00.html>. (Our analysis revealed no differences in the use of provisional ballots in the counties with these paperless e-voting machines.) In Ohio, long lines at some polling places resulted in legal action directing that voters waiting in line be given provisional ballots to enable them to vote before the polls closed. (Columbus Dispatch, November 3, 2004.)

Our research began in late May 2005. It focused on six key questions raised by the EAC.

1. How did the states prepare for the onset of the HAVA provisional ballot requirement?
2. How did this vary between states that had previously had some form of provisional ballot and those that did not?
3. How did litigation affect implementation?
4. How effective was provisional voting in enfranchising qualified voters?
5. Did state and local processes provide for consistent counting of provisional ballots?
6. Did local election officials have a clear understanding of how to implement provisional voting?

To answer those questions, we:

1. Surveyed 400 local (mostly county) election officials to learn their views about the administration of provisional voting and to gain insights into their experience in the 2004 election.
2. Reviewed the EAC's Election Day Survey, news and other published reports in all 50 states to understand the local background of provisional voting and develop leads for detailed analysis.⁴
3. Analyzed statistically provisional voting data from the 2004 election to determine associations between the use of provisional voting and such variables as states' experience with provisional voting, use of statewide registration databases, counting out-of-precinct ballots, and use of different approaches to voter identification.
4. Collected and reviewed the provisional voting statutes and regulations in all 50 states.
5. Analyzed litigation affecting provisional voting or growing out of disputes over provisional voting in all states.

Our research is intended to provide EAC with a strategy to engage the states in a continuing effort to strengthen the provisional voting process and increase the consistency with which provisional voting is administered, particularly within a state. As EAC and the states move forward to assess and adopt the recommendations made here, provisional voting merits continuing observation and research. The situation is fluid. As states, particularly those states that did not offer a provisional ballot before 2004, gain greater experience with the process and as statewide voter databases are adopted, the provisional voting process will demand further, research-based refinement.

KEY FINDINGS

Variation among the states

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million, or just over 63%, were counted. Provisional ballots accounted for a little more than 1% of the final vote tally. These totals obscure the wide variation in provisional voting among the states.⁵

⁴ Attachment 1 provides detailed information on how this study classifies the states according to the characteristics of their provisional voting procedures. It also describes how the data used in the statistical analysis may differ from the data in the Election Day Survey, which became available as our research was concluding.

⁵ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

- Six states accounted for two-thirds of all the provisional ballots cast.⁶
- The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.
- States with voter registration databases counted, on average, 20% of the provisional ballots cast.
- States without databases counted ballots at more than twice that rate: 44%.⁷
- States that provided more time to evaluate provisional ballots counted a greater proportion of those ballots. Those that provided less than one week counted an average of 35.4% of their ballots, while states that permitted more than 2 weeks, counted 60.8%.

An important source of variation among states was a state's previous experience with provisional voting and with the fail-safe voting provision of the National Voting Rights Act. The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new. In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.⁸ Part of that difference was due to how states had implemented the National Voting Rights Act, particularly in regard to voters who changed address within weeks of the election. Voters in California, for example, who moved within their county must cast a provisional ballot, the information from which is used to update the voter's address. Other states, Tennessee for example, found that some fail-safe voters were reluctant to vote by provisional ballot. As a result, Tennessee abandoned provisional voting for those who moved within counties and allows failsafe voters cast a regular ballot. Relatively fewer provisional ballots would tend to be cast in such states.

Variation within states

Within states, too, there was little consistency among different jurisdictions. Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state. This variation suggests that additional factors (including the training of election judges or poll workers) beyond statewide factors, such as experience or the existence of voter registration databases, also influence the use of provisional ballots.

- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the provisional ballot.

⁶ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

⁷ As the Carter-Baker Commission report put it, "provisional ballots were needed half as often in states with unified databases as in states without." Report on the Commission on Federal Election Reform, "Building Confidence in U. S. Elections," September 2005, p. 16.

⁸ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

Resources available to administer provisional voting varied considerably among and within states. Differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.
- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.

In precincts located in districts where many voters live in poverty and have low levels of income and education, the voting process, in general, may be managed poorly. Provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

The lessons of litigation

Successful legal challenges highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called “wrong precinct issue” – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. Most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots. This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second –and significantly– the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right – the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

States move to improve their processes

Shortly after the 2004 election, several states came to the conclusion that the administration of their provisional voting procedures needed to be improved, and they amended their statutes. The new legislation highlights areas of particular concern to states about their provisional voting process.

- Florida, Indiana, Virginia, and Washington have clarified or extended the timeline to evaluate the ballots.

- Colorado, New Mexico, North Carolina, and Washington have passed legislation focused on improving the efficacy and consistency of the voting and counting process.
- Colorado, Arkansas, and North Dakota took up the issue of counting provisional ballots cast in the wrong precinct.

The wide variation in the implementation of provisional voting among and within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices that draw on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting. The important effect of experience on the administration of the provisional ballot process indicates that the states have much they can learn from each other.

SUMMARY OF RECOMMENDATIONS FOR BEST PRACTICES

State efforts to improve the provisional voting process have been underway since the 2004 election. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states.

Take a quality-improvement approach

Defining what constitutes a successful provisional voting system is difficult. Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. A first step is for states to recognize that improving quality begins with seeing the provisional voting process as a system and taking a systems approach to regular evaluation through standardized metrics with explicit goals for performance. EAC can facilitate action by the states by recommending as a best practice that:

- Each state collect data systematically on the provisional voting process to permit evaluation of its voting system and assess changes from one election to the next. The data collected should include: provisional votes cast and counted by county; reasons why provisional ballots were not counted, measures of variance among jurisdictions, and time required to evaluate ballots by jurisdiction

Emphasize the importance of clarity

Above all else, the EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. As state legislators and election officials prepare for the 2006 election, answers to the questions listed in the recommendations section of this report could be helpful. Among those questions are:

- Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
- Do the procedural requirements of the system permit cost-efficient operation?
- How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

Court decisions suggest areas for action

The court decisions following the 2004 election also suggest procedures for states to incorporate into their procedures for provisional voting. EAC should recommend to the states that they:

- Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.
- Provide effective materials to be used by local jurisdictions in training poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.
- Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office. Poll workers need appropriate training to understand their duty to give such voters a provisional ballot.

Assess each stage of the provisional voting process

Beyond the procedures suggested by court decisions, states should assess each stage of the provisional voting process. They can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process.

Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot. Our recommendations for best practices to avoid error at the polling place include:

- The layout and staffing of the multi-precinct polling place is important. States should ensure that training materials distributed to every jurisdiction make poll workers familiar with the options available to voters.
- The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting and include take-away information for the voter on the steps in the ballot evaluation process.
- Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. Best practice for states should provide guidelines (as do Connecticut and Delaware) to estimate the supply of provisional ballots needed at each polling place.

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted.

- State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Kansas allows voters to proffer their ID by electronic means or by mail, as well as in person.
- More provisional voters have their ballots counted in those states that count ballots cast outside the correct precinct. While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the additional burden placed on the ballot-evaluation process when out-of-precinct ballots

are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence.

- If a state does require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location. While the best practice might be for poll workers to direct the voter to correct precinct poll workers' advice is not always correct, and the voter should be protect against ministerial error.
- Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.

In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. Our research did not identify an optimum division of the five weeks available.

- The best practice here is for states to consider the issue and make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

After the election, timely information to voters about the disposition of their provisional ballot can enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

- Best practice for the states is to establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

Final observation

The detailed examination of each stage in the provisional voting process can lay the foundation each state needs to improve its system. Efforts to improve provisional voting may be most effective as part of a broader effort by state and local election officials to strengthen their systems. Collecting and analyzing data about those systems will enable states to identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as ways to reduce the need for voters to cast their ballots provisionally.

Provisional Voting in 2004

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million or just over 63% were counted. Provisional ballots accounted for a little more than 1% of the final vote tally.

These totals obscure the wide variation in provisional voting among the states.⁹ Six states accounted for two-thirds of all the provisional ballots cast.¹⁰ State by state, the percentage of provisional ballots in the total vote varied by a factor of 1,000 – from a high of 7% in Alaska to Vermont's 0.006%. The portion of provisional ballots cast that were actually counted also displayed wide variation, ranging from 96% in Alaska to 6% in Delaware. States with voter registration databases counted, on average, 20% of the provisional ballots cast. Those without databases counted provisional ballots at more than twice that rate, 44%.

An important source of variation was a state's previous experience with provisional voting. The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new. In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.¹¹

- The percentage of the total vote cast as provisional ballots averaged more than 2% in the 25 experienced states. This was 4 times the rate in states new to provisional voting, which averaged 0.47%.¹²
- The experienced states counted an average of 58% of the provisional ballots cast, nearly double the proportion in the new states, which counted just 33% of cast provisional ballots.
- The combined effect of these two differences was significant. In experienced states 1.53% of the total vote came from counted provisional ballots. In new states, provisional ballots accounted for only 0.23% of the total vote.

Those voting with provisional ballots in experienced states had their ballots counted more frequently than those in the new states. This experience effect is evidence that there is room for improvement in provisional balloting procedures, especially in those states new to the process.¹³ That conclusion gains support from the perspectives of the local election officials revealed in the survey conducted as a part of this research. Local (mostly county level) election officials from "experienced" states were more likely to:

⁹ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

¹⁰ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

¹¹ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

¹² To compensate for the wide differences in vote turnout among the 50 states the average figures here are calculated as the mean of the percent cast or counted rather than from the raw numbers of ballots cast or counted.

¹³ Managing the provisional voting process can strain the capacity election administrators. For example, Detroit, counted 123 of the 1,350 provisional ballots cast there in 2004. A recent study concluded that Detroit's "6-day time limit to process provisional ballots was very challenging and unrealistic. To overcome this challenge, *the entire department's employees were mobilized to process provisional ballots.*" (emphasis added.) GAO Report-05-997, "Views of Selected Local Officials on Managing Voter Registration and Ensuring Citizens Can Vote," September 2005.

- Be prepared to direct voters to their correct precincts with maps;
- Regard provisional voting as easy to implement;
- Report that provisional voting sped up and improved polling place operations
- Conclude that the provisional voting process helped officials maintain accurate registration databases.

Officials from “new” states, on the other hand, were more likely to agree with the statement that provisional voting created unnecessary problems for election officials and poll workers.

If experience with provisional voting does turn out to be a key variable in performance, that is good news. As states gain experience with provisional ballots their management of the process could become more consistent and more effective over subsequent elections. Further information from the EAC on best practices and the need for more consistent management of the election process could sharpen the lessons learned by experience. The EAC can facilitate the exchange of experience among the states and can offer all states information on more effective administration of provisional voting.

Concluding optimistically that experience will make all the difference, however, may be unwarranted. Only if the performance of the “new” states was the result of administrative problems stemming from inexperience will improvement be automatic as election officials move along the learning curve. Two other possibilities exist. Our current understanding of how provisional voting worked in 2004 is not sufficient to determine unambiguously which view is correct.

1. “New” states may have a political culture different from “old” states. That is, underlying features of the “new” states political system may be the reason they had not adopted some form of provisional voting before HAVA. The “new” states may strike a different balance among the competing objectives of ballot access, ballot security and practical administration. They may ascribe more responsibility to the individual voter to take such actions as registering early, finding out where the right precinct is, or re-registering after changing address. They may value keeping control at the local level, rather than ceding authority to state or federal directives. The training they offer poll workers about provisional ballots may not be as frequent or effective as in other states. If the inconsistent performance in the “new” states arises out of this kind of political culture, improving effectiveness in the use of the provisional ballots – as measured by intrastate consistency in administration— will be harder and take longer to achieve.¹⁴
2. “Old” states may devote fewer resources to updating their registration files or databases because they consider provisional ballots as a reasonable fail safe way for voters with registration problems a way to cast a ballot. The adoption of statewide voter registration databases in compliance with HAVA therefore may reduce the variation in the use of provisional ballots among the states.

Other influences decreasing consistency among the states include:

¹⁴ Despite differing political cultures among states and the latitude HAVA provides states, the statute does, indeed impose some degree of uniformity on issues that Congress thought essential. For example, before HAVA, took effect, “no state gave the voter the right to find out the status of their ballot after the election. ” Now all offer that opportunity. See Bali and Silver, “The Impact of Politics, Race and Fiscal Strains on State Electoral Reforms after Election 2000,” manuscript, Department of Political Science, Michigan State University. Resisting HAVA’s mandates through foot-dragging lacks any legitimate foundation in law or policy.

- The more rigorous the verification requirements, the smaller the percentage of provisional ballots that were counted. Some states verified provisional ballots by comparing the voter's signature to a sample, some matched such identifying data as address, birth date, or social security number, others required voters who lacked ID at the polling place to return later with the ID to evaluate the provisional ballot, and some required provisional voters to execute an affidavit.¹⁵
 - In the 4 states that simply matched signatures, nearly 3.5% of the total turnout consisted of provisional ballots, and just under three-fourths of those ballots (73%) were counted.
 - In the 14 states that required voters to provide such additional information as address or date of birth just over 1.5% of the total turnout consisted of provisional ballots, and 55% of those ballots were counted.
 - In the 14 states that required an affidavit (attesting, for example, that the voter was legally registered and eligible to vote in the jurisdiction) just over one-half of a percent (0.6%) of turnout came from provisional ballots, and less than one-third of those (30%) were counted. (But note that HAVA requires all voters to certify that they are eligible and registered in order to cast a provisional ballot, which is functionally an affidavit. The 14 states described here used an explicit affidavit form.)
 - In the 10 states that required voters to return later with identifying documents just under 1.5% of the total turnout came from provisional ballots, and more than half (52%) of these were counted. Voters apparently found this requirement less onerous than the affidavit, even though it required a separate trip to a government office
- Voter registration databases provided information that reduced the number of provisional ballots counted.¹⁶ In states using provisional voting for the first time, states with registered-voter databases counted only 20% of the ballots that were cast. States without such databases counted more than double that rate (44%). As HAVA's requirement for adoption of statewide databases spreads across the country, this variation among states is likely to narrow. Real-time access to a continually updated, statewide list of registered voters should reduce the number of provisional ballots used and reduce the percentage counted since most of those who receive them will be less likely to be actually registered in the state.
- States that counted out-of-precinct ballots counted 56% of the provisional ballots cast. States that counted only ballots cast in the proper precinct counted an average of 42% of provisional ballots.¹⁷
 - In experienced states, the disparity was even more pronounced: just over half of provisional ballots cast were counted in states requiring in-district ballots, while more than two-thirds were counted in those allowing out-of-precinct ballots.
 - If all states had counted out-of-precinct ballots, perhaps 290,000 more provisional ballots would have been counted across the country.¹⁸

¹⁵ See Table 2 in Appendix 2 for information on the verification method used in each state.

¹⁶ The Election Day Survey found that states using statewide voter registration databases reported a lower incidence of casting provisional ballots than states without voter registration databases, suggesting that better administration of voter registration rolls might be associated with fewer instances where voters would be required to cast a provisional ballot due to a problem with their voter registration.

¹⁷ The Election Day Survey concluded that: "Jurisdictions with jurisdiction-wide provisional ballot acceptance reported higher rates of provisional ballots cast, 2.09 percent of registration or 4.67 percent of ballots cast in polling places, than those with in-precinct-only acceptance, 0.72 and 1.18 percent, respectively. Predictably, those jurisdictions with more permissive jurisdiction-wide acceptance reported higher rates of counting provisional ballots, 71.50 percent, than other jurisdictions, 52.50 percent."

- States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.¹⁹
 - Fourteen states permitted less than one week to evaluate provisional ballots, 15 states permitted between one and two weeks, and 14 states permitted greater than two weeks²⁰.
 - Those states that permitted less than one week counted an average of 35.4% of their ballots.
 - States that permitted between one and two weeks counted 47.1%.
 - States that permitted more than 2 weeks, counted 60.8% of the provisional ballots cast²¹.
 - The effect of allowing more time for evaluation is felt most strongly in states where more than 1% of the overall turnout was of provisional ballots. In states where provisional ballots were used most heavily, those that permitted less than one week to evaluate ballots counted 58.6% while those that permitted one to two weeks counted 65.0% of ballots, and those states that permitted greater than three weeks verified the highest proportion of provisional ballots, at 73.8%.

Variation Within States

Not only was there little consistency among states in the use of provisional ballots, there was also little consistency within states. This was true in both new and old states. Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state. This suggests that additional factors beyond statewide factors, such as verification requirements or the time provided for ballot evaluation, also influence the provisional voting process. Reacting to the lack of consistency within states, the Carter-Baker Commission recommended that "states, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the state."²²

Electionline reported that:

- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the

¹⁸ This estimate is a rough approximation. States that recognize out-of-precinct ballots counted, on average, 56% of the provisional votes cast. Applying that ratio to the 1.9 million provisional ballots cast nationwide would result in 1.1 million provisional ballots that would have been counted if all states accepted out-of-precinct votes. States that did not recognize out-of-precinct ballots counted 42% of the provisional ballots cast, or about 813,000 ballots, for a difference of about 290,000 votes.

¹⁹ See Appendix, Relationship Between Time Allotted to Verify Provisional Ballots and the Level of Ballots that are Verified, David Andersen, The Eagleton Institute of Politics

²⁰ Many thanks to Ben Shepler, of the Moritz College of Law, for assembling complete data on the time requirements states permitted for the counting of provisional ballots.

²¹ 43 states are included in this analysis, including Washington D.C. The 7 election-day registration states are omitted, as is Mississippi, which never provided data on provisional ballots. North Carolina is also omitted from the regressions, as it does not have a statewide policy on how it verifies provisional ballots.

²² Recommendation 2.3.2 of the Report of the Commission on Federal Election Reform, "Building Confidence in U.S. Elections," September 2005, p.16. The report also observed that, "... different procedures for counting provisional ballots within and between states led to legal challenges and political protests. Had the margin of victory for the presidential contest been narrower, the lengthy dispute that followed the 2000 election could have been repeated."

provisional ballot. This would probably not have come to light except for the sharp examination caused by the very close election for governor.

Resources available to administer provisional voting varied considerably among and within states. The result is that differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that:

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.
- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.
- Staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.
- Predominantly non-Hispanic, Black jurisdictions reported a greater percentage of polling places or precincts with an inadequate number of poll workers. Predominantly non-Hispanic, Native American jurisdictions reported the second highest percentage of staffing problems.

The conclusions to be drawn from these findings are clear. In voting districts with lower education levels, poverty, and inadequately staffed polling places, the voting process is unlikely to function well. More people will end up casting provisional ballots. That makes the provisional voting process especially important in such districts. But if jurisdictions struggle with regular voting, how well are they likely to do with the more complicated provisional balloting process? In precincts where the voting process, in general, is managed poorly, provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

Effectiveness of Provisional Voting

The certainty of our conclusions about the effectiveness of provisional voting is limited because of the complexity of the problem and a lack of important information. An ideal assessment of how well provisional ballots worked in 2004 would require knowing the decisions of local officials in 200,000 precincts on how to inform voters about provisional voting; their performance in providing a provisional ballot to those qualified to receive one, and their decisions whether to count a provisional ballot. Information needed about the eligibility or registration status of provisional voters is also not available.

We see no automatic correlation between the quality of a state's voting system and either the number of provisional ballots cast or counted. Low numbers could reflect accurate statewide voting data and good voter education. Or they could suggest that provisional ballots were not made easily available. High numbers could be seen as signifying an effective provisional voting system or a weak registration process. But we do know that in 2004 provisional ballots allowed 1.2 million citizens to vote, citizens who would otherwise have been turned away from the polls.

Since we do not know how many registered voters who might have voted but could not, we cannot estimate with any precision how effective provisional voting was in 2004. The Cal Tech – MIT Voting Technology Project, however, estimated that 4 – 6 million votes were lost in the

2000 presidential election for the reasons shown in Table 1 below. The estimate is an approximation, but it may provide data good enough for a general assessment of the size of the pool of potential voters who might have been helped by the provisional ballot process.

Estimates of Votes Lost In 2000 Presidential Election

Votes Lost (Millions)	Cause
1.5 – 2	Faulty equipment and confusing ballots
1.5 – 3	Registration mix-ups
<1	Polling place operations
?	Absentee ballot administration

Table 1 Cal Tech – MIT Voting Technology Project Estimates
 4 – 6 million votes are lost in presidential elections due to the causes shown in the table. Registration mix-ups (e.g., name not on list) and polling place operations (e.g., directed to wrong precinct) are the causes most likely to be remedied by provisional voting.

The table shows that the universe of voters who could be helped by provisional voting might be 2.5 – 3 million voters. In 2004, about 1.2 million provisional voters were counted. A rough estimate of the effectiveness of provisional voting in 2004, then, might be 40% to 50% (ballots counted/votes lost)²³. Whatever the precise figure, it seems reasonable to conclude that there is considerable room for improvement in the administration of provisional voting.

Legislative Response

Indeed, several states²⁴ came to the conclusion that the administration of their provisional voting procedures needed to be improved and amended their statutes after the 2004 election. State legislation adopted since the election points to particular areas of concern.

- Not enough time to examine and count the provisional ballots. Florida, Indiana, Virginia, and Washington all have clarified or extended the timeline to evaluate the ballots. But taking more time can prove a problem, particularly in presidential elections with the looming deadline to certify the vote for the Electoral College.²⁵

²³ Another interpretation of the data should be considered. The Census Bureau's Current Population Survey (CPS) developed the category of "registration mix-ups" to assess the states' registration systems. After each election the CPS asks people if they were registered and if they voted. The CPS gives breakdowns of reasons why people did not vote. Survey responders tend to deflect blame when answering questions about voting. In the narrow context of provisional ballots, 'registration problems' would cover only voters who went to the polls where the determination that they were not registered was wrong or they were registered, but in the wrong precinct. If they were in the wrong precinct, provisional voting can help them in only 17 states. In 2004, only 6.8% of those not voting and registered blamed registration problems, while 6.9% reported so in 2000.

²⁴ Twelve states made statutory or regulatory changes: Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Louisiana, Montana, New Mexico, North Carolina, Virginia and Wyoming. See Table 4 in Appendix 2.

²⁵ The resources available to evaluate and count provisional ballots within a tight schedule may not be easily available. The General Accounting Office reports that Detroit, where 1,350 provisional ballots were cast and 123 counted, found the 6-day time frame for processing provisional ballots "very challenging and unrealistic. To overcome this challenge, the entire department's employees were mobilized to process provisional ballots." The report also found that in Los Angeles County, "staff had to prepare duplicate ballots to remove ineligible or invalid contests when

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- Lack of uniform rules for counting ballots and effective training of the election officials in interpreting and applying those rules to determine the validity of ballots. Colorado, New Mexico, North Carolina, and Washington have all passed legislation focused on improving the efficacy and consistency of the voting and counting process.

Litigation

Successful legal challenges to the process highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called “wrong precinct issue” – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. These lawsuits were largely unsuccessful in their stated goal: most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots.

This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second –and significantly– the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right –the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot – although the litigation regrettably came too late to be truly effective in this regard. In many states, on Election Day 2004, the procedures in place for notifying voters about where to go were less than ideal, reflecting less-than-ideal procedures for training poll workers on this point.

There was also pre-election litigation over the question whether voters who had requested an absentee ballot were entitled to cast a provisional ballot. In both cases (one in Colorado and one, decided on Election Day, in Ohio), the federal courts ruled that HAVA requires that these voters receive a provisional ballot. Afterwards, it is for state officials under state law to determine whether these provisional ballots will be counted, in part by determining if these provisional voters already had voted by absentee ballot (in which case one ballot should be ruled ineligible, in order to avoid double voting). These decisions confirm the basic premise that provisional ballots should be available whenever voters believe they are entitled to them, so that their preferences can be recorded, with a subsequent determination whether these preferences count as valid votes.

voters cast their ballots at the wrong precinct. To overcome this challenge, staffing was increased to prepare the duplicate ballots.” In a close, contested election, “duplicate” ballots would doubtless receive long and careful scrutiny.” See Appendix 7, GAO, “Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote,” September 2005. (GAO Report-05-997)

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RECOMMENDATIONS

Because every provisional ballot counted represents a voter who, if the system had worked perfectly, should have voted by regular ballot, the advent of statewide registration databases is likely to reduce the use of provisional ballots. The one area in which such databases may not make a difference is for those who voted by provisional ballot because they did not bring required identification documents to the polling place. The statewide voter registration database will facilitate verifying that ballot, but the voter will still have to vote provisionally. Beyond that exception, even with statewide registries in every state, provisional voting will remain an important failsafe, and voters should have confidence that the failsafe will operate correctly.

The wide variation in the implementation of provisional voting among and particularly within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices based on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting.

Recommendations for Best Practices

Recent legislative activity shows that state efforts to improve the provisional voting process are underway. Those states, as well as others that have not yet begun to correct shortcomings that became apparent in 2004, can benefit from considering the best practices described here. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states. One way to strengthen the recommendations and build a constituency for them would be for EAC to ask its advisory committee members to recommend as best practices procedures that have worked in their states.

Self-evaluation of Provisional Voting –4 Key Questions

The first step to achieving greater consistency within each state is to think about provisional voting systematically. As legislators, election officials, and citizens in the states prepare for the 2006 election, they should ask themselves these questions about their provisional voting systems.

1. Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate? Does the tally include all votes cast by properly registered voters who correctly completed the steps required?
2. Is the provisional voting system sufficiently robust to perform well under the pressure of a close election when ballot evaluation will be under scrutiny and litigation looms?
3. Do the procedural requirements of the system permit cost-efficient operation? Are the administrative demands of the system reasonably related to the staff and other resource requirements available?
4. How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

If the answers to these questions leave room for doubt about the effectiveness of the system or some of its parts, the EAC's recommendation of best practices should provide the starting point for a state's effort to improve its provisional voting system.

Best Practices For Each Step In The Process

We examined each step of the provisional voting process to identify specific areas where the states should focus their attention to reduce the inconsistencies noted in our analysis. We offer recommendations in each area appropriate to the responsibilities that HAVA assigns the EAC for the proper functioning of the provisional voting process.

The Importance of Clarity

The EAC should emphasize above all else the importance of clarity in the rules governing every stage of provisional voting. As the Century Foundation's recent report observed, "Close elections increasingly may be settled in part by the evaluating and counting of provisional ballots. . . . To avoid post election disputes over provisional ballots—disputes that will diminish public confidence in the accuracy and legitimacy of the result— well in advance of the election, states should establish, announce, and publicize clear statewide standards for every aspect of the provisional ballot process, from who is entitled to receive a provisional ballot to which ones are counted."²⁶

Litigation surrounding the 2004 election resulted in decisions that, if reflected in state statutes or regulations and disseminated in effective training for poll workers, can increase the clarity of provisional ballot procedures, increase predictability, and bolster confidence in the system. By taking the following steps, states can incorporate those court rulings into their procedures.

- Promulgate, ideally by legislation, clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards. For example, in Washington State, the court determined that an election official's failure in evaluating ballots to do a complete check against all signature records is an error serious enough to warrant re-canvassing.²⁷ Clear direction by regulation or statute on what records to use in evaluating ballots could have saved precious time and effort and increased the reliability of the provisional voting system.
- States should provide standard information resources for the training of poll workers by local jurisdictions. Training materials might include, for example, maps or databases with instruction on how to locate polling places for potential voters who show up at the wrong place. Usable and useful information in the hands of poll workers can protect voters from being penalized by ministerial errors at the polling place.²⁸
- State training materials provided to local jurisdictions should make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.²⁹ Recent legislation in Arizona indicates that recommendations should emphasize HAVA's requirement that persons appearing at the polling place claiming to be registered voters cannot be denied a ballot because they do not have identification with them. Poll

²⁶ The Century Foundation, *Balancing Access and Integrity, Report of the Working Group on State Implementation of Election Reforms*, July 2005.

²⁷ See *Washington State Republican Party v. King County Division of Records*, 103 P3d 725, 727-728 (Wash. 2004)

²⁸ See *Panio v. Sunderland* 824 N.E.2d 488, 490 (NY, 2005) See also Order, *Hawkins v. Blunt*, No.04-4177-CV-C-RED (W.D. Mo. October 12, 2004). While rejecting the notion that all ballots cast in the wrong precinct should be counted, the court ruled that provisional votes cast in the wrong precinct should be thrown out provided that the voter had been directed to the correct precinct. This meant that provisional votes cast in the wrong precinct (and even the wrong polling place) would count if there were no evidence that the voter had been directed to a different polling place. The court placed a duty upon election officials to make sure the voters were in the correct locations. Note that this question would not arise in a state that counted ballots cast in the wrong polling place but within the correct county.

²⁹ *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 774 (6th Cir. 2004)

workers may need appropriate training to understand their duty to give such voters a provisional ballot.³⁰

A. Registration and Pre-Election Information for Voters

Providing crisp, clear information to voters before the election is important to the success of the provisional voting process. The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process. States can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. Best practices in this area would include:

1. If states require identification at the time of registration, the kind of IDs required should be stated precisely and clearly and be publicly and widely available in a form that all voters can understand. For example, "You must bring your driver's license. If you don't have a driver's license, then you must bring an ID card with your photograph on it and this ID card must be issued by a government agency."³¹
2. The process to re-enfranchise felons should be clear and straightforward. To avoid litigation over the registration status of felons, best practice should be defined as making re-enfranchisement automatic, or no more burdensome than the process required for any new registrant.³²
3. State or county websites for voters should offer full, clear information on boundaries of precincts, location of polling places, requirements for identification, and other necessary guidance that will facilitate registration and the casting of a regular ballot. An 800 number should also be provided. Models are available: the statewide databases in Florida and Michigan provide voters with provisional voting information, registration verification and precinct location information.

B. At the Polling Place

Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot.

1. The layout and staffing of the polling place, particularly the multi-precinct polling place is important. Greeters, maps, and prominently posted voter information about provisional ballots, ID requirements, and related topics can help the potential voters cast their ballot in the right place. States should require poll workers to be familiar with the options and provide the resources needed for them to achieve the knowledge needed to be helpful and effective. Colorado has clear regulations on polling place requirements, including HAVA information and voting demonstration display.³³ Many states require training of poll workers. In some states that requirement is recent: after the 2004 election, New Mexico adopted a requirement for poll workers to attend an "election school."³⁴ A state

³⁰ *The Florida Democratic Party v. Hood*, 342 F. Supp. 2d 1073, 1075-76 (N.D. Fla. 2004). The court explained that provisional voting is designed to correct the situation that occurs when election officials do not have perfect knowledge and when they make incorrect determinations about eligibility (the "fail-safe" notion). Denying voters provisional ballots because of on-the-spot determinations directly contradicts this idea. Even before the cited decision, the Florida Secretary of State's office had determined that any voter who makes the declaration required by federal law is entitled to vote a provisional ballot, even if the voter is in the wrong precinct.

³¹ Websites in 29 states describe, with varying degrees of specificity, the identification voters may need. In 18 states voters can learn something about the precinct in which they should vote. And in 6 states (California, District of Columbia, Kentucky, Michigan, North Carolina, and South Carolina) they can verify their registration on the website.

³² The Century Foundation, *op. cit.*

³³ 8 Colo. Code Regs. § 1505-1, Rule 7.1.

³⁴ 2005 N.M. Laws 270 page no. 4-5.

statutory requirement for training could facilitate uniform instruction of poll workers in those states that do not already provide it.

2. The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting, as occurred in Washington State. The ballot might include a tear-off leaflet with information for voters such as: "Reasons Why Your Provisional Ballot Might Not Be Counted" on one side and "What to Do if My Provisional Ballot Is Not Counted" on the other.
3. Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. In 2004, some polling places ran out of ballots, with unknown effects on the opportunity to vote. In Middlesex County, New Jersey, for example, on Election Day the Superior Court ordered the county clerk to assure that sufficient provisional ballots were available at several heavily used polling places, and it authorized the clerk "in the event additional provisional ballots are required . . . to photocopy official provisional ballots."³⁵ At least two states, Connecticut and Delaware, provide guidelines to local election officials on how to estimate the demand for provisional ballots. Connecticut sets the number at 1% of the voters in the district, Delaware at 6%.³⁶ States that do not offer a practical method to guide the supply of provisional ballots at polling places should consider doing so. The guideline should take into account both the number of voters in the district and the number of provisional ballots actually cast in recent elections.
4. To achieve the procedural clarity needed to forestall disputes, states should establish a clear chain of custody for the handling of provisional ballots from production through distribution, collection and, finally, evaluation. A number of states have clear procedures for at least parts of this chain of custody. All states should examine their chain-of-custody requirements for clarity. Illinois includes the potentially beneficial requirement that ballots be transported by bi-partisan teams, which offers the potential to avoid some charges of election fraud.

C. Evaluating Voter Eligibility and Counting Provisional Ballots

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted. Public recognition of the validity of those criteria is important to establishing the legitimacy of the system as a whole. The experience in 2004 in North Carolina, Washington, and Ohio underlines the importance of clear criteria. As the Century Foundation report put it, "Whatever procedures the states choose [to determine if a provisional ballot should be counted], the paramount consideration—as with all others concerning provisional voting—is that they be clear and thus not susceptible to post-election manipulation and litigation."³⁷ Nonetheless, the *Panio v. Sutherland*³⁸ decision in New York shows the difficulty of defining the range of administrative errors from which the provisional voters should be held harmless. Even when the standard is "clerical error" judges can differ over what that means exactly. Possibly a state law might be able to clarify a definition by giving examples of clerical errors, but even then the definition is unlikely to be perfect.

³⁵ Voting Order, November 2, 2004, Superior Court of New Jersey, Law Division, Middlesex County.

³⁶ Connecticut: "Equal to or not less than 1% of the number of electors who are eligible to vote in any given district, or such other number as the municipal clerk and the registrars agree is sufficient to protect voting rights. Conn. Gen. Stat. Ann. § 9-232j. Delaware: Each County Department of Elections Office is required to provide to each election district a number of provisional ballots equal to 6% of registered voters in that district, with a minimum allocation of 15 ballots. Additional supplies to be delivered when the supply becomes "very low." Del.Code Ann. Tit 15 § 4948(e).

³⁷ The Century Foundation, op. cit.

³⁸ 4 N.Y.3d 123, 824 N.E.2d 488 (N.Y. 2005) and Memorandum (LaPlante—Foley) Provisional Ballot Cases by State, July 19, 2005.

1. State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. While there may be a concern to ensure that the individual who returns with the ID may not be the same individual who cast the provisional ballot, the spirit of HAVA demands that the opportunity to prove identity be provided after Election Day. A signature match can go far in establishing that the individual who voted and the individual returning later with identification is, in fact, the same person. Encouraging a voter who lacks ID on Election Day to return later to help the verification process by providing proper identification will strengthen the system and increase public confidence in the electoral process. Our data indicate that some voters would prefer to return with ID rather than to sign an affidavit, perhaps because of uncertainty about the legal process involved in the affidavit. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Of particular interest is Kansas, which allows voters to proffer their ID by electronic means or by mail, as well as in person.³⁹
2. More provisional ballots are counted in those states that verify ballots cast outside the correct precinct.⁴⁰ While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the additional burden placed on the ballot-evaluation process when out-of-precinct ballots are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence. One option for states is to involve the voters in the decision by pointing out that voters who cast their provisional ballots in the wrong precinct may not be able to participate in the local election. The voter could then decide to go to the correct precinct or vote provisionally for the higher offices at the top of the ticket only.
3. Alternatively, if a state chooses to require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.⁴¹ Ideally the voter could be directed to the correct machine, but poll worker advice will not always be correct. One way to assess the balance of issues here is to consider that, if a voter in a multi-precinct polling place is sent to the wrong machine, the error is probably the poll worker's, and the voter should not be penalized.

³⁹ In Kansas, the voter can provide ID to a County Election Officer any time before the County Board of Canvassers meets to count provisional ballots. KS. ST. 25-1122(d). ID can be presented in person, OR via mail or electronic means. *Id.* The Board must meet either on the Friday or Monday following a Tuesday election. *Id.* at 25-3104. Deadlines in other states are: Alabama – 5:00 P.M. on the Monday following the election AL ST § 17-10A-2(c)(1) Florida: until 5:00 P.M. on the third day following the election . Fla. Stat. Ann. § 101.048 (adopted after the 2004 election); Georgia—no later than 2 days after the election. GA ST § 21-2-417; 419. Illinois- 2 days to submit additional information 10 Ill. Comp. Stat. Ann. 5/18A-15(d); Indiana— in 2004 the deadline was the close of the polls IN. ST. §. 3-11.7-5-2(a). The time period was extended to 13 days by the adoption of Indiana Code 3-11-8, Section 25, Subsection (l); Maryland—until the meeting of the Election Board; MD ELEC LAW § 11-303. New Jersey— until the close of business on the second day after the election 19:53C-3(i). Nevada— until 5:00 P.M. on the Friday following the election NV ST 293.3085; New Mexico—until 7:00 P.M. on Election Day NM ADC 1.10.22 (8) (H).

⁴⁰ See Andersen, *op. cit.* pgs. 23 – 24 for an analysis of the significant effect of counting out-of-precinct ballots. The Election Day Survey found that, "Most notably, jurisdictions that permitted jurisdiction-wide acceptance of provisional ballots reported higher rates of provisional ballots being cast, but also reported a much higher incidence of provisional ballots being counted, than other jurisdictions."

⁴¹ Chances are administrative error accounts for the voter being directed to the wrong precinct under these circumstances.

4. Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected (e.g., check the applicable box “unregistered voter”; “lack of signature match” “wrong precinct,” etc.) Those forms should be disclosed publicly when completed. Colorado’s election rules offer particularly clear guidance to the official evaluating a provisional ballot.⁴²

Colorado Rejection Codes (Any ballot given a rejection code shall not be counted):

RFS	(Rejection federal or state) No federal or state candidates or issues to duplicate.
RNS	(Rejection not signed) Provisional Ballot Affidavit not signed.
RIN	(Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter’s eligibility.
RNR	(Rejection not registered) Voter did not register by the voter registration deadline or by emergency registration, Colorado voter registration record was not found, or voter was previously cancelled and has not been reinstated pursuant to 1-2-605(10). C.R.S.
REE	(Rejection envelope empty) Provisional ballot envelope is empty.
RAB	(Rejection voter voted absentee) Designated election official has confirmed that voter voted an absentee ballot.
REV	(Rejection based on ballot cast in early voting) Voter voted early.
RIP	(Rejection based on incorrect party) Incorrect Party in Primary Election.
RFE	(Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.
RWC	(Rejection elector not registered in county or State of Colorado) Non-county or non-state resident; therefore voter not eligible to vote in the county where the provisional ballot was voted.
RID	(Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter who registered by mail or through a voter registration drive, is tagged as id deficient, and did not provide id at the time of voting.
RRD	(Rejection registration deficient) Voter had deficient or incomplete registration and required information was not provided prior to or at the time of filling in the provisional ballot envelope. Voter’s eligibility cannot be established.

D. Verification of Provisional Ballots

1. States that use the information on the provisional ballot to permit voters who have changed their addresses to update their registrations should adopt clear procedures on that process and specify how the new information will be communicated between different Boards of Elections.
2. In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. States should consider in particular how to divide the time constraints imposed in presidential election by the safe-harbor provisions regarding certification to the Electoral College. Some part of this five-week period will be consumed by the eligibility evaluation, but states should take care to provide a sufficient period of time as well for challenges. If a state consumes 21 days

⁴² 8 CCR 1505-1, at 26.5.4, adopted august 4, 2005. See also 1-2-509(3) C.R.S.

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following the election in the eligibility evaluations, only two weeks will remain for legal challenges to be concluded. Is that sufficient? Or should the state provide the resources needed to complete the eligibility determinations in 10 days or two weeks, leaving three weeks or more for legal challenges in a close election? Our research did not identify an optimum division of the five weeks available. The prudent course here would be to encourage states to consider the issue and then make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

E. Post-election Information for Voters

Timely information to voters about the disposition of their provisional ballot will provide helpful feedback and more important enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

1. Establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

F. State Laws Governing Litigation over Provisional Voting

1. Establish special, streamlined litigation procedures for Election Day complaints that individuals are being denied the right to cast a provisional ballot.

Broader Considerations

G. Integrity and the Appearance of Integrity

1. State laws or regulations providing for non-partisan or bi-partisan bodies to make a public determination of the validity of provisional ballots would increase confidence in the system.
2. To improve transparency, state laws or regulations should require the purging process for registration to be public and with an opportunity for voters to correct an erroneous determination that they should be purged.
3. State laws or regulation should require the evaluation process for provisional ballots to be public, while protecting the names of those who voted provisionally.

H. Continuous Assessment of the Provisional Ballot – Process and Performance

Defining what makes for a successful provisional voting system is difficult. The most successful system is probably not the one with the most provisional votes cast (that could indicate problems with the registration system). Nor is the system with the greatest number counted or with the fewest counted necessarily superior because the evaluation process could be flawed.

Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. The EAC should consider engaging one of the national quality organizations or processes, such as Six Sigma⁴³ or the Baldrige Quality

⁴³ Six Sigma is a measure of quality that strives for near perfection. Six Sigma is a disciplined, data-driven approach and methodology for eliminating defects (driving towards six standard deviations between the mean and the nearest specification limit) in any process – from manufacturing to transactional and from product to service.

process ⁴⁴ to evaluate the provisional ballot process. Pending such a review, the EAC can recommend that states take the following actions.

1. Recognize that the first step to improving quality is to see the provisional voting process as a system and take a systems approach to regular evaluation through standardized metrics with explicit goals for performance.
2. States should begin by collecting data systematically on the provisional voting process so that they can evaluate their voting system and assess changes from one election to the next. The effort should start in the 2006 election, and the data collected should include:
 - Provisional votes cast and counted by jurisdiction, say counties, with details on why the voter had to vote provisionally (lack of ID, not on list, challenged at polling place, issued absentee ballot, etc) and number of ballots actually counted in each category.
 - Reasons why provisional ballots were not counted, using categories such as those that have been adopted by Colorado, described earlier in this report.
 - Measures of variance among jurisdictions.
 - Number of poll workers trained in administration of provisional voting by polling place.
 - Number of jurisdictions posting information on provisional voting in the polling place.
 - Time required to evaluate ballots by jurisdiction.

Improving understanding of the provisional voting process through analysis of detailed information will enable state and local election officials to strengthen their systems. By collecting and analyzing this data states can identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as a way to reduce the need for voters to cast their ballots provisionally.

⁴⁴ The Baldrige Criteria for Performance Excellence provide a systems perspective for understanding performance management. They reflect validated, leading-edge management practices against which an organization can measure itself. With their acceptance nationally and internationally as the model for performance excellence, the Criteria represent a common language for communication among organizations for sharing best practices. The Criteria are also the basis for the Malcolm Baldrige National Quality Award process.

ATTACHMENT 1 – Data Sources for Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The variables used to analyze a state's use of provisional ballots were:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and included it in our analysis.

New vs. Old States

We classified states as "new" or "old" based on the 2001 Electionline study of provisional voting,⁴⁵ but condensed its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We included in the list of "Old States" all states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots. States in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as "new" states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

⁴⁵ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline's map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct's list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter's name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island's first use of provisional voting was in 2004 and, therefore, classified the state as "new" to the system of provisional balloting.

Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

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Statewide List of Registered Voters

The Electionline preview of the 2004 Election⁴⁶ was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases because we found it had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as "out-of-precinct." States that invalidated such ballots were categorized as "In-precinct only."

Table 2 CATEGORIZATION OF STATES -- Counting Out-Of-Precinct Ballots		
Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Georgia	Connecticut	New Hampshire
Illinois ⁴⁷	Delaware	North Dakota
Kansas	District of Columbia	Wisconsin
Louisiana	Florida	Wyoming
Maryland	Hawaii	
New Mexico	Indiana	
North Carolina	Iowa	
Oregon	Kentucky	
Pennsylvania	Massachusetts	
Rhode Island	Michigan	
Utah	Missouri	
Vermont	Montana	
Washington	Nebraska	
	Nevada	
	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
16	27	7

⁴⁶ "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

⁴⁷ In Illinois, it is not clear that all counties followed this procedure. Some counties may not have counted out-of-precinct ballots.

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

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Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

Table 4	
Updated information by State	
Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁴⁸
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁴⁹	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁵⁰	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁴⁸ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁴⁹ Maryland reported provisional ballots that were counted per county, but not number cast.

⁵⁰ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

Data Differences

The data used in this study differ from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?⁵¹
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	53,698/26,092	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

⁵¹ Data not provided by the state itself is taken from Electionline figures.

**Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252**

June 28, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

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017623

**Deliberative Process
Privilege**

**Report to the
U. S. Election Assistance Commission**

Best Practices to Improve Voter Identification Requirements

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The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The **Eagleton Institute** explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The **Moritz College of Law** has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

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REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud —multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

- Opponents seek to forestall more stringent identification requirements, such as government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters—such as, they argue, racial and ethnic minorities, the young, and elderly voters— may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate. It inquires whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout. That analysis would constitute an important first step in assessing tradeoffs between ballot security and ballot access. The aim of this research is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis examined the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information (such as the specific reasons some potential voters are not allowed to cast a regular ballot) that that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on

turnout and on vote fraud is to collect more information on both topics systematically and regularly.

Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, the different statistical methods and two different sets of data on turnout in 2004 election used in the study point to the same general finding. Stricter voter identification requirements (for example, requiring voters to present non-photo ID compared to simply stating their names) were correlated with reduced turnout in the models employed, as described in detail in Appendix C.³ As explained below, these models find that a statistically

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. Political Behavior, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*. Using the aggregate data, photo ID did not have a significant effect on turnout, possibly because in the

significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. (But note that in the model using the aggregate data, photo ID did not have a significant effect on turnout. The reason may have been that in this election, each state with a photo ID requirement provided an alternate way for those without a photo ID to cast a regular ballot.) Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible voters, however, the tradeoffs between ballot security and ballot access cannot be assessed.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be asked to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be required to do or show, in order to cast regular ballot (again leaving aside a state

2004 election every state requiring photo ID provided an alternative way to cast a regular ballot for those voters who lacked photo identification. The individual data from the Current Population Survey did show a significant effect, but only for the overall sample and for white voters, which may be an artifact of the large sample size.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

challenge process). We have included “maximum” requirements in our analysis, and not simply “minimum” requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the “maximum” of being asked to show photo ID may deter some voters even though the “minimum” would allow them to vote without photo ID.

It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a “minimum” requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis’s aggregate data and the individual-level data, although not always

for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, for the maximum ID requirements, the match-signature requirement and the provide-a- non-photo-ID requirement, but not the photo ID requirement, were all correlated with lower turnout compared to requiring that voters state their names. When the registration closing deadline was added as an independent variable in the aggregate analysis, signature match and non-photo id remained significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a "maximum" requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a "minimum" requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such

knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls– are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. A "Voter Impact Statement" would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.
3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC might also use the information reported by the states to encourage further assessment by the states of the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters conducted by local election officials. Such surveys would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks

statutory or regulatory requirements. Such reports should be available to the public.

4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.
5. Recommendations to the states from EAC should reflect current judicial trends. Requirements that voters provide some identifying documentation have been upheld where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is less certain.

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.
- Briens and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997), concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.
- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.
- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that

⁸ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

⁹ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls—rather than simply sign their names—may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards –legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest seven questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²
2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it, intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 *Washington and Lee Law Review* 937 (2005).

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a "minimum" requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, "We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is."

TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID ^{^^}	Photo ID	Photo ID ^{^^}	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

South Carolina	Photo ID ^b	Photo ID	Photo ID ^{aa}	Address & Registration
South Dakota	Photo ID ^b	Photo ID	Photo ID ^{aa}	Affidavit
Tennessee	Provide ID	Provide ID ^f	Provide ID	Affidavit
Texas	Provide ID	Provide ID ^g	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

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

Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
Average Turnout (All States)	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

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

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emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables.²¹(Dichotomous variables reflect either the presence or absence of a characteristic. In the dummy variable for non-photo ID, a state would be coded as 1 if it required non-photo ID, and 0 otherwise.)

Voter identification requirements are just one factor that might affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

The dependent variable in each model using the aggregate data was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that the stricter voter identification requirements of matching one's signature to a signature on file with election authorities or presenting a non-photo ID are associated with lower turnout compared to turnout in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. (A "dummy variable" represents a particular attribute and has the value zero or one for each observation, e.g. 1 for male and 0 for female.) Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum requirements, a signature match and non-photo identification –but not photo identification– were correlated at a significant level with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens, who in this survey were not asked the voter registration and turnout questions. In

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	---
Affidavit	---	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from stating one's name to providing photo identification or an affidavit, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those with fewer years of education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

requirement compared to states where stating one's name was the maximum or minimum requirement.

Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

More rigorous voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data,

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

In the aggregate data, the match-signature requirement and the provide-a-non-photo ID requirement were correlated with lower turnout compared to requiring that voters state their names. But the photo-ID requirement did not have an effect that was statistically significant, possibly because in 2004 each state requiring a photo-ID provided an alternative way to cast a regular ballot for voters who lacked that document.

In the model using the individual-level data the signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names (in the entire sample and for white voters, but the statistical significance may be an artifact of the very large sample size). That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day, or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*). Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1.

3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a

balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgement in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the

Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between 10 requirements and turnout for all registered voters was fairly small, but still statistically significant.

In the aggregate data, the match-signature requirement and the provide-a-non-photo 10 requirement were correlated with lower turnout compared to requiring that voters state their names. But the photo-IO requirement did not have an effect that was statistically significant, possibly because in 2004 each state requiring a photo-IO provided an alternative way to cast a regular ballot for voters who lacked that document.

In the model using the individual-level data the signature, non-photo 10, and photo 10 requirements were all correlated with lower turnout compared to the requirement that voters simply state their names (in the entire sample and for white voters, but the statistical significance may be an artifact of the very large sample size). That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If 10 requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they can not meet the requirements on Election Day, or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

TABLE 1 - Voter 10 Requirements²⁰

State	Maximum Forms of 10 Required 2004	Current 10 Requirement for First-Time Voters	Current 10 Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide 10	Provide 10	Provide 10	Address & Registration
Alaska	Provide 10	Provide 10	Provide 10	Signature
Arizona	Provide 10	Gov-issued Photo 10	Gov-issued Photo 10	Address & Registration
Arkansas	Provide 10	Provide 10	Provide 10	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide 10	Provide 10	Provide 10	Address & Registration
Connecticut	Provide 10	Provide 10	Provide 10	Affidavit
D.C.	Sign Name	Provide 10*	Sign Name	Address & Registration
Delaware	Provide 10	Provide 10	Provide 10	Affidavit
Florida	Photo 10'	Photo 10	Photo 10	Signature
Georgia	Provide 10	Gov. Issued Photo 10	Gov. Issued Photo 10	Affidavit
Hawaii	Photo 10(1)(1)	Photo 10	Photo 10(1)(1)	Affidavit
Idaho	Sign Name	Provide 10*	Sign Name	EOR
Illinois	Give Name	Provide 10*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo 10	Gov. Issued Photo 10	Bring 10 Later
Iowa	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Kansas	Sign Name	Sign Name	Sign Name	Bring 10 Later
Kentucky	Provide 10	Provide 10	Provide 10	Affidavit
Louisiana	Photo 10	Photo 10	Photo IDA	OOB and Address
Maine	Give Name	Provide 10*	Give Name	EOR
Maryland	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Mass.	Give Name	Provide 10*	Give Name	Affidavit
Michigan	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Minnesota	Sign Name/	Provide 10*	Sign Name	EOR
Mississippi	Sign Name	Provide 10*	Sign Name	Affidavit
Missouri	Provide 10	Provide 10*	Provide 10	Address & Registration
Montana	Provide 10	Provide 10*	Provide 10	Bring 10 Later
Nebraska	Sign Name	Provide 10*	Sign Name	Affidavit
Nevada	Match Sig.	Provide 10*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide 10*	Match Sig.	Bring 10 Later
New Mexico	Sign Name	Provide 10	Provide 10	Bring 10 Later
New York	Match Sig.	Provide 10*	Match Sig.	Affidavit
NH	Give Name	Provide 10	Give Name	EOR
North Carolina	Give Name	Provide 10*	Give Name	Varies
North Dakota	Provide 10	Provide 10	Provide 10	No Registration
Ohio	Match Sig.	Provide 10	Provide 10	Address & Registration
Oklahoma	Sign Name	Provide 10*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide 10*	Match Sig.	Signature
Penn.	Match Sig.	Provide 10 ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide 10*	Give Name	Address & Registration

²⁰ See Appendix I for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

South Carolina	Photo ID*	Photo ID	Photo IDM	Address & Registration
South Dakota	Photo IDo	Photo ID	Photo IDM	Affidavit
Tennessee	Provide ID	Provide ID ¹	Provide ID	Affidavit
Texas	Provide ID	Provide IDo	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide I D	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide I D	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's 10 requirement, applicable to first-time voters who registered by mail and did not provide applicable 10 at the time of registration.

¹ Arizona voters who lack a photo 10 may present 2 forms of 10 with no photograph.

² Florida required a photo 10 in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo 10 to cast a regular ballot, though voters without photo 10 may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo 10 in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo 10 could vote by providing another form of 10 in 2004.

⁶ Voters lacking a photo 10 could vote by providing another form of 10 in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on 10 presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

**APPENDIX A: SUMMARY OF VOTER IDENTIFICATION
REQUIREMENTS BY STATE**

**Sara A. Sampson
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June 28, 2006**

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Voter ID Requirements State	Forms of ID Required 2004	Statutory Language	Statutory Citation
Alabama	Provide ID	<p>(b) Each elector shall provide identification to an appropriate election official prior to voting. A voter required to show identification when voting in person shall present to the appropriate election official either of the following forms of identification:</p> <p>(1) A current valid photo identification.</p> <p>(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The term "other government document" may include, but is not limited to, any of the following:</p> <ul style="list-style-type: none"> a. A valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification. b. A valid United States passport. c. A valid Alabama hunting or fishing license. d. A valid Alabama permit to carry a pistol or revolver. e. A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States. f. A valid United States military identification card. g. A certified copy of the elector's birth certificate. h. A valid Social Security card. i. Certified naturalization documentation. j. A certified copy of court records showing adoption or name change. k. A valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a "food stamp card"). <p>(c) For voters required to show identification when voting by mail, the voter shall submit with the ballot a copy of one of the forms of identification listed in subsection (b).</p> <p>(e) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a challenged or provisional ballot, as provided for by law.</p> <p>(f) In addition, an individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election official signs the voters list by where the voter signs.</p>	Ala. Code § 17-11A-1
Alaska	Provide ID	<p>Effective Date: June 24, 2003</p> <p>(a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including</p> <ul style="list-style-type: none"> (1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or (2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter. <p>(b) An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under <u>AS 15.07.050</u>, and did not provide identification as required in <u>AS 15.07.060</u>.</p>	Alaska Stat. § 15.15.225

(c) A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

effective June 17, 2003

Arizona

Provide ID

B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:

Ariz. Rev. Stat.
Ann. § 16-579

1. The person shall present either one of the following:

(a) A current form of identification that bears a photograph of the person and the name of the person.

(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.

2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by § 16-584.

Arkansas

Provide ID

Effective Dec. 1, 2003
7-5-305. Requirements.

Arkansas Code
Annotated § 7-
5-305

(a) Before a person is permitted to vote, the election official shall:

(1) Request the voter to identify himself in order to verify the existence of his name on the precinct voter registration list;

(2) Request the voter, in the presence of the election official, to state his address and state or confirm his date of birth;

(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;

(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;

(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.

(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;

(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;

(7) Request the voter, in the presence of the election official, to sign his name, including his given name, his middle name or initial, if any, and his last name in the space provided on the precinct voter registration list. If a person is unable to sign his signature or make his mark or cross, the election official shall enter his initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list; and

(8)(A) Request the voter for purposes of identification to provide a valid driver's license, photo identification card issued by a governmental agency, voter card, social security card, birth certificate, United States passport, employee identification card issued by a governmental agency containing a photograph, employee identification card issued in the normal course of business of the employer, student identification card, Arkansas hunting license, or United States military identification card.

(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

(ii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.

(iii) The prosecuting attorney may investigate possible voter fraud; and

(9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-523, if the person is a disabled voter and presents himself or herself to vote.

California

Sign Name

Effective: July 16, 2003

Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address. The voter shall then write his or her name and residence address or, if the voter is unable to write, shall have the name and residence address written by another person on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in this article.

Cal. Elec. Code
§ 14216

(Enacted in 1994, no amendments since)

Colorado

Provide ID

(1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104(19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges,
* * *

Colo. Rev. Stat.
Ann. § 1-7-110;
Colo. Rev. Stat.
Ann. § 1-1-104

(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with article 8.5 of this title.

(19.5)(a) "Identification" means:

(I) A valid Colorado driver's license;

(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;

(III) A valid United States passport;

(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;

(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;

(VI) A valid United States military identification card with a photograph of the eligible elector;

(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;

(VIII) A valid medicare or medicaid card issued by the United States health care financing administration;

(IX) A certified copy of a birth certificate for the elector issued in the United States; or

(X) Certified documentation of naturalization.

(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado.

Connecticut Provide ID

Effective 5/28/2004

(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by section 9-23r, shall present to the checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the assistant registrar of voters shall examine the information on such form and either instruct the checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.

Conn. Gen.
Stat. Ann. § 9-
261

Delaware Provide ID

Effective May 10., 2004

(a) A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity, whereupon the clerks shall place a mark or make a notation of his or her name upon the election district record. In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.

15 Del. Code §
4937

D.C. Sign Name

Effective: July 9, 2002

(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.

D.C. Code § 1-
1001.07

(2) Each registered voter who changes his or her place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.

(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.

(Effective April 3, 2001)(not added as part of 2005 amendment)

Florida

Photo ID

101.043 (1) The precinct register, as prescribed in s. 98.461, shall be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

West's Fla.
Stat. Ann. §
101.043
& West's Fla.
Stat. Ann. §
97.0535

(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49.

97.0535 (3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. Florida driver's license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.
4. Employee badge or identification.
5. Buyer's club identification.
6. Debit or credit card.
7. Military identification.
8. Student identification.
9. Retirement center identification.
10. Neighborhood association identification.
11. Entertainment identification.
12. Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

Georgia

Provide ID

Version effective 1/1/2005-12/31/2005

(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

- (1) A valid Georgia driver's license;
- (2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;
- (6) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
- (7) A valid Georgia license to carry a pistol or revolver;
- (8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
- (9) A valid United States military identification card;
- (10) A certified copy of the elector's birth certificate;
- (11) A valid social security card;
- (12) Certified naturalization documentation;
- (13) A certified copy of court records showing adoption, name, or sex change;
- (14) A current utility bill, or a legible copy thereof, showing the name and address of the elector;
- (15) A bank statement, or a legible copy thereof, showing the name and address of the elector;
- (16) A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or
- (17) A government document, or a legible copy thereof, showing the name and address of the elector.

(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."

Ga. Code Ann.
§ 21-2-417

Hawaii

Photo ID

effective June, 2003

(b) The voter shall present valid identification to the official in charge of the pollbook.

Haw. Code. R.
§ 2-51-80
(Paper ballots;
voting
procedure at the
polls), § 2-51-
83 (Punchcard

ballots; voting procedure at polls), 2-51-85.1 (Marksense ballots; voting procedure at the polls.) – All have same subsection (b)

Haw. Code. R. T. 2, SUBT. 4, CH. 51, Appendix

Do I Need an I.D. to Vote on Election Day?

Yes. Be sure to have an I.D. with a picture and signature (such as a Hawaii driver's license or state I.D. card) when you go to vote. The NVRAC card is not an acceptable form of identification.

From the 2004 version of the administrative code.

§ 11-136 Poll book, identification, voting.

Every person upon applying to vote shall sign the person's name in the poll book prepared for that purpose. This requirement may be waived by the chairperson of the precinct officials if for reasons of illiteracy or blindness or other physical disability the voter is unable to write. Every person shall provide identification if so requested by a precinct official. A poll book shall not contain the social security number of any person.

HRS 11-136

After signing the poll book and receiving the voter's ballot, the voter shall proceed to the voting booth to vote according to the voting system in use in the voter's precinct. The precinct official may, and upon request shall, explain to the voter the mode of voting.

Last amended 2003.

Idaho

Sign Name

(1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.

Id. St. §34-1106

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein.

(5) The elector shall then be given the appropriate ballots which have been stamped with the official election stamp and shall be given folding instructions for such ballots.

Illinois

Give Name

(Last amended in 1972)

Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee or early ballot shall not be permitted to vote in the precinct. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be

10 Ill. Comp. Stat. 5/17-9

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cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

Indiana Sign Name

Iowa Sign Name

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

West's
Annotated
Indiana Code §
3-11-8-25
Iowa Code §
49.77

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Telephone

Approved:

Board Member

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person

does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Kansas

Sign Name

(From 2004 version of Iowa Annotated Code; effective January 1, 1995)
(b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

Kan. Stat. Ann.
§ 25-2908(b)

(Approved April 14, 2004, 2004 Kansas Laws Ch. 93)

Kentucky

Provide ID

117.227 Confirmation of voter's identity

Ky Rev. Stat.
Ann. 117.227

Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.

Effective: 7/15/02

31 KAR 4:010. Voter identification cards.

31 Ky. Admin.
Regs. 4:010.

Section 1. In addition to the forms of identification specifically provided for by KRS.117.227, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be acceptable for confirmation of the voter's identity.

Louisiana

Photo ID

A. Identification of voters.

La. Rev. Stat.
Ann. 18:562

(1) A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place.

(2) Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.

Effective: 1/1/2002

Maine	Give Name	<p>The voting procedure is as follows.</p> <p>1. Name announced. A voter who wishes to vote must state the voter's name and, upon request, residence address to an election clerk who shall announce the name in a loud, clear voice.</p> <p>(In effect at time of 2003 amendment: 2003, c. 584, § 9)</p>	<p>Me. Rev. Stat. Ann. tit. 21-A, § 671</p>
Maryland	Sign Name	<p>10-310.</p> <p>(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:</p> <p>(1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;</p> <p>(2)(i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or</p> <p>(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;</p> <p>(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;</p> <p>(4) verify the address of the voter's residence;</p> <p>(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and</p> <p>(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.</p>	<p>Md. Elec. Law § 10-310</p>
Mass.	Give Name	<p>Each voter desiring to vote at a polling place shall give his name and, if requested, his residence to one of the officers at the entrance to the space within the guard rail, who shall thereupon distinctly announce the same. If such name is found on the voting list, the election officer shall check and repeat the name and shall admit the voter to the space enclosed by the guard rail and, in case official ballots, other than those marked "Challenged Ballots" as provided by section thirty-five A, are used, such voter shall be given one ballot. The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.</p> <p>Last amended in 1981</p> <p>(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of 950 CMR 52.03(5B), of M.G.L. c. 54, § 76B, and of 950 CMR 52.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 52.03(23).</p>	<p>Mass. Ann. Laws 54 § 76</p>
Michigan	Sign Name	<p>(1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or chauffeur's license issued to that individual pursuant to the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official.</p>	<p>Mich. Comp. Laws Ann. § 168.523</p>

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If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter

registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

The Attorney General declared that this statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.

(Effective March 31, 1997)

Minnesota

Sign Name

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

Minn. Stat. §
204C.10

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots

as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

(Effective January 1, 2004)
* * *

Mississippi

Sign Name

Miss. Code
Ann. § 23-15-
541

When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was received for by his assistance.

Missouri

Provide ID

Mo. Rev. Stat.
§115.427.1

(Effective January 1, 1987)

1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:

- (1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- (2) Identification issued by the United States government or agency thereof;
- (3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- (4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;
- (5) Driver's license or state identification card issued by another state; or
- (6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

(Last amended in 2002)

Montana

Provide ID

Mont. Code.
Ann. §13-13-
114(1)(a)

(1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter

registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(From 2004 version of the Montana Code Annotated; No updates in 2004, only in 2005 [Unrelated section was amended in 2005])

Nebraska

Sign Name

(1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.

Neb. Rev. Stat.
§ 32-913

(Last amended in 2003)

Neb. Rev. Stat.
§ 32-914

Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or 32-936. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01, (3) if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county, the clerk shall ask the registered voter to present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter, (4) the clerk has instructed the registered voter to personally write his or her name in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (5) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Nevada

Match Sig.

(Last updated in 2003)

1. Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register or if he provides an affirmation pursuant to NRS 293.525, he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

Nev. Rev.
Stat. § 293.277

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

NH

Give Name

Last Amendment Effective Jan. 1, 2004.

A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the

N.H. Rev. Stat.
Ann.
659:13

ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

New Jersey

Match Sig.

Last Amendment Effective July 2, 2002.

19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification

N.J. Stat. Ann.
19:15-17

a. The comparison of signatures of a voter made upon registration and upon election day, and if the voter alleges his inability to write, the comparison of the answers made by such voter upon registration and upon election day, shall be had in full view of the challengers.

b. If a voter has registered by mail after January 1, 2003 to vote for the first time in his or her current county of residence and did not provide personal identification when registering pursuant to section 16 of P.L.1974, c. 30 (C.19:31-6.4), the voter shall be permitted to vote starting at the first election held after January 1, 2004 at which candidates are seeking federal office after displaying one of the following items: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the voter's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the voter does not display one of these documents, the voter shall not be permitted to vote by machine but shall instead be provided with a provisional ballot, pursuant to the provisions of P.L.1999, c. 232 (C.19:53C-1 et seq.). This subsection shall not apply to any voter entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any voter who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This subsection shall also not apply to any person who registers to vote by appearing in person at any voter registration agency or to any person whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

c. Each county commissioner of registration shall collect and maintain, in the manner prescribed by the Attorney General, the information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4). Access to the personal identification information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4) shall be prohibited, in accordance with subsection a. of section 6 of P.L.2001, c. 404 (C.47:1A-5).

New Mexico

Sign Name

Last Amendment Effective July 9, 2004

D. The judge assigned to the voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of his name on the voter list or if the person presents a certificate under the seal and signature of the county clerk showing that he is entitled to vote in the election and to vote in that precinct, the judge shall announce to the election clerks the list number and the name of the voter as shown on the voter list.

N.M. Stat. Ann
§1-5-10
(Recompiled as
§1-12 -7.1 by
L. 2005, Ch.
270, §63,
effective July 1,
2005)

E. The election clerk shall locate that list number and name on the signature roster and shall require the voter to sign his usual signature or, if unable to write, to make his mark opposite his printed name. If the voter makes his mark, it shall be witnessed by one of the judges of the precinct board. If the signature roster indicates that the voter is required to present a form of identification before voting, the election judge shall ask the voter for a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows and matches the name and address of the voter as indicated on the signature roster. If the voter does not provide the required identification, he shall be allowed to vote on a provisional paper ballot.

G. A voter shall not be permitted to vote until he has properly signed his usual signature or made his mark in the signature roster.

(From 2004 version of New Mexico Annotated Statutes, amended in 2005 to require presentation of ID)

New York

Match Sig.

1. A person before being allowed to vote shall be required, except as provided in this chapter, to sign his name on the back of his registration poll record on the first line reserved for his signature at the time of election which is not filled with a previous signature, or on the line of the computer generated registration list reserved for his signature. The two inspectors in charge shall satisfy themselves by a comparison of this signature with his registration signature and by comparison of his appearance with the descriptive material on the face of the registration poll record that he is the person registered. If they are so satisfied they shall enter the other information required for the election on the same line with the voter's latest signature, shall sign their names or initials in the spaces provided therefor, and shall permit the applicant to vote. Any inspector or inspectors not satisfied shall challenge the applicant forthwith.

N.Y. Law § 8-304
(McKinney)

2. If a person who alleges his inability to sign his name presents himself to vote, the board of inspectors shall permit him to vote, unless challenged on other grounds, provided he had been permitted to register without signing his name. The board shall enter the words "Unable to Sign" in the space on his registration poll record reserved for his signature or on the line of the computer generated registration list reserved for his signature at such election. If his signature appears upon his registration record or upon the computer generated registration list the board shall challenge him forthwith, except that if such a person claims that he is unable to sign his name by reason of a physical disability incurred since his registration, the board, if convinced of the existence of such disability, shall permit him to vote, shall enter the words "Unable to Sign" and a brief description of such disability in the space reserved for his signature at such election. At each subsequent election, if such disability still exists, he shall be entitled to vote without signing his name and the board of inspectors, without further notation, shall enter the words "Unable to Sign" in the space reserved for his signature at such election.

3. The voter's signature made by him upon registration and his signature made at subsequent elections shall be effectively concealed from the voter by a blotter or piece of opaque paper until after the voter shall have completed his signature.

4. In any case where a person who has heretofore voted has placed his voting signature on the back of his registration poll record on the first or any succeeding line or lines at the time or times of an election, instead of on the last line of the space thereon required to be reserved for such voting signatures and on any lines next running upward therefrom, the inspectors of election shall obliterate such misplaced signature or signatures, initial the obliteration and require such voter to sign his name again in the correct place on such registration poll record.

5. Any person who has heretofore registered and who at such time placed his or her registration signature on the back of the registration poll record otherwise

than in the space required to be provided therefor at the bottom of such poll record, shall, before being permitted to vote at any election thereafter, subscribe a new registration signature for himself on the last line at the bottom of such poll record, and, at the same time, if the inspectors of election are satisfied that the signatures were made by the same person, obliterate his original registration signature placed elsewhere than on the bottom of such record. Such obliterations may be made by crossing out the signature so as to completely efface the same or by affixing thereover a piece of gummed tape of a size sufficient only to cover such signature and of a type adequate to fully conceal the same
Last Amended 1986

North Carolina Give Name

(a) Checking Registration. --A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

N.C. Gen. Stat.
Ann. § 163-
166.7

North Dakota Provide ID

16.1-05-07 Poll clerks to check identification and verify eligibility -- Poll clerks to request, correct, and update incorrect information contained in the pollbook.

N.D. Cent.
Code § 16.1-
05-07

1. Before delivering a ballot to an individual according to section 16.1-13- 22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state. If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.

(From 2003 version of N.D. Century Code; only amendment to this statute that became effective in 2003 was in 2005)

Ohio

Match Sig.

When an elector appears in a polling place to vote he shall announce his full name and address to the precinct election officials. He shall then write his name and address at the proper place in the poll lists or signature pollbooks provided therefore, except that if, for any reason, an elector shall be unable to write his name and address in the poll list or signature pollbook, the elector may make his mark at the place intended for his name and a precinct official shall write the name of the elector at the proper place on the poll list or signature pollbook following the elector's mark, upon the presentation of proper identification. The making of such mark shall be attested by the precinct official who shall evidence the same by signing his name on the poll list or signature pollbook as a witness to such mark.

Ohio Rev. Code Ann. § 3505.18

The elector's signature in the poll lists or signature pollbooks shall then be compared with his signature on his registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the precinct election officials, the signatures are the signatures of the same person, the clerks shall enter the date of the election on the registration form or shall record the date by such other means as may be prescribed by the secretary of state. If the right of the elector to vote is not then challenged, or, if being challenged, he establishes his right to vote, he shall be allowed to proceed into the voting machine. If voting machines are not being used in that precinct, the judge in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call his name and the stub number on each of the ballots. The clerk shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark his ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.

Oklahoma

Sign Name.

(Effective at time of last update, 1992 H 182, eff. 4-9-93)

Each person presenting himself to vote shall announce his name to the judge of the precinct, whereupon the judge shall determine whether said person's name is in the precinct registry.

Okla. Stat. Ann. tit. 26, § 7-114

(Last amended in 1990)

Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct registry. Said clerk shall thereupon issue proper ballots to said person. The voter's signature on said precinct registry shall be the best evidence of said voter's having voted at said election. Said precinct registry shall be retained in the office of the county election board for a period of twenty-two (22) months following the election and shall be subject to public inspection during regular office hours.

Okla. Stat. Ann. tit. 26, § 7-117

(Last amended in 1990)

Oregon

Match Sig.

All elections in Oregon are Vote by Mail.

Or. Rev. Stat. § 254.385

An Elections Official will compare the signature on your ballot return envelope to the signature on your voter registration card to verify your identity

(<http://www.uhavavote.org/votingguide/votebymail.html>) (unknown date, but use of wayback machine shows that this provision on site on following dates: 7/11/04, 10/20/04 and 10/29/04)

Penn.

Match Sig.

(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate, and, unless he is a State or Federal employee who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the

25 Pa. Stat. Ann. § 3050

polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

(In effect at time of, and unaltered by: 2004, Oct. 8, P.L. 807, No. 97, § 5.1 (changes procedure for first time voters, not established voters))

Rhode Island Give Name

(a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if he or she has any, to one of the first pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:
BALLOT APPLICATION

R.I. Gen. Laws
§ 17-19-24

(Poll List)
Senatorial District _____

Representative District _____

Voting District _____

Election

Date _____

I hereby certify that I am a registered and qualified elector in the above voting district of
City of

and hereby make application for ballots to be voted at this election.

(Signature of Voter)

(Residence Address)

Number Approved _____

(Supervisor of Election)

(b) The voter shall sign the application in the presence and view of a bipartisan pair. They shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, they shall initial the ballot application in the place provided next to the word "Approved" and shall enter on the certified list of voters a proper notation that the applicant has voted in the election. They shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the clerk shall provide the voter with the appropriate computer ballot and security sleeve, the warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.

(Last amended 2004, Current through January 2005 Session)

South Carolina Photo ID

§ 7-13-710. Proof of right to vote; signing poll list; comparison of signatures.

S.C. Code Ann.
§ 7-13-710

When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration provided for by §§ 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed "Names of Voters". Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

South Dakota Photo ID

Last amended: 1968

When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

S.D. Codified
Laws § 12-18-
6.1

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or

technical school, located within the State of South Dakota.

Last amended March 2004

Tennessee

Provide ID

Identification of eligible voters

(a)(1) A voter shall sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a registrar. The application for ballot shall include thereon a space for the address of the voter's current residence, and the voter shall write or print such address on the application when the voter signs it. The registrar shall compare the signature and information on the application with the signature and information on the duplicate permanent registration record. The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to § 2-7-140. If, upon comparison of the signature and other identification, it is found that the applicant is entitled to vote, the registrar shall initial the application and shall note on the reverse side of the voter's duplicate permanent registration record the date of the election, the number of the voter's ballot application, and the elections in which the voter votes. If the applicant's signature is illegible, the registrar shall print the name on the application. The registrar shall give the voter the ballot application which is the voter's identification for a paper ballot or ballots or for admission to a voting machine. The voter shall then sign the duplicate poll lists without leaving any lines blank on any poll list sheet.

Tenn. Code
Ann. § 2-7-
112

(2) In any computerized county, the county election commission shall have the option of using an application for a ballot as provided in this section, or using the computerized voter signature list. A computerized voter signature list shall include the voter's name, current address of residence, social security number or registration number, birth date and spaces for the voter's signature, elections voted, ballot number and precinct registrar's initials. The following procedures shall be followed in the case of computerized voter signature lists:

(A) The voter shall sign the signature list and indicate the election or elections the voter desires to vote in and verify the voter's address in the presence of the precinct registrar;

(B) The registrar shall compare the voter's signature and information on the signature list with other evidence of identification supplied by the voter. If, upon comparison of the signature and other evidence of identification, it is found that the applicant is entitled to vote, the registrar shall initial the signature list;

(C) If the applicant's signature is illegible, the registrar shall print the name of the applicant on the voter list; and

(D) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.

Texas

Provide ID

Last amended 2003

(b) On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.

Tex. Elec. Code
Ann. § 63.001

Utah

Give Name

(Last amended in 1997)

(1)(a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

Utah Code
Ann. § 20A-3-
104

(3) If the election judge determines that the voter is registered:

(a) the election judge in charge of the official register shall:

(i) write the ballot number opposite the name of the voter in the official register; and

- (ii) direct the voter to sign his name in the election column in the official register;
- (b) another judge shall list the ballot number and voter's name in the pollbook; and
- (c) the election judge having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) hand the voter a ballot; and
 - (iv) allow the voter to enter the voting booth.

(In effect at time of last update prior to 2005: Laws 2003, c. 37, § 1, eff. May 5, 2003)

Vermont

Give Name

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

Vt. Stat. Ann.
tit. 17, § 2563

(1) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting

Virginia

Provide ID

(Last amended in 2003)

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification

Va. Code. Ann.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the pollbook, if he presents one of the forms of

identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.

Except as provided in subsection E of this section, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

Washington

Sign Name

(Version in effect as of 2004- effective 4/12/2004)
29A.44.201.

Wash. Rev.
Code §
29A.44.201 &
29A.44.210

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

(In effect at time of last update prior to 2005: 2004 c 271 § 136, eff. June 10, 2004)

29A.44.210.

Any person desiring to vote at any primary or election is required to sign his or her name on the appropriate precinct list of registered voters. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

The precinct election officers shall then record the voter's name.

Effective date: July 1, 2004

West Virginia

Match Sig.

(a) Any person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If that person is found to be duly registered as a voter at that precinct, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she so signs his or her name on the pollbook or his or her signature is so affixed thereon.
* * *

W. Va. Code §
3-1-34 (a)

(c) When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the

election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side required by this subsection. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot using a ballpoint pen of not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.

Wisconsin Give Name (In effect at time of last update prior to 2005: Acts 2003, c. 100, eff. 90 days after March 7, 2003)
6.79(2)(a) Except as provided in sub. (6), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55(2) or (3) and electors who are reassigned from another polling place under s. 5.25(5)(b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number. Wis. Stat. § 6.79

Wyoming Give Name (In effect at time of last update prior to 2005: 2003 Act 327, § 4, eff. June 12, 2004)
(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no identification shall be required when:
(i) Voting in person or by mail after having registered in person; or
(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election. Wyo. Stat. Ann. § 22-3-118

(In effect at time of last update prior to 2005: Effective dates. -- Laws 2004, ch. 94, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 5, 2004.)

**APPENDIX B: COURT DECISIONS AND LITERATURE ON VOTER
IDENTIFICATION AND RELATED ISSUE COURT DECISIONS**

June 28, 2006

017684

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination
 - Preventing voter fraud is a compelling interest since it is irreversible once vote is cast

- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Riddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

*American Civil Liberties Union of Minnesota v. Kiffmeyer, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).*

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that provisional ballots would not be counted if the voter applied for an

absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal

protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues¹

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

¹ As of January 2, 2006

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

Georgia (*Common Cause/Georgia v. Billups*):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)². In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.³ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

² Litigation documents are available at the Election Law @ Moritz website.

<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

³ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.⁴ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

⁴ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.



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

OFFICE OF THE CHAIRMAN

October 19, 2006

The Honorable Rush Holt
1019 Longworth Building
Washington, DC 20515

Via Facsimile Transmission ONLY
202-225-6025

RE: October 16, 2006 Letter

Dear Congressman Holt:

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

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

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

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

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

Sincerely,

Paul S. DeGregorio
Chairman

017692



"Tova Wang" <wang@tcf.org>

To twilkey@eac.gov

09/27/2006 03:51 PM

cc [REDACTED]

bcc

Subject Board status report

This message has been replied to

Hi Tom,

Got your message. Thanks. Job and I actually did not do the presentation, Peg did. Attached is what she sent to us at the time as what she was presenting, but I was not actually in attendance <<...>>.

Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
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INTRODUCTION

LEGAL AUTHORITY

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

IMPETUS FOR AND FOCUS OF CURRENT RESEARCH

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. In September 2005, the Commission hired two consultants with expertise on these subject matters (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.)

The Working Group is scheduled to meet at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud), but excluding campaign finance violations and election administration mistakes. This draft will be discussed by the Working Group and probably refined.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections". Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. Consultants suggest that this gap will be filled in the "second phase" of this EAC project.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

INTERVIEWS

The consultants jointly selected experts from ???

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Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.

- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.

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- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a search of related Nexis articles published between ? and ? The search terms used were jointly agreed upon, and are available upon request. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview provided by the consultants.

Overview of the Articles

???

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;
- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from "battleground" states. There were several such reports out of Florida, Ohio and Pennsylvania.

"Dead Voters and Multiple Voting"

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made

in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary (attached). There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida,

Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

Phase 2 should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, consultants found comparatively few which are applicable to this study. Of those that are applicable, no apparent thematic pattern emerges. However, it seems that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that case law research for the second phase of this project concentrate on state trial-level decisions.

FINAL REPORT

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

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

EAC Invited Technical Advisor:

Craig Donsanto

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

Attachment B

Rough Summary of Department of Justice

Public Integrity Section Activities

October 2002-January 2006¹

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5

¹ Based upon information available as of January 2006

Ballot Box Stuffing: 1

Vote Buying: 14

Ballot/machine tampering: 2

Other: 8

Unclear: 3

Attachment C

MAJOR VOTE BUYING CASES SUMMARY

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

In East St. Louis, Illinois, nine individuals, including a former city council member and the head of the local Democratic Party, Charles Powell, Jr., were convicted or pled guilty to vote buying and conspiracy to commit election fraud during the 2004 general election. The government's conspiracy case was almost entirely based on taped conversations in which the defendants discussed buying votes for \$5 and whether this would be adequate. Federal prosecutors alleged that the vote buying was financed with \$79,000 transferred from the County Democratic Party shortly before the election, although county officials have not been charged. Four defendants were convicted of purchasing or offering to purchase at least one vote directly, while Democratic Party chairman was only convicted of conspiracy.² Earlier, three precinct officials and one precinct worker pled guilty to buying votes for \$5 or \$10 in that same election.³

Eastern Kentucky has witnessed a series of vote buying cases over the last several years. The most recent revolved around Ross Harris, a Pike County political fundraiser and coal executive, and his associate Loren Glenn Turner. Harris and Turner were convicted in September 2004 of vote buying, mail fraud, and several other counts.⁴ Prosecutors alleged Harris and Turner conspired to buy votes and provided the necessary funds in an unsuccessful 2002 bid for Pike County district judge by former State Senator Doug Hays. Harris supplied nearly \$40,000, Turner laundered the money through straw contributors, and the cash was then disbursed in the form of \$50 checks ostensibly for 'vote hauling', the legal practice of paying campaign workers to get voters to the polls which is notorious as a cover for buying votes.⁵ Harris attempted to influence the race on behalf of Hays in order to get revenge on Hays' opponent for a personal matter.⁶

² "Five convicted in federal vote-fraud trial" Associated Press, June 30, 2005; "Powell gets 21 months" Belleville News-Democrat, March 1, 2006.

³ "Four Plead Guilty To Vote-Buying Cash Was Allegedly Supplied By St. Clair Democratic Machine" Belleville News-Democrat, March 23, 2005.

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

⁵ "Jury weighing vote-fraud case," Lexington Herald Leader, September 16, 2004.

⁶ "Pike Election Trial Goes To Jury" Lexington Herald Leader, January 1, 2006.

A grand jury initially indicted 10 individuals in connection with the Harris and Turner case, including Hays and his wife, and six campaign workers. Of the remaining defendants, only one, Tom Varney, also a witness in the Hays case, pled guilty. The others were either acquitted of vote buying charges or had vote buying charges dropped.⁷ Prosecutors have announced that their investigation continues into others tied to Harris and may produce further indictments.

The Harris case follows a series of trials related to the 1998 Knott County Democratic primary. Between 2003 and 2004, 10 individuals were indicted on vote buying charges, including a winning candidate in those primaries, Knott County judge-executive Donnie Newsome, who was reelected in 2002. In 2004 Newsome and a supporter were sent to jail and fined. Five other defendants pled guilty to vote buying charges, and three were acquitted. The primary means of vote buying entailed purchasing absentee votes from elderly, infirm, illiterate or poor voters, usually for between \$50 and \$100. This resulted in an abnormally high number of absentee ballots in the primary.⁸ Indictments relating to that same 1998 primary were also brought in 1999, when 6 individuals were indicted for buying the votes of students at a small local college. Five of those indicted were convicted or pled guilty.⁹

Absentee vote buying was also an issue in 2002, when federal prosecutors opened an investigation in Kentucky's Clay County after an abnormal number of absentee ballots were filed in the primary and the sheriff halted absentee voting twice over concerns.¹⁰ Officials received hundreds of complaints of vote-buying during the 2002 primary, and state investigators performed follow up investigations in a number of counties, including Knott, Bell, Floyd, Pike, and Maginoff.¹¹ No indictments have been produced so far.

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

⁷ "Former state senator acquitted of vote buying," Lexington Herald Leader, November 2, 2004.

⁸ "Knott County, KY., Judge Executive sentenced on vote-buying conspiracy charges," Department of Justice, March 16, 2004.

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

¹⁰ "Election 2002: ABSENTEE BALLOTING; State attorney general's office investigates voting records in some counties" The Courier-Journal, November 7, 2002.

¹¹ "Election 2002: Kentucky; VOTE FRAUD; Investigators monitor 17 counties across state" The Courier-Journal, November 6, 2002.

¹² "Jury finds man guilty on vote-buying charges" Associated Press, November 11, 2005.

individual accused of offering to purchase a teenager's vote on a local proposal with beer.¹³

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

The first phase of the probe focused on Logan County residents, where vote buying charges were brought in relation to elections in 1996, 2000, 2002 and 2004. In an extraordinary tactic, the FBI planted the former mayor of Logan City, Tom Esposito, as a candidate in a state legislative race. Esposito's cooperation led to guilty pleas from the Logan County Clerk, who pled guilty to selling his vote to Esposito in 1996,¹⁴ and another man who took money from Esposito for the purpose of vote buying in 2004.¹⁵

Guilty pleas were also obtained in connection with former county sheriff Johnny Mendez, who pled guilty to buying votes in two primary elections in order to elect candidates including himself. In 2000, with a large amount of funding from a prominent local lawyer seeking to influence a state delegate election for his wife, Mendez distributed around \$10,000 in payments to voters of \$10 to \$100. Then, in the 2004 primary, Mendez distributed around \$2,000 before his arrest.¹⁶ A deputy of Mendez', the former Logan police chief, also pled guilty to a count of vote buying in 2002.¹⁷

Prosecutors focusing on neighboring Lincoln County have alleged a long-standing vote-buying conspiracy extending back to the late 1980s. The probe identified Lincoln County Circuit Clerk Greg Stowers as head of a Democratic Party faction which routinely bought votes in order to maintain office. Stowers pled guilty in December 2005 to distributing around \$7,000 to buy votes in the 2004 primary. The Lincoln County Assessor, and Stowers' longtime political ally, Jerry Allen Weaver, also pled guilty to conspiracy to buy votes.¹⁸ These were accompanied by four other guilty pleas from party workers for vote buying in primaries. While most specific charges focused on

¹³ "Man in beer vote case files suit" The Cincinnati Enquirer, March 17, 2005.

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

¹⁵ "Logan man gets probation in vote-fraud scandal" Charleston Gazette, March 1, 2006.

¹⁶ "Mendez confined to home for year Ex-Logan sheriff was convicted of buying votes" Charleston Gazette, January 22, 2005.

¹⁷ "Ex-Logan police sentenced for buying votes" Associated Press, February 15, 2005.

¹⁸ "Clerk says he engaged in vote buying" Charleston Gazette, December 30, 2005.

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vote buying in the 2004 primary, defendants also admitted buying votes as far back as the 1988, 1990, and 1992 primaries.

The leading conspirators would give party workers candidate slates and cash, which workers would then take to the polling place and use to purchase votes for amounts between \$10 and \$40 and in one instance, for liquor. Voters would be handed the slate of chosen candidates, and would then be paid upon exiting the polling place. In other cases, the elected officials in question purchased votes in exchange for non-cash rewards, including patronage positions, fixed tickets, favorable tax assessments, and home improvements.¹⁹

The West Virginia probe is ongoing, as prosecutors are scrutinizing others implicated during the proceedings so far, including a sitting state delegate, who may be under scrutiny for vote buying in a 1990 election, and one of the Lincoln county defendants who previously had vote buying charges against him dropped.²⁰

¹⁹ "Lincoln clerk, two others plead guilty to election fraud" Charleston Daily Mail, December 30, 2005.

²⁰ "Next phase pondered in federal vote-buying probe" Associated Press, January 1, 2006.

Attachment D

**SUMMARY OF RECENT IRREGULARITIES IN SOUTH DAKOTA,
WASHINGTON STATE, AND WISCONSIN**

Summary of South Dakota Election Irregularities in 2002 and 2004

2002

In fall 2002, one of South Dakota's Senators, Democrat Tim Johnson, was up for re-election, and was engaged in a very close race with his Republican challenger, John Thune. Both parties were engaged in a massive voter registration effort, and registered over 24,000 new voters in the five months between the June primary and the November election, increasing the number of registered voters in the state from around 452,000 to 476,000.²¹

A month before the election, several counties reported irregularities in some of the voter registration documents they'd received. In response to these reports, South Dakota Attorney General, Mark Barnett, with the state US Attorney and the FBI, launched an investigation.²² Because of the importance of the race in determining the partisan balance of power in the Senate, the voter registration discrepancies got a good deal of national press, including a number of editorials accusing American Indians of stuffing ballot boxes.²³ The following allegations were also picked up by out-of-state newssources, including Fox News and the Wall Street Journal:

- Supporters of Thune, who lost the election by 524 votes, collected 47 affidavits from poll watchers claiming voting irregularities.
- Allegations were made that three individuals were offered money by Johnson supporters to vote.

Barnett, who was alerted to the affidavits when he read an early media report that referred to them, stated that these allegations were either false or didn't warrant concern. "Most of the stuff that's in those other 47 affidavits are the kind of problems that we see in every election. People parking too close to the polling place with a sign in their window, people shooting their

²¹ Kafka, Joe. "More people registered to vote." *Associated Press State and Local Wire*. October 29, 2002.

²² Kafka, Joe. "Voter registration fraud being investigated." *Associated Press State and Local Wire*. October 11, 2002.

²³ "Barnett: No evidence that fraud affected vote." *Associated Press State and Local Wire*. Sioux Falls, South Dakota. November 21, 2002.

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mouths off at the polling place. The kind of things that local election officials generally do a pretty good job of policing.”²⁴ The allegations of voter bribery were false.

Though most of the allegations of fraud that were filed turned out to be false, Attorney General Barnett’s investigation did uncover two cases of voter registration fraud:

- The most high-profile case was that of Becky Red Earth-Villeda. Ms. Red Earth-Villeda was hired by the state Democratic party to register voters on the American Indian reservations. She was charged with 19 counts of forgery. No fraudulent voting was associated with Ms. Red Earth-Villeda, nor was there any evidence that fraudulent voting occurred in the state.²⁵ All charges were dropped in January 2004, when, in court, it was determined by the state handwriting specialist that Ms. Red Earth-Villeda had not forged the signatures.²⁶
- Lyle Nichols. Mr. Nichols was arrested for submitting five forged voter registration cards to his county office. He was working for an organization called the Native American Voter Registration Project, and was paid \$3 for each registration. The five charges were dropped after Mr. Nichols pleaded guilty to possession of a forgery, and was sentenced with 54 days in jail, which is how much time he’d already spent there because of the charges. ²⁷

2004

In October 2004, just before the general election, eight people working for a campus GOP Get-out-the-Vote organization resigned their positions after they were accused of submitting absentee ballot requests that had not been notarized properly. Because many of these ballot requests had already been processed and the ballots themselves had been cast, county auditors decided not to pursue the issue.²⁸

Besides this incident, there were no reports of voter registration or voting irregularities in the run-up to the November 2004 election, as there were in

²⁴ Kafka, Joe. “Woman charged in voter-fraud case, other claims false.” *Associated Press State and Local Wire*. Pierre, South Dakota. December 14, 2002.

²⁵ Kafka, Joe. “Woman charged in voter-fraud case, other claims false.” *Associated Press State and Local Wire*. Pierre, South Dakota. December 14, 2002.

²⁶ Walker, Carson. “Charges dropped against woman accused of voter fraud.” *Associated Press State and Local Wire*. Sioux Falls, South Dakota. January 28, 2004.

²⁷ “Rapid City man arrested for voter fraud.” *Associated Press State and Local Wire*. Rapid City, South Dakota. October 18, 2002.

²⁸ Melmer, David. “Voting problems resurface in South Dakota.” *Indian Country Today*. October 27, 2004.

2002.²⁹ However, as with the primary and special elections in June 2004, there were complaints about voter intimidation from American Indians attempting to vote, as well as difficulties with the adoption of the state's new photo identification regulations (after the 2002 election, the state legislature passed more stringent requirements about the kind of identification voters would need to provide at the polls.)

Incidents:

Voter Intimidation: The Four Directions Committee, an organization dedicated to helping American Indians register to vote and get to the polls, got a temporary restraining order on several Republican supporters who, they alleged, had been setting up video equipment outside of polling places on American Indian reservations and following around American Indians who voted early and recording their license plates. ³⁰

Vote Buying: A Republican election monitor from Virginia, Paul Brenner, claimed that Senator Tom Daschle's campaign was paying people to vote. Local county auditors believe Brenner started the rumor himself. As there was no evidence for either side, the claims were not taken seriously. ³¹

Summary of Election Irregularities in Washington State 2004

The 2004 Washington state gubernatorial election was decided by one of the narrowest margins in American electoral history; 261 votes – less than a millionth of the 2.8 million votes cast statewide - separated the leading candidate, Republican Dino Rossi, from his competitor, Democrat Christine Gregoire. The state law-mandated recount that followed brought the margin down to 42 votes, and the subsequent hand recount ordered by the state Democratic Party gave Gregoire the lead, with 129 more votes than Rossi.

The race was so close that the parties decided to go to court to dispute the tally – the Republicans wanted the election results set aside and to have a revote; the Democrats sought a court-legitimated win. Each side set out into the field to find a way to swing the election in their favor. The trial and accompanying investigation, which lasted through the spring of 2005, revealed a litany of problems with the state's election system:

²⁹ Melmer, David. "Election Day goes smoothly on Pine Ridge, S.D., reservation." *Indian Country Today*. November 10, 2004.

³⁰ Walker, Carson. "Observer alleges vote buying; worker says he never went to Pine Ridge." *Associated Press State and Local Wire*. October 31, 2004.

³¹ Walker, Carson. "Some problems and oddities reported on Election Day." *Associated Press State and Local Wire*. November 2, 2004.

- The process by which absentee ballots are matched to the voters who requested them led to discrepancies between the number of absentee ballots received and the number of votes counted.³²
- After the final certification of the election results, King County discovered 96 uncounted absentee ballots, Pierce county found 64, and Spokane County found eight; all had been misplaced following the election, but there was no mechanism for reconciling the number of absentee ballots received with the number counted.³³
- Hundreds of felons who were ineligible to vote were able to cast ballots because they were not aware that they needed to apply to have their voting rights re-instated.³⁴
- The system for verifying the eligibility of voters who had cast provisional ballots was found to be questionable.³⁵
- Due to poll worker error, about 100 provisional ballots were improperly cast, and a hundred more were counted, though they were not verified as having been cast by eligible voters.³⁶

The trial also revealed that most of these problems were the result of understaffing and human error.³⁷ In total, 1,678 ballots were proven to have been cast illegally, but none of these votes was subtracted from the candidates' totals because no evidence was produced in court as to how each individual voted.³⁸ Further, despite the scrutiny that the election returns revealed, and the extensive discussion of voter fraud throughout the investigation, just eight cases of voter fraud were discovered:

- 4 people were accused of casting absentee ballots for their deceased spouses.³⁹
- A mother and daughter were charged with the absentee ballot of the mother's husband who had died earlier in the year
- 1 man cast the ballot of the deceased prior resident of his home.

³² Ervin, Keith. "County elections official demoted; 2004 balloting fallout – Chief predicts 'series of changes'." *The Seattle Times*. June 15, 2005. See also Postman, David. "Judge left to mull vote-fraud claim." *The Seattle Times*. June 5, 2005.

³³ Ervin, Keith. "Voters irked by uncounted ballots." *The Seattle Times*. June 17, 2005.

³⁴ Postman, David. "Judge left to mull vote-fraud claim." *The Seattle Times*. June 5, 2005.

³⁵ Roberts, Gregory. "GOP contrasts elections offices; Chelan County's work better than King's, judge in gubernatorial case told." *The Seattle Post-Intelligencer*. May 25, 2005.

³⁶ Ervin, Keith. "Prosecutors to challenge 110 voters; They are said to be felons – 2 counties discover uncounted ballots." *The Seattle Times*. April 29, 2005.

³⁷ Ervin, Keith. "King County ballot numbers don't add up; 4000 discrepancies – Review of records finds flaws at each stage of the election; voting, processing, counting." *The Seattle Times*. May 25, 2005.

³⁸ Borders v. King County. Court's Oral Decision. 6. June. 2005.

³⁹ Johnson, Gene. "Two plead guilty to voting twice in 2004 general election." *Associated Press*. June 2, 2005.

- A homeless resident of Seattle cast two ballots, one in the name of Dustin Ocoilain.⁴⁰

Summary of Wisconsin Voting Irregularities November 2004

Instances of Illegal Voting, Milwaukee:

A probe led by U.S. Attorney Steve Biskupic and Milwaukee County District Attorney Michael McCann found about 200 cases of illegal felon voting and at least 100 cases of other forms of illegal voting in the city of Milwaukee. Of these, 14 were prosecuted:

- 10 were instances of felons voting while on probation or parole:
- 5 are awaiting trial. (one of them is DeShawn Brooks)⁴¹
- 1 has been acquitted⁴²
- 1 has been found guilty in trial (Kimberly Prude)²
- 3 have reached plea agreements (Milo Ocasio⁴³)
- [names: Ethel M. Anderson, Correan F. Edwards, Jiyto L. Cox, Joseph J. Gooden⁴⁴]

- 4 were instances of double voting:
- 1 produced a hung jury (Enrique Sanders)²
- 1 was found incompetent to stand trial and his case was dismissed
- 1 initially pleaded guilty but now wants a trial.⁴⁵
- 1 is awaiting trial.

Two of those accused of double voting were driven to multiple polling places in a van, but the identity of the driver of the vehicle is not known, and the DA does not suspect conspiracy.⁴⁶

In addition to these, four people were charged with felonies in the Milwaukee County Circuit Court; two cases were filed against people accused of sending in false registration cards under the auspices of the Association of

⁴⁰ Ervin, Keith. "6 accused of casting multiple votes; King County voters face criminal charges - Jail time, fines possible." *Seattle Times*. June 22, 2005.

⁴¹ Barton, Gina. "Man acquitted in voter fraud trial; Felon had been under supervision at time." *Milwaukee Journal-Sentinel*. October 6, 2005.

⁴² Schultze, Steve. "No vote fraud plot found. Inquiry leads to isolated cases, Biskupic says." *Milwaukee Journal-Sentinel*. December 5, 2005.

⁴³ "Felon says he voted illegally." *Milwaukee Journal-Sentinel*. September 17, 2005.

⁴⁴ Barton, Gina. "4 charged with voting illegally in November." *Milwaukee Journal-Sentinel*. August 17, 2005.

⁴⁵ Milwaukee J-S. December 5, 2005.

⁴⁶ Milwaukee J-S. December 5, 2005.

Community Organizations for Reform Now; the other two were felons who voted illegally.⁴⁷

Instances of Illegal Voting, Statewide:

The Legislative Audit Bureau, a nonpartisan research agency, released its analysis of state-wide 2004 election results in September 2005. The agency reviewed the names, addresses, and birthdates of over 348,000 individuals credited with having voted in November 2004, from the electronic voter registration records of 6 cooperating municipalities, and compared them to lists from the Department of Corrections of felons serving sentences on election day, and to lists from the municipalities (to check up on double-voting) and to lists from the US Social Security Administration. LAB's search revealed 105 "questionable" votes:

- 98 ballots cast by ineligible felons, 57 of which were in Madison, 2 in Waukesha, 15 in Eau Claire, 16 in Appleton, 1 in the Village of Ashwaubenon
- 2 instances of double-voting (one in Madison, one in Waukesha).
- 4 votes counted despite the voter's having died two weeks or less before the election.
- 1 case in which a 17-year-old voted in Madison.⁴⁸

The LAB referred the names of these people to the appropriate District Attorney for prosecution, and several cases are awaiting trial.

It should be noted that this study is not a complete survey of election returns state-wide in Wisconsin; the LAB's analysis is based on the voting records of the six municipalities that provided the LAB with sufficient information to conduct this study.

It should also be noted that the LAB discovered significant error in the data provided them by these municipalities, including:

- 91 records in which the individual's birthdate was incorrectly recorded as later than November 2, 1986;
- 97 cases in which a person was mistakenly recorded as having voted twice; and
- More than 15,000 records were missing birthdates, making it more difficult to determine voter eligibility by comparing these records to lists of felons and deceased persons.⁴⁹

⁴⁷ Milwaukee J-S. December 5, 2005.

⁴⁸ Borowski, Greg J. "State audit digs up wider vote problems; Thousands of voters on rolls more than once." *Milwaukee Journal-Sentinel*. September 17, 2005

General Findings

Both reports (the Legislative Audit Bureau's and the report of the Joint Task Force on Election Reform convened in Milwaukee) that did in-depth studies of the Wisconsin election returns in 2004 found that there was no evidence of systematic, wide-spread fraud.⁵⁰ As the above statistics indicate, there are very few cases in which an individual intentionally voted illegally, and the majority of the discovered instances of fraudulent voting involved felons who were unaware that they were committing a crime. Certainly the number of fraudulent votes, intentional and unintentional, is dwarfed by the amount of administrative error – and the amount of potential there was for fraud.

Registration Irregularities

Duplicate Registrations: In the data from the six participating municipalities, LAB found 3116 records for individuals who appear to be registered more than once in the same municipality (0.9% of the records they reviewed). These duplications were primarily the result of name changes, in which the registrar neglected to remove the old name from the registration list, previous addresses that were not deleted, and misspellings and other typographical errors.

Deceased Voters: The LAB study found 783 persons who were deceased, but whose records had not been eliminated from the registration lists. Most of the municipalities participating in the survey rely on obituaries and notifications from family members to purge their voter registration lists of deceased voters.

Felons: Comparing a list of felons from the Department of Corrections to their voter registration data lists, LAB found 453 felons who were registered to vote. This is largely because, although municipal clerks are informed of federal felony convictions, they have no way of obtaining records on state felony convictions.⁵¹

⁴⁹ "An Evaluation: Voter Registration." *Legislative Audit Bureau*. Madison, Wisconsin. September 2005. Pg. 50-52.

⁵⁰ Brinkman, Phil. "Voting fraud in November not a problem in Madison; Nearly all suspect voters turn out to be people who moved or made innocent mistakes." *Wisconsin State Journal*. May 11, 2005.

⁵¹ Legislative Audit Bureau Report: pg 43-47.



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

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
President, People for the American Way Foundation
2000 M Street, NW
Suite 400
Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

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

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

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

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

Sincerely,

Paul S. DeGregorio
Chairman

Margaret Sims/EAC/GOV
10/25/2006 11:59 AM

To Thomas R. Wilkey/EAC/GOV@EAC
cc ecortes@eac.gov
bcc
Subject Re: Question-Voting Fraud-Voter Intimidation Report

Tom:

I sent the consolidated draft of the report last week (minus the Nexis and case law charts) to the lawyers (with a cc: to you), along with the following comments:

- As you know, references to DOJ actions/responses have caused some concern at DOJ. But both consultants are adamantly opposed to EAC making substantive changes to their report. Perhaps using footnotes clearly labeled as EAC footnotes would be a method of addressing this issue?
- There are some recommendations regarding DOJ that we (the consultants and I) were told would not be supported by DOJ, and other references to DOJ, none of which have been reviewed by the department. I think we ought to give Craig Donsanto and John Tanner a chance to provide feedback on each of these sections.
- I am a little concerned about the naming of names, particularly in the section that addresses working group concerns. If we publish it as is, it might end up as fodder for some very negative newspaper articles.
- The report currently uses three different voices: third person, first person singular, first person plural. I think this looks really clumsy. If we are not actually making substantive changes, perhaps we could get away with making the presentation consistent in this regard.
- Because the consultants submitted the report in pieces, they did not include proper segeways. I don't know if we should leave it as is, or insert them where needed.

The only comments I've received so far were from Gavin, who said, "I would put forth one point at the outset... if we are creating an EAC report, let create an EAC report. Tova and Job contract employees... I do not see why we can't use all, some or none of their work without footnote or comment."

The series of supporting charts can be found in the shared drawer under **T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Report\Consolidated Copy** in the subfolders marked **Case Charts** and **Nexis Charts**. I continue to work on the formatting of these charts, but at least you and Edgardo can access them. (I would have attached copies to this message, but it would involve too many files.)

We may want to schedule a teleconference on this with the attorneys and Jeannie.

I hope you are feeling better. --- Peggy

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
10/25/2006 10:46 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Question

017720

Deliberative Process
Privilege

Hi Peggy;

Sorry I missed you yesterday when you were here and hope you are beginning to feel better.

As you know the Voter Fraud and Intimidation Report is causing quite a stir.

Can you give me some ball park timeframe for how long it may take to wrap up our review and get a report to the Commissioners

Is there anything I can do to assist with getting you some help on this.

I know you have other things on your mind but I need to find a way to wrap this up soon.

Also I believe that there were some charts of some sort that were not included in the report we got from Tova and Job, are they available for Edgardo to find so that I may take a look at this.

Thanks so much and hope things are getting better for you.

Tom

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

017721



EAGLETON INSTITUTE OF POLITICS

Thomas Wilkey, Executive Director
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, D.C. 20005
Mailed and Faxed to (202) 566-3128

October 27, 2006

Dear Tom:

Thank you for faxing me a copy of your October 17th response to Wendy Weiser of the Brennan Center. We are pleased that you have made public the report on Provisional Voting but disappointed that you are not ready to do the same with our report on Voter Identification. We would appreciate knowing approximately when you expect to complete the review and consideration of advisory board concerns you mention to Ms. Weiser.

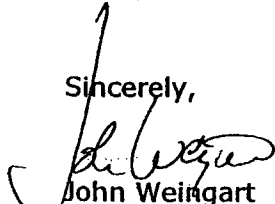
In the meantime, both Eagleton and Moritz plan to place the report on Provisional Voting on our websites along with a paper based on the data compiled for the Voter Identification report. Consistent with your letter faxed to us on August 31st, we plan to include approximately the following language:

"This report on *Best Practices To Improve Provisional Voting* was prepared by the Eagleton Institute of Politics at Rutgers University (Eagleton) and the Moritz College of Law at Ohio State University (Moritz) under contract to the U.S. Election Assistance Commission (EAC). It was submitted to the Commission on June 28th, 2006. Please note that the EAC has not yet made final determinations on the release of any future documents based on this report and its supporting data.

A separate report on *Best Practices To Improve Voter Identification Requirements* was prepared by Eagleton and Moritz under the same contract and also submitted to the EAC on June 28th, 2006. The Commission is currently reviewing this report and has asked that it not be made public until their review is complete. Timothy Vercellotti and David Anderson of Rutgers University's Eagleton Institute of Politics and Political Science Department respectively presented a paper based on the data compiled for this report at the 2006 meeting of the American Political Science Association. The paper, *Protecting The Franchise, or Restricting It? The Effects of Voter Identification Requirements on Turnout*, can be viewed by clicking here."

We look forward to your response concerning the release of the Voter Identification report. As always, please let us know if need additional information or if there are other ways in which we can be of assistance with your important and difficult work.

Sincerely,


John Weingart
Associate Director

017722

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November 8, 2006

Mr. Tom Wilkey
Executive Director
U.S. Election Assistance Commission
1225 New York Ave., N.W., Suite 1100
Washington, DC 20005

Re: Request for Records Pursuant to the Freedom of Information Act

Dear Mr. Wilkey:

I write to follow up on the Freedom of Information Act ("FOIA") request I made to the Election Assistance Commission ("EAC") on October 11, 2006 for: (1) the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law ("the voter ID report"), and (2) the report on voting fraud and voter intimidation prepared by Tova Wang and Job Serebrov, in consultation with a bipartisan work group ("the voting fraud report").¹ Both reports were prepared using federal funds distributed by the EAC and both were finalized and submitted to the EAC several months ago. I received your October 17, 2006 letter and the accompanying EAC status report, EAC board resolutions, and the report on provisional voting prepared by the Eagleton Institute of Politics and the Moritz College of Law. I thank you for the report on provisional voting and the other information, but unfortunately, the material you provided is only partially responsive to my request because it failed to include a copy of the voter ID report and the voting fraud report.

Under FOIA, any federal agency, including the EAC, is required to make records "promptly available to any person" who properly requests them. 5 U.S.C. § 552(a)(3)(A) (2006). If an agency decides to withhold the requested records, it must "immediately notify" the person making the request of the "reasons" for the agency's decision and of the person's right to appeal that decision. *Id.* § 552(a)(6)(A)(i). Your October 17 response, in addition to excluding the requested reports, provided no explanation as to why they were being withheld, as required by federal law. Since there is no basis for the EAC to withhold the voter ID and voting fraud reports, proffered or otherwise, I respectfully appeal your decision to deny access to those reports and also request expedited review.² Immediate disclosure of those reports is both in the public interest and within the EAC's statutory mandate to serve as a national clearinghouse on election-related information and to make studies available to the public.

¹ Unlike the usage adopted by the EAC in its October 26, 2006 public meeting, the term "report" in this letter does not refer to a report authored by the EAC or officially approved by the EAC and containing EAC recommendations. Rather, the term should be construed in its ordinary English meaning.

² Expedited review of our FOIA request is warranted under 5 U.S.C. § 552(a)(6)(E)(v)(II) (2006).

017723

Immediate Disclosure of the Requested Reports is in the Public Interest

The information and research contained in the voter ID and voting fraud reports are urgently needed to assist citizens, policymakers, and courts in their ongoing deliberations on issues of the highest public concern. As you are no doubt aware, the issues of voter ID and voting fraud are currently being considered in the courts, in Congress, and in the state legislatures.

Indeed, on October 20, 2006, three days after the EAC denied my request for the voter ID and voting fraud reports, a unanimous United States Supreme Court underscored the need for more research on voting fraud and the effects of voter ID requirements in the context of a case challenging Arizona's new voter ID law.³ Justice Stevens explained in his concurrence that factual information is needed to determine "the scope of the disenfranchisement that the novel identification requirements will produce, and the prevalence and character of the fraudulent practices that allegedly justify those requirements." The two factual issues identified by the Court are precisely the subjects of the voter ID and voting fraud reports being withheld by the EAC.

Public disclosure of the voter ID and voting fraud reports is important not only to assist the courts in examining the constitutionality of recently-enacted voter ID laws, but also to assist Congress and state legislatures in their deliberations over proposed voter ID legislation. For example, this summer, the U.S. House of Representatives passed a voter ID bill, H.R. 4844, which is currently being considered by the United States Senate. Given the dearth of studies and research on voter ID and voting fraud, the Senate's deliberations would be greatly enhanced by disclosure of the voter ID and voting fraud reports.

Given how quickly the issues of voter ID and voting fraud are being raised in the courts and in the legislatures, the public simply cannot afford any further delay in the release of the highly-anticipated voter ID and voting fraud reports. Scholars, advocates, and policy makers have long awaited the release of these reports, and many have refrained from undertaking similar studies in the interim. Because the data and other research in those reports were gathered over the course of many months, it would be impossible for others to collect similar information in time to inform the public debate.

The requested reports will provide an invaluable contribution to the national discussion on voter ID and voting fraud. Both reports were prepared by nationally-known experts on election administration. The voting fraud study was also prepared in consultation with a bipartisan working group that held a full-day meeting with the EAC and the researchers on May 18, 2006 to discuss the research results.⁴ Both reports consumed substantial time and resources: the EAC granted scholars from the Moritz College of Law and the Eagleton Institute of Politics the voter ID research contract in late 2004, and Tova Wang and Job Serebrov the voting fraud contract in September 2005. Both reports contain substantial data collected over many months of research. And, in both cases, the authors prepared and submitted final reports of their research

³ *Purcell v. Gonzalez*, 549 U.S. ___, 2006 WL 2988365, at *3 (2006) (noting that facts are "hotly contested").

⁴ U.S. Election Assistance Commission, *Status Report on the Voting Fraud-Voter Intimidation Research Project*, at 11 (May 17, 2006).

017724

to the EAC several months ago.⁵ The EAC is doing the public a disservice by refusing to release these important reports, at least one of which is within its exclusive control, in a timely manner. ⁺

Moreover, the EAC's decision to withhold these reports starkly contrasts with the express policies of other federal agencies that distribute public funds for studies. For example, policy of both the National Institutes of Health and National Science Foundation is to disclose as much information as possible so that the public, including other researchers, can examine and benefit from federally-funded research.⁶

The Brennan Center publishes and disseminates reports, publications, and other informational materials to educate individuals, institutions, the press, legislators, and other policymakers on a variety of issues, including issues related to voting and elections. As an organization primarily engaged in disseminating information, the Brennan Center is well-situated to make the information in the voter ID and voting fraud reports available to the public. The Center also intends to make use of the research in those reports to assist in our own research and proposals on issues of national concern.

Disclosure of the Requested Reports Is Within the EAC's Mandate

As you know, the Election Assistance Commission was established by Congress in the Help America Vote Act of 2002 ("HAVA") to "serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections."⁷ In other words, the EAC's primary function is to make information available to the public. It is inconsistent with this mission for the EAC to delay the release of valuable research, to suppress research with which some or even all Commissioners disagree, or to withhold research while the EAC determines its own position on the issues addressed by the requested reports.

The requested voter ID and voting fraud reports were prepared at the request of the EAC pursuant to the Commission's statutory duty to "conduct and *make available to the public* studies regarding . . . election administration issues."⁸ HAVA specifically mandated the EAC to make available studies concerning "nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office," and "identifying deterring, and investigating methods of voter intimidation," among other things.⁹ It was in light of these statutory provisions that the EAC provided federal funding to well-respected experts to conduct research and prepare the voter ID and voting fraud reports. Those same provisions require the EAC to make those reports "available to the public."

⁵ *Cf. id.* ("After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations.")

⁶ See Nat'l Insts. of Health, NIH Grants Policy Statement: Availability of Research Results: Publications, Intellectual Property Rights, and Sharing Research Resources (2003), available at http://grants1.nih.gov/grants/policy/nihgps_2003/NIHGPs_Part7.htm#_Availability_of_Research; Nat'l Science Found., Policies & Important Links, available at <http://www.nsf.gov/policies/foia.jsp>.

⁷ 42 U.S.C.S. § 15322 (2006).

⁸ 42 U.S.C.S. § 15381(a) (2006) (emphasis added).

⁹ *Id.* § 15381(b)(6) - (7).

017725

In short, by withholding the requested reports, not only does the EAC violate the broad disclosure provisions of FOIA, discussed more fully below, but it also shirks its statutory responsibility to be a source of public information regarding election administration.

There is No Basis in Law for the EAC to Withhold the Requested Reports

Under FOIA, the EAC is required to disclose all requested documents within its control unless they fall into one of the enumerated statutory exemptions.¹⁰ These exemptions are very narrowly construed, because “[t]he basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”¹¹ Moreover, to qualify for an exemption, the EAC is required to explain its reasons for withholding a document with specificity.¹² The EAC has simply not satisfied its burden of showing that the voter ID and voting fraud reports qualify for an exemption. Indeed, it cannot.

The Withheld Reports Do Not Qualify for a FOIA Exemption

Despite the fact that you gave no reason for the EAC’s decision to withhold the requested documents, based on your counsel’s statement at the Commission’s public meeting held on October 26, 2006,¹³ we assume that you intend to assert the deliberative process privilege under Exemption 5 of FOIA. That exemption, however, applies only to: (a) intra-agency memoranda that are both (b) predecisional, and (c) deliberative.¹⁴ The voter ID and voting fraud reports meet none of these criteria. Neither report can be said to reveal the decision-making or thought processes of the Commission in any way—which is the essence of the deliberative process privilege. That privilege does not apply here for three independent reasons.

First, although the requested reports are within the EAC’s exclusive control, they cannot be withheld as “intra-agency” memoranda because they were independently prepared by experts outside of the EAC. The mere receipt of federal funds to perform research does not transform an outsider into an arm of the agency.¹⁵ We do not dispute that, under certain circumstances, persons outside an agency can so actively participate in an agency’s policymaking process that they are appropriately considered part of the agency. But in this case, the report authors were essentially grantees whose work product lacked the “extensive, detailed, and virtually day-to-day supervision” that “convert[s] the acts of the [fund] recipient from private acts to governmental acts.”¹⁶

¹⁰ 5 U.S.C. § 552(a)-(b); *U. S. Dep’t of Justice v. Tax Analysts*, 492 U.S. 136, 144-46 (1989) (documents over which agency obtains control are covered by FOIA).

¹¹ *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); see also *Klamath*, 532 U.S. at 8; *id.* at 9 (purpose of exemptions “is not to protect Government secrecy pure and simple”).

¹² 5 U.S.C. § 552(a); see also *Parke, Davis & Co. v. Califano*, 623 F.2d 1, 6 (6th Cir. 1980) (holding that “specificity and detail” are required in support of an Exemption 5 claim).

¹³ See http://www.eac.gov/public_meeting_102606.asp.

¹⁴ *Nat’l Council of La Raza v. U.S. Dep’t of Justice*, 411 F.3d 350, 356 (2d Cir. 2005).

¹⁵ *Forsham v. Harris*, 445 U.S. 169, 180 (1980); see also *Missouri v. U.S. Dep’t of Interior*, 297 F.3d 745, 750 (8th Cir. 2002).

¹⁶ *Forsham*, 445 U.S. at 180.

017726

Second, the withheld reports are not “predecisional” because they were not prepared to assist the EAC in making a policy decision, but rather were commissioned pursuant to the agency’s statutory obligations under HAVA to disseminate studies.¹⁷ Predecisional documents are those “prepared in order to assist an agency decisionmaker in arriving at his decision.”¹⁸ They are typically drafts or “suggestions or recommendations as to what agency policy should be,” or “advice to a superior,” or “suggested dispositions of a case.”¹⁹ A document is only predecisional if the agency can demonstrate that the document is related to a specific decision confronting the agency. Here, however, “[n]o ‘decision’ is being made or ‘policy’ being considered”²⁰ in connection with the voter ID and voting fraud reports. The EAC did not fund those reports with the expectation that the reports would effectuate policies with the force of law or complete an adjudicatory process. Instead, the reports are “resource opinion[s]” about a state of facts completely unrelated to a tangential policy decision that the EAC may make.²¹ As a result, they are not predecisional. To the extent that the EAC claims that the reports relate to “a decision that possibly may be made at some undisclosed time in the future,” that is an insufficient basis to withhold them under Exemption 5.²²

Third, the withheld reports are not “deliberative” because they do not “reflect[] the give-and-take of the [agency’s] consultative process.”²³ The requested reports cannot become exempted from disclosure merely because the EAC is reviewing them.²⁴ A document is deliberative if its disclosure is likely “to stifle honest and frank communication within the agency.”²⁵ There is no danger that disclosure of the voter ID and voting fraud reports would stifle the agency’s communications, since they were prepared independently of the EAC and thus cannot reveal anything about any deliberations or candid communications within the EAC.

The Preparation of an EAC Report is no Justification for Withholding the Requested Reports

The EAC is obligated under FOIA and HAVA to disclose the requested reports regardless of whether it intends to write its own report on voter identification, as your letter suggests.²⁶

¹⁷ See 42 U.S.C.S. § 15381.

¹⁸ *Renegotiation Bd. v. Grumman Aircraft Eng'g Corp.*, 421 U.S. 168, 184 (1975); see also *Nat'l Council of La Raza*, 411 F.3d at 356; *Nat'l Ass'n of Home Builders v. Norton*, 309 F.3d 26, 39 (D.C. Cir. 2002); *Carter v. U.S. Dep't of Corr.*, 307 F.3d 1084, 1089 (9th Cir. 2002); *Ethyl Corp. v. U.S. Envtl. Prot. Agency*, 25 F.3d 1241, 1248 (4th Cir. 1994); *Fl. House of Representatives v. U. S. Dep't of Commerce*, 961 F.2d 941, 945 (11th Cir. 1992).

¹⁹ *Coastal States Gas Corp. v. Dep't of Energy*, 617 F.2d 854, 868 (D.C. Cir. 1980).

²⁰ *Id.*

²¹ *Id.*

²² *Assembly of Cal. v. U.S. Dep't of Commerce*, 968 F.2d 916, 921 (9th Cir. 1992).

²³ *Coastal States*, 617 F.2d at 866.

²⁴ The DC Circuit has also rejected an interpretation of predecisional that “would result in a huge mass of material being forever screened from public view,” because “[t]he public has an interest in decisions deferred, avoided, or simply not taken for whatever reason, equal to its interest in decisions made, which from their very nature may more easily come to public attention than those never made.” *Vaughn v. Rosen*, 523 F.2d 1136, 1146 (D.C. Cir. 1975).

²⁵ *Coastal States*, 617 F.2d at 866.

²⁶ It is unclear as to why the EAC’s intent to write a report on voter identification would have any bearing on the EAC’s decision to withholding of the fraud report. Likewise, the inaccuracies in the provisional voting report alleged in your October 17 letter are wholly immaterial to the issue of whether the reports on voter ID and voting fraud should be disclosed. In any event, while inaccuracies may explain why the EAC would choose not to adopt a particular report, it is insufficient to support withholding the documents under FOIA. See *Petroleum Info. Corp. v. U.S. Dep't of Interior*, 976 F.2d 1429, 1437 n.10 (D.C. Cir. 1992) (holding risk of public confusion “does not

Neither the voting fraud report nor the voter ID report could “inaccurately reflect or prematurely disclose the views of the agency,”²⁷ because both reports were written and reviewed by scholars outside the EAC and submitted to the EAC in final form. Factual material that does not reveal an agency’s deliberative process is not protected under Exemption 5,²⁸ nor are expert opinions that do not reflect the agency’s own deliberations concerning its own decision- or policy-making.²⁹ Moreover, the mere fact that the EAC might rely on information in the voter ID or voting fraud reports to issue its own report does not transform those reports into deliberative agency materials. As the United States Court of Appeals for the D.C. Circuit explained,

[A]nyone making a report must of necessity select the facts to be mentioned in it; but a report does not become a part of the deliberative process merely because it contains only those facts which the person making the report thinks material. If this were not so, every factual report would be protected as a part of the deliberative process.³⁰

Any Segregable Information Must Be Released

Irrespective of any claimed exemptions, the EAC is under an obligation to release any “reasonably segregable” nonexempt information to requestors.³¹ Both the voter ID and voting fraud reports are unlikely to reveal anything about the deliberative process of the EAC, and to the extent that either does, those limited portions can be excised and the balance of the reports released.

Additional FOIA Request

In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited

support a blanket exemption for information marred by errors”); *Assembly of Cal.*, 968 F.2d at 923 (“[I]t is not among FOIA’s functions to control the use of disclosed information.”); *Carter v. U.S. Dep’t of Commerce*, 186 F. Supp. 2d 1147, 1154 (D. Or. 2001) (“the determination of whether the rejected data is predecisional does not turn on the articulated reasons for its rejection) (internal quotation and citation omitted), *aff’d*, 307 F.3d 1084 (9th Cir. 2002); *Assembly of California v. U.S. Dep’t of Commerce*, 797 F. Supp. 1554, 1565-67 (D. Cal. 1992) (holding that information expressly prepared for public disclosure cannot be withheld under FOIA because it was ultimately rejected), *aff’d*, 968 F.2d 916 (9th Cir. 1992).; *see also Burka v. U.S. Dep’t of Health & Human Servs.*, 87 F.3d 508, 521 (D.C. Cir. 1996) (future publication of agency report is an insufficient justification for asserting an Exemption 5 privilege under FOIA).

²⁷ *Coastal States*, 617 F.2d at 866.

²⁸ *Local 3, Int’l Bhd. of Electrical Workers v. NLRB*, 845 F.2d 1177, 1180 (2d Cir. 1988).

²⁹ *Parke, Davis & Co.*, 623 F.2d at 6.

³⁰ *Playboy Enters., Inc. v. U. S. Dep’t of Justice*, 677 F.2d 931, 935 (D.C. Cir. 1982) (remanding for the lower court to order disclosed investigative facts within a report the government wanted to withhold in its entirety).

³¹ 5 U.S.C. § 552(b).

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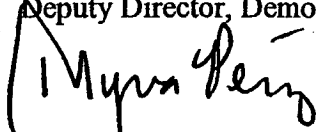
to outside reviewers. The public undoubtedly has a right to know under FOIA what the EAC is "up to."³²

Thank you for your attention to this matter. Because the country is making decisions concerning voter ID and voting fraud today, we trust that you will respond as soon as possible, and no later than in two weeks.

Sincerely,



Wendy R. Weiser
Deputy Director, Democracy Program



Myrna Pérez
Counsel

cc.

Hon. William H. Frist, United States Senate Majority Leader
Hon. Harry Reid, United States Senate Minority Leader
Hon. Dennis J. Hastert, Speaker of the House
Hon. Nancy Pelosi, Minority Leader, United States House of Representatives
Hon. Trent Lott, Chair, Senate Rules Committee
Hon. Christopher Dodd, Ranking Member, Senate Rules Committee
Hon. Vernon Ehlers, Chair, House Administration Committee
Hon. Juanita Millender-McDonald, Ranking Member, House Administration Committee
Chair Paul DeGregorio, U.S. Election Assistance Commission
Commissioner Gracia Hillman, U.S. Election Assistance Commission
Commissioner Donetta Davidson, U.S. Election Assistance Commission
Lloyd Leonard, League of Women Voters of the United States

³² *Assembly of Cal.*, 968 F.2d at 923 (citing *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)).

017729

To: Members of the United States Election Assistance Commission
Cc: Thomas Wilkey, Executive Director, and Julie Thompson Hodgkins, General Counsel, Election Assistance Commission
From: Tova Andrea Wang
Re: Project on Voter Fraud and Intimidation
Date: December 7, 2006

As one of the consultants and authors of the report on voter fraud and intimidation released by the Election Assistance Commission today, I am writing to request that the EAC restore the information that has been altered and removed from the research report we submitted to the EAC in July, 2006.

Job Serebrov and I spent over a year and hundreds of hours working on the report on voter fraud and voter intimidation in a bipartisan and highly effective manner. The report we wrote was a reflection of the detailed and laborious research we did over these many months. Unfortunately, the report the EAC released today does not fully reflect our research and the report of our findings submitted to the EAC in July, 2006.

After being unable to get any action taken on the report for months, I learned very recently that the General Counsel of the EAC would be taking responsibility for "revising" the report. On November 15 of this year I requested that Job Serebrov and I be permitted to review any revisions or changes made by EAC staff to the draft we submitted. We both offered to work collaboratively and cooperatively with EAC staff to ensure that the document produced was the most informative and useful product possible. This request was denied. Again, on November 29, 2006, upon learning that the report was to become public at an upcoming EAC meeting, I requested in writing that Job Serebrov and I be at least allowed to see embargoed copies of the report to be released before that December 7, 2006 meeting. That request was denied. On December 4, 2006 I offered to sign a confidentiality agreement whereby I would agree not to discuss the report before its public release. That request was also denied.

It is my understanding that with other research reports for which the EAC has contracted consultants there has been a process of give and take between the consultants and the EAC staff and commissioners prior to public release of the report. The consultants in this instance were repeatedly denied that opportunity, leading to today's result.

The issues around voter fraud and intimidation are controversial, making it all the more necessary that the research around it be as free from politics as possible. That is why the EAC made this project a bipartisan effort, with a bipartisan team of consultants and a bipartisan working group to inform and advise us on our work.

The EAC has a statutory obligation to provide the Congress and the American public the best research, data and guidance it can. Knowledge about the extent and nature of voter fraud and intimidation is fundamental to ensuring the right of every eligible American to vote and that every legitimate vote is counted.

017730

**Deliberative Process
Privilege**

I hope the EAC will reconsider its actions of today and release the report that was written by the consultants so that the Congress and the voters can engage in an informed and honest discussion about one of the most serious issues confronting our democracy today.

Please respond to this request by Monday, December 11. Thank you for your timely consideration.

017731



"Thomas O'Neill"
<tom_oneill@verizon.net>
02/06/2007 03:42 PM

To bbenavides@eac.gov
cc
bcc

Subject Voter ID Presentation --Eagleton/Moritz

History: This message has been replied to and forwarded.

Bert,

Attached is the text of the presentation that Tim Vercellotti and I will make to the EAC on Thursday, February 8. Thanks for your help in making arrangements for this meeting. Please let me know if you need anything else from us in advance of the meeting.

See you Thursday.

Tom O'Neill



VIDPresentation020807.doc

017732

**Presentation to the
U. S. Election Assistance Commission
February 8, 2007**

**Summarizing a report on
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252
Submitted on June 28, 2006**

**by
The Eagleton Institute of Politics, Rutgers, The State University of New Jersey
The Moritz College of Law, The Ohio State University**

**Thomas M. O'Neill
Project Director
And
Tim Vercellotti
Assistant Research Professor
Assistant Director, Center for Public Interest Polling**

**Eagleton Institute of Politics
Rutgers, The State University of New Jersey**

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Introduction

Our report, submitted to the EAC last June, provided information on voter identification practices in the 2004 election. It made recommendations for best practices to evaluate future proposals for voter ID requirements. In particular, we recommended a concerted, systematic effort to collect and evaluate information on voter ID requirements and turnout from the states. This report was a companion to our report on Provisional Voting, submitted to the EAC in November 2005.

The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. Unfortunately, our colleagues from Moritz could not be with us today because of teaching obligations.

Our work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election.

Voter ID requirements are just one set of election rules that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen chooses whether to vote by comparing costs and benefits. The benefits of voting are fairly stable --and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit may be, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decreases.

We conducted our research before last year's election, when the debate over voter ID requirements was sharp and polarized. We took seriously our charge from the EAC, which was not to enter the national debate, but rather to explore if an empirical study could suggest how we might estimate the effects of different voter ID requirements on turnout. That analysis, of course, would be a sensible first step to assess tradeoffs between ballot security and ballot access and provide valuable information for all parties to the debate.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the net integrity of the ballot may not have been improved.

A key part of our work was a statistical analysis to examine how turnout may vary under different voter identification requirements. We used this statistical study to develop a model to illuminate the relationships between voter ID requirements and turnout. The model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

Tim Vercellotti led that phase of our research and will describe his methods and conclusions.

Results of Statistical Analysis

Our research included an examination of variation in turnout based on voter ID requirements in the 50 states and the District of Columbia. We examined this question using aggregate data at

the county level gathered from the U.S. Census and other sources, and individual-level data from the November 2004 Current Population Survey.

Drawing from the research conducted by the Moritz College of Law, we were able to classify the states into one of five voter ID categories. Voters either had to:

1. state their name,
2. sign their name,
3. match their signatures to those already on file,
4. provide a non-photo ID,
5. provide a photo ID.

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

1. stating one's name,
2. signing one's name,
3. matching one's signature to a signature on file,
4. providing a non-photo identification, or
5. swearing an affidavit.

Analysis of the aggregate data showed that the average turnout in states requiring photo identification as a maximum requirement was 58.1 percent compared to 64.2 percent in states that required voters to give their name as the maximum requirement. The differences were slightly smaller when we examined states in terms of their minimum requirements, with 60.1 percent of voters turning out in states that required an affidavit compared to 63 percent in states that required voters to give their name as the minimum requirement.

The analyses of aggregate data also included models that controlled for other factors that might influence turnout, such as whether a county was in a presidential battleground state, the length of time between the close of the registration period and Election Day, and the demographic composition of the county in terms of race and ethnicity, age, and household income. Controlling for those factors, the maximum requirements of providing a signature match or a non-photo identification showed a negative effect on voter turnout when compared to counties in states that only required voters to give their names. None of the voter identification requirements showed an effect on turnout, however, in the model that coded counties according to the states' minimum requirements.

Analyses of the individual-level data from the November 2004 Current Population Survey also indicated relationships between voter ID requirements and turnout. Controlling for contextual factors, such as whether a voter resided in a presidential battleground state, and demographic characteristics, such as a voter's gender, race, ethnicity, age, and education, the data showed that registered voters in states that require photo identification as a maximum requirement were 2.9 percent less likely to say they had voted compared to registered voters in states that required voters to state their names. Examining states within the context of minimum identification requirements showed that registered voters in states requiring affidavits were four

percent less likely to say they had voted compared to registered voters in states that required individuals to give their names at the polling place.

Breaking down the Current Population Survey sample by race and ethnicity also revealed interesting patterns. Photo identification and affidavit requirements were negatively associated with whether white registered voters said they voted compared to their counterparts in states requiring registered voters to give their names. But African-American, Hispanic, and Asian-American registered voters in states that required photo identification as the maximum requirement or an affidavit as the minimum requirement were no less likely to say they had voted than their racial or ethnic counterparts in states that simply required voters to give their names.

The most consistent difference emerged in states that required non-photo identification as a maximum or a minimum requirement. In five of six statistical models, African-American, Hispanic, and Asian-American registered voters in non-photo identification states were less likely to say they had voted in November 2004 than their racial or ethnic counterparts in states that required voters to state their names as a maximum or minimum identification requirement.

That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements. This observation does not answer the question as to why photo identification requirements did not have a more uniform effect across groups in 2004. Of course, photo identification was a maximum requirement in only five states, and each of those states accepted another type of identification as a minimum requirement. But the finding that photo identification requirements were associated with a lower probability that white registered voters said they had voted, and the absence of a similar relationship within other racial and ethnic groups, runs counter to concerns expressed by some in the debate over voter ID. This finding points up the need for further research in this area, perhaps with a view to comparing turnout rates over time before and after a photo identification requirement takes effect, to further isolate potential relationships between photo ID requirements and turnout.

In examining the link between voter identification requirements and turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements.

Conclusions from the Research

The statistical analysis suggests that stricter voter ID requirements can be associated with lower turnout. It was not designed, however, to look at the other side of the balance equation: do tighter ID requirements reduce multiple voting or voting by ineligible voters? The scope of our research as defined by the EAC excluded assessing the dynamics and incidence of vote fraud.

017736

We believe, however, that sound policy on voter ID should begin with an examination of the tradeoffs between ballot security and ballot access.

The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs. The EAC's recent study¹ of election crimes found, for example, that there has never been a comprehensive, nationwide study of voting fraud and intimidation.

Without a better understanding of the incidence of vote fraud and its relationship to voter ID, for now best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility. Election law should provide the clarity and certainty needed to forestall destabilizing challenges to election outcomes. Absent a sound, empirical basis for striking a wise balance between voter ID and ballot access, legal challenges may increase, not just to the process but to electoral outcomes.

The analysis of litigation conducted by the Moritz College of Law for our research suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting Social Security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents.

To strike that balance requires a more precise understanding of how voter ID requirements affect turnout. A first step in that direction would be to encourage or require states to collect and report additional data, including:

- The reasons potential voters are required to cast a provisional ballot and
- The reasons for rejecting provisional ballots.

Recommendations for consideration and action by the EAC

1. Encourage or sponsor further research to clarify the connection between voter ID requirements and the number of potential voters able to cast a ballot that is counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements. The analysis will help focus the attention of the public and policy-makers on the tradeoff between ballot access and ballot security. A "Voter Impact Statement," to be drafted and offered for public review and comment before the adoption of new identity requirements, would estimate the number and demographics of:
 - Eligible, potential voters who may be kept from the polls or permitted to cast a provisional ballot by a stricter ID requirement; and
 - Assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

The data collection and analysis recommended in this report would help make feasible an empirically-based assessment of the effects on voter participation of proposed identification requirements. That assessment could improve the quality of the debate on this polarizing topic.

¹ U. S. Election Assistance Commission, *Election Crimes: An Initial Review and Recommendations for Future Study*, December 2006.

3. Encourage or require the states to collect and report reliable, credible information on the relationship between ballot access and ballot security. A compilation by EAC of this information would provide a factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
4. Encourage or require states to sponsor surveys of voters to be conducted by local election officials. Such surveys would determine why those who cast a provisional ballot were found ineligible to cast a regular ballot and illuminate the frequency with which ID issues divert voters into the provisional ballot line. The connection between Voter ID requirements and provisional ballots is, of course, close. Voters who lack required ID will likely vote provisionally, thus placing greater demands on a system that may be hard pressed to meet those demands. Asking voters what they know about ID requirements would also provide useful context for evaluating the effect of those requirements on electoral participation.²
5. Recommend as a best practice that state election officials conduct spot checks on how the identification process actually works at polling places. These spot checks could provide information on how closely actual practice tracks statutory or regulatory requirements.
6. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In 11 states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots, and the safe harbor provision in presidential elections.

A final thought

A voting system that requires voters to produce an ID may prevent the ineligible from voting. It may also prevent some eligible voters from casting a ballot. If the ID requirements block a few ineligible voters from the polls at the cost of preventing an equal or greater number of eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and what form that requirement should take) will weigh value judgments as well as available factual evidence. We did our work on the premise that increased understanding of the facts relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

² Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it.

We hope that premise is realistic, and we also hope that this research has helped the Commissioners and the interested public to clarify their thinking on this polarizing topic.

On behalf of the Eagleton – Moritz research team, we thank you for the opportunity to contribute to the national debate.



Committee on Rules and Administration
United States Senate
Washington, DC 20510
202-224-6352
Fax (Main) 202-224-5400
Fax (Minority) 202-224-3036
Fax (Audit) 202-224-1912

CCS
GH
RR
CH
JT
GG
JL
TW
KLD

Date: April 13, 2007
To: Donetta Davidson, EAC Chairman
From: Howard Gantman, Staff Director
Subj: Letter to Commission
Phone Number Called: (202) 666-3127
No. of Pages including Cover: 6

Comments:

Please find attached a letter from Senators Feinstein and Durbin.

United States Senate

WASHINGTON, DC 20510

April 12, 2007

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

Dear Commissioner Davidson:

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

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

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

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

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Commissioner Davidson

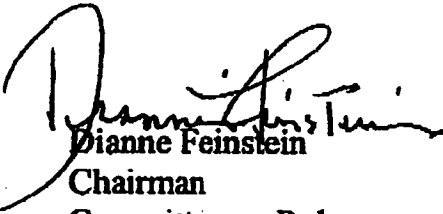
- 2 -

April 12, 2007

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

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

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



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

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

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

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

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

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

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

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

017745



EAGLETON INSTITUTE OF POLITICS


April 19, 2007

Donetta Davidson, Chair
U.S. Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, D.C. 20005

Dear Chair Davidson:

I am attaching a copy of a memo I am sending to Adam Abroggi, Counsel for the Senate Committee on Rules and Administration, responding to his request for information about the Eagleton Institute of Politics' contract with the EAC. If you or your staff notice any errors or significant omissions in my summary of our work and coordination with you, please let me know. Also, please don't hesitate to contact us if there are any other ways in which we can help you to advance informed public consideration of provisional voting, voter identification and the other important issues within your purview.

Sincerely,


John Weingart
Associate Director

Cc: Tom Wilkey, Executive Director
U.S. EAC

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017748



EAGLETON INSTITUTE OF POLITICS

To: Adam Ambrogi, Counsel
Senate Committee on Rules and Administration

From: John Weingart, Associate Director
Eagleton Institute of Politics

April 19, 2007

Adam

In response to your April 10th request, I have pulled together some information about the Eagleton Institute of Politics' contract with the U.S. Election Assistance Commission. Although I did not have a chance to do the thorough review, including comparing notes with all the members of our research team, that would be necessary to compile a full chronology of our work, I hope the following will be useful to you. I will be giving a copy of this memo to EAC Chair Donetta Davidson and Executive Director Tom Wilkey for any assistance it may offer them in responding to Senators Feinstein and Durbin's April 12th letter.

By way of background, Rutgers University's Eagleton Institute of Politics submitted a proposal to the EAC on March 25, 2005 to provide "research assistance to the Election Assistance Commission for the development of voluntary guidance on provisional voting and voter identification procedures." The proposal was submitted after extensive discussions with EAC Commissioners and staff that had begun on Election Day, 2004 when Eagleton had received a phone call from the EAC's then-Executive Director asking if the Institute would be interested in undertaking this work.

The proposal was prepared and submitted in partnership with the Moritz College of Law at Ohio State University. At the EAC's request, we proposed to handle the two research topics in sequence, first submitting a report on Provisional Voting and then preparing and submitting the report on Voter Identification. In describing the Voter Identification portion of the study, the proposal stated:

"We propose to test the hypothesis that more stringent voter ID requirements depress voter participation in general or for the poor, minorities and older voters in particular."

The proposal also included a plan to form a peer review group composed of scholars and practitioners in the areas of elections and voting to examine and comment on the research

The following pages provide a preliminary summary of our major contacts with the EAC during the course of the contract, with a focus on our work on Voter Identification. More extensive review of our files, including the monthly progress reports we submitted to the EAC, may find other relevant discussions, but this list at a minimum should provide a good overview.

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RUTGERS

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Web: www.eagleton.rutgers.edu

01774

May 25, 2005 - Contract awarded

May 26, 2005 - First meeting of Eagleton-Moritz team with EAC Commissioners and staff in Washington. After general discussion of EAC interest in both topics, Commissioner DiGregorio expresses concern that the composition of the project's peer review group was politically unbalanced. Eagleton had proposed including the following five individuals: R. Michael Alvarez, Professor of Political Science at California Institute of Technology; Martha E. Kropf, Assistant Professor of Political Science at the University of Missouri-Kansas City; Daniel H. Lowenstein, Professor of Law at UCLA; Tim Storey, Program Principal at the National Conference of State Legislatures; and Peter G. Verniero, former New Jersey Attorney General and Supreme Court Justice and current Counsel to Sills, Cummis, Epstein and Gross.

Commissioner DiGregorio subsequently suggests other names for our consideration. We are impressed by the list of people he provides and add three of them to the Peer Review Group: John C. Harrison, Professor of Law at the University of Virginia; Timothy G. O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University; and Bradley Smith, Professor of Law at Capital University Law School. The Project Peer Review Group then had eight participants.

July 28, 2005 - Brief EAC Commissioners at a public meeting at Cal Tech on progress on the research. Briefing includes this status report on the Voter ID phase of the work: "statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters will be complete in late August."

August 9, 2005 - First telephone conference with Peer Review Group. Focus is draft Provisional Voting report.

September 6, 2005 - Meet with the EAC in Washington. Brief the Commission on the status of the research on provisional voting.

September 21, 2005 - Second telephone meeting of Project Peer Review Group.

September 30, 2005 - Conference call with EAC Commissioner Martinez and three members of the staff. Commissioner Martinez indicates EAC is generally more comfortable playing the role of a national clearinghouse and therefore prefers to issue reports as "Best Practices" than as "Provisional Guidance." Staff says Eagleton emphasis should be on what states should do as opposed to suggesting how they would do it. Commissioner Martinez concludes meeting saying, "We have been very well served by all the work you and Moritz have done."

017748

Feb. 22, 2006 - Conference call with Project Peer Review Group members after they have reviewed first draft of Voter Identification report. The Peer Reviewers suggest the statistical analysis: (1) Look at whether voter identification requirements are related to voter registration rates, as well as turnout; (2) Describe in further detail the basis for the aggregate and individual-level data analyses; (3) Clarify whether the report is examining turnout among citizens eligible to vote, or all individuals of voting age; (4) Stress in a footnote that Hispanics in the individual-level analysis are Hispanics who describe themselves as citizens who are eligible to vote; (5) Discuss in the Appendix the reasons why turnout rates appear to be higher in the Current Population Survey data than in other sources of data; and (6) Use predicted probabilities as opposed to odds ratios to describe the relationship between voter identification requirements and turnout.

Eagleton subsequently revises draft of the statistical analysis to address all these issues.

March 28, 2006 - Conference call with EAC staff and Eagleton-Moritz research team in advance of team's scheduled briefings of EAC Commissioners in Washington, D.C. on Provisional Voting and Voter Identification reports.

April 3, 2006 - Eagleton-Moritz morning meeting in Washington with EAC Commissioners Davidson and Hillman and staff members. Series of questions and responses on Voter ID methodology.

Commissioners ask whether respondents to the Current Population Survey might be non-citizens who said they were registered and voted. In a subsequent follow-up e-mail, Tim Vercellotti of Eagleton writes that the design of the CPS questionnaire skips non-citizens past questions about registration and voting. Commissioner Davidson asks if the team could examine the relationship between identification requirements and turnout over time. Team members respond that the information on state identification requirements for previous election cycles would require additional extensive research. Commissioner Hillman asks if the report could break out the relationship between voter identification and turnout for African-Americans with education levels of a high school diploma or less, or African-Americans below the poverty line.

Subsequent analyses examined these subgroups as suggested.

Eagleton-Moritz afternoon meeting with Commissioners DiGregorio and Martinez and EAC staff. Series of questions and answers. Commissioner Digregorio concludes he is "disappointed" with the report. Commissioner Martinez says he "appreciates" it.

April 13, 2006 - Conference call between Eagleton and EAC staff. EAC requests that Eagleton convene a conference call of the Project Peer Review Group with EAC staff and/or Commissioners to discuss the statistical analysis of the effects of various Voter Identification requirements on turnout.

EAC staff also reports that the EAC is going to convene its own second peer review group to seek feedback on review by the Project Peer Review Group.

017749

(April 13, 2006 continued)

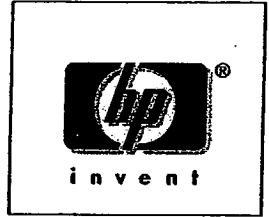
EAC staff also reports that Eagleton is on the preliminary schedule to present Voter ID findings to the EAC's Advisory Board May meeting but that the date and location have not yet been set. EAC staff say they are "unsure where Voter ID project is going. We're going to have to see. We saw lines really drawn politically over Voter ID piece. We'll have to see what statements the agency chooses to make over this topic. It is the topic - It has nothing to do with you. The timing is such that Voter ID is a hot topic."

April 28, 2006 -Eagleton informs EAC by email of the

017750

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Fax Call Report



HP LASERJET FAX

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339	4/19/2007	4:02:05PM	Receive	7329326778	4:08	6	Comm Error 232

7329326778

08:33:08 a.m. 04-19-2007 1/8


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Total Number of Pages (including cover sheet): 8

Comments:

From: John Wenzant

191 RIDERS LANE, NEW BRUNSWICK, NJ 08901-8557

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017751



EAGLETON INSTITUTE OF POLITICS

FAX COVER SHEET

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Tel: 732/932-9384
Fax: 732/932-6778



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

017752



bbenavides@eac.gov
04/26/2007 09:57 AM

To
cc
bcc Thomas R. Wilkey/EAC/GOV
Subject Fw: fraud and intimidation project

This is one of the two e-mails I have.

----- Forwarded by Bert A. Benavides/EAC/GOV on 04/26/2007 09:56 AM -----

Thomas R.
Wilkey/EAC/GOV

03/13/2006 04:37
PM

Bert A. Benavides/EAC/GOV@EAC

To
cc

Subject
Fw: fraud and intimidation project

FYI

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R.
Wilkey/EAC/GOV

03/13/2006 03:36
PM

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

To
cc

Subject
Re: fraud and intimidation project
(Document link: Thomas R. Wilkey)

017753

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.
If you call my assistant Bert she will find you a good time frame.
Sorry that"s my life these days.
Tom

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

"Tova Wang"
<wang@tcf.org>

03/13/2006 12:13
PM

twilkey@eac.gov

To

cc

Subject
fraud and intimidation project

Hey Tom,

How are you? I hope you're doing well.

I'd like to talk to you about some issues we are having with respect to the project when you have a free moment. Is there a good time to call?
Thanks. Tova

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

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events. Click here to receive our weekly e-mail updates.

017754



bbenavides@eac.gov
04/26/2007 09:58 AM

To
cc
bcc Thomas R. Wilkey/EAC/GOV
Subject Fw: fraud and intimidation project

This is the other e-mail I have for you.

----- Forwarded by Bert A. Benavides/EAC/GOV on 04/26/2007 09:57 AM -----

Thomas R.
Wilkey/EAC/GOV

03/13/2006 04:37
PM

Bert A. Benavides/EAC/GOV@EAC

To

cc

Subject
Fw: fraud and intimidation project

FYI

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
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Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R.
Wilkey/EAC/GOV

03/13/2006 03:36
PM

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

To

cc

Subject
Re: fraud and intimidation project
(Document link: Thomas R. Wilkey)

017755

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.
If you call my assistant Bert she will find you a good time frame.
Sorry that"s my life these days.
Tom

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

"Tova Wang"
<wang@tcf.org>

03/13/2006 12:13
PM

twilkey@eac.gov

To

cc

Subject
fraud and intimidation project

Hey Tom,

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Thanks. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
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017756

Eagleton

U.S. Election Assistance Commission
Research and Report on Voter Identification Requirements

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between 10 requirements and turnout for all registered voters was fairly small, but still statistically significant.

In the aggregate data, the match-signature requirement and the provide-a-non-photo 10 requirement were correlated with lower turnout compared to requiring that voters state their names. But the photo-IO requirement did not have an effect that was statistically significant, possibly because in 2004 each state requiring a photo-IO provided an alternative way to cast a regular ballot for voters who lacked that document.

In the model using the individual-level data the signature, non-photo 10, and photo 10 requirements were all correlated with lower turnout compared to the requirement that voters simply state their names (in the entire sample and for white voters, but the statistical significance may be an artifact of the very large sample size). That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis performed by the Eagleton Institute of Politics could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If 10 requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they can not meet the requirements on Election Day or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

017757

**Deliberative Process
Privilege**

TABLE 1 - Voter 10 Requirements²⁰

State	Maximum Forms of 10 Required 2004	Current 10 Requirement for First-Time Voters	Current 10 Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide 10	Provide 10	Provide 10	Address & Registration
Alaska	Provide 10	Provide 10	Provide 10	Signature
Arizona	Provide 10	Gov-issued Photo 10	Gov-issued Photo 10	Address & Registration
Arkansas	Provide 10	Provide 10	Provide 10	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide 10	Provide 10	Provide 10	Address & Registration
Connecticut	Provide 10	Provide 10	Provide 10	Affidavit
D.C.	Sign Name	Provide 10*	Sign Name	Address & Registration
Delaware	Provide 10	Provide 10	Provide 10	Affidavit
Florida	Photo 10'	Photo 10	Photo 10	Signature
Georgia	Provide 10	Gov. Issued Photo 10	Gov. Issued Photo 10	Affidavit
Hawaii	Photo 101\1\	Photo 10	Photo 101\1\	Affidavit
Idaho	Sign Name	Provide 10*	Sign Name	EOR
Illinois	Give Name	Provide 10*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo 10	Gov. Issued Photo 10	Bring 10 Later
Iowa	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Kansas	Sign Name	Sign Name	Sign Name	Bring 10 Later
Kentucky	Provide 10	Provide 10	Provide 10	Affidavit
Louisiana	Photo 10	Photo 10	Photo IDA	OOB and Address
Maine	Give Name	Provide 10*	Give Name	EOR
Maryland	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Mass.	Give Name	Provide 10*	Give Name	Affidavit
Michigan	Sign Name	Provide 10*	Sign Name	Bring 10 Later
Minnesota	Sign Name/	Provide 10*	Sign Name	EOR
Mississippi	Sign Name	Provide 10*	Sign Name	Affidavit
Missouri	Provide 10	Provide 10*	Provide 10	Address & Registration
Montana	Provide 10	Provide 10*	Provide 10	Bring 10 Later ~
Nebraska	Sign Name	Provide 10*	Sign Name	Affidavit
Nevada	Match Sig.	Provide 10*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide 10*	Match Sig.	Bring 10 Later
New Mexico	Sign Name	Provide 10	Provide 10	Bring 10 Later
New York	Match Sig.	Provide 10*	Match Sig.	Affidavit
NH	Give Name	Provide 10	Give Name	EOR
North Carolina	Give Name	Provide 10*	Give Name	Varies
North Dakota	Provide 10	Provide 10	Provide 10	No Registration
Ohio	Match Sig.	Provide 10	Provide 10	Address & Registration
Oklahoma	Sign Name	Provide 10*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide 10*	Match Sig.	Signature
Penn.	Match Sig.	Provide 10 ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide 10*	Give Name	Address & Registration

²⁰ See Appendix I for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

South Carolina	Photo ID*	Photo ID	Photo IDM	Address & Registration
South Dakota	Photo IDo	Photo ID	Photo IDM	Affidavit
Tennessee	Provide ID	Provide ID ¹	Provide ID	Affidavit
Texas	Provide ID	Provide IDo	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide I D	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide I D	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's 10 requirement, applicable to first-time voters who registered by mail and did not provide applicable 10 at the time of registration.

¹ Arizona voters who lack a photo 10 may present 2 forms of 10 with no photograph.

² Florida required a photo 10 in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo 10 to cast a regular ballot, though voters without photo 10 may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo 10 in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo 10 could vote by providing another form of 10 in 2004.

⁶ Voters lacking a photo 10 could vote by providing another form of 10 in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on 10 presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

**APPENDIX A: SUMMARY OF VOTER IDENTIFICATION
REQUIREMENTS BY STATE**

**Sara A. Sampson
Reference Librarian
Moritz College of Law
June 28, 2006**

017760

Voter ID Requirements

State	Forms of ID Required 2004	Statutory Language	Statutory Citation
Alabama	Provide ID	<p>(b) Each elector shall provide identification to an appropriate election official prior to voting. A voter required to show identification when voting in person shall present to the appropriate election official either of the following forms of identification:</p> <p>(1) A current valid photo identification.</p> <p>(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The term "other government document" may include, but is not limited to, any of the following:</p> <ul style="list-style-type: none">a. A valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification.b. A valid United States passport.c. A valid Alabama hunting or fishing license.d. A valid Alabama permit to carry a pistol or revolver.e. A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States.f. A valid United States military identification card.g. A certified copy of the elector's birth certificate.h. A valid Social Security card.i. Certified naturalization documentation.j. A certified copy of court records showing adoption or name change.k. A valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a "food stamp card"). <p>(c) For voters required to show identification when voting by mail, the voter shall submit with the ballot a copy of one of the forms of identification listed in subsection (b).</p> <p>(e) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a challenged or provisional ballot, as provided for by law.</p> <p>(f) In addition, an individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election official signs the voters list by where the voter signs.</p>	Ala. Code § 17-11A-1
Alaska	Provide ID	<p>Effective Date: June 24, 2003</p> <p>(a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including</p> <ul style="list-style-type: none">(1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or(2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter. <p>(b) An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under <u>AS 15.07.050</u>, and did not provide identification as required in <u>AS 15.07.060</u>.</p>	Alaska Stat. § 15.15.225

(c) A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

effective June 17, 2003

Arizona

Provide ID

B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:

Ariz. Rev. Stat.
Ann. § 16-579

1. The person shall present either one of the following:

(a) A current form of identification that bears a photograph of the person and the name of the person.

(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.

2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by § 16-584.

Arkansas

Provide ID

Effective Dec. 1, 2003
7-5-305. Requirements.

Arkansas Code
Annotated § 7-
5-305

(a) Before a person is permitted to vote, the election official shall:

(1) Request the voter to identify himself in order to verify the existence of his name on the precinct voter registration list;

(2) Request the voter, in the presence of the election official, to state his address and state or confirm his date of birth;

(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;

(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;

(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.

(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;

(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;

(7) Request the voter, in the presence of the election official, to sign his name, including his given name, his middle name or initial, if any, and his last name in the space provided on the precinct voter registration list. If a person is unable to sign his signature or make his mark or cross, the election official shall enter his initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list; and

(8)(A) Request the voter for purposes of identification to provide a valid driver's license, photo identification card issued by a governmental agency, voter card, social security card, birth certificate, United States passport, employee identification card issued by a governmental agency containing a photograph, employee identification card issued in the normal course of business of the employer, student identification card, Arkansas hunting license, or United States military identification card.

(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

(ii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.

(iii) The prosecuting attorney may investigate possible voter fraud; and

(9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-523, if the person is a disabled voter and presents himself or herself to vote.

California

Sign Name

Effective: July 16, 2003

Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address. The voter shall then write his or her name and residence address or, if the voter is unable to write, shall have the name and residence address written by another person on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in this article.

Cal. Elec. Code
§ 14216

(Enacted in 1994, no amendments since)

Colorado

Provide ID

(1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104(19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges,
* * *

Colo. Rev. Stat.
Ann. § 1-7-110;
Colo. Rev. Stat.
Ann. § 1-1-104

(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with article 8.5 of this title.

(19.5)(a) "Identification" means:

(I) A valid Colorado driver's license;

(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;

(III) A valid United States passport;

(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;

(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;

(VI) A valid United States military identification card with a photograph of the eligible elector;

(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;

(VIII) A valid medicare or medicaid card issued by the United States health care financing administration;

(IX) A certified copy of a birth certificate for the elector issued in the United States; or

(X) Certified documentation of naturalization.

(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado.

Connecticut	Provide ID	<p>Effective 5/28/2004</p> <p>(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by <u>section 9-23r</u>, shall present to the checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the assistant registrar of voters shall examine the information on such form and either instruct the checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.</p>	Conn. Gen. Stat. Ann. § 9-261
Delaware	Provide ID	<p>Effective May 10., 2004</p> <p>(a) A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity, whereupon the clerks shall place a mark or make a notation of his or her name upon the election district record. In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>	15 Del. Code § 4937
D.C.	Sign Name	<p>Effective: July 9, 2002</p> <p>(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.</p> <p>(2) Each registered voter who changes his or her place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.</p> <p>(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.</p>	D.C. Code § 1-1001.07

(Effective April 3, 2001)(not added as part of 2005 amendment)

Florida

Photo ID

101.043 (1) The precinct register, as prescribed in s. 98.461, shall be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

West's Fla.
Stat. Ann. §
101.043
& West's Fla.
Stat. Ann. §
97.0535

(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49.

97.0535 (3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

1. Florida driver's license.
2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.
3. United States passport.
4. Employee badge or identification.
5. Buyer's club identification.
6. Debit or credit card.
7. Military identification.
8. Student identification.
9. Retirement center identification.
10. Neighborhood association identification.
11. Entertainment identification.
12. Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.
2. Bank statement.
3. Government check.
4. Paycheck.
5. Other government document (excluding voter identification card).

Georgia

Provide ID

Version effective 1/1/2005-12/31/2005

(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

- (1) A valid Georgia driver's license;
- (2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business;
- (6) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia;
- (7) A valid Georgia license to carry a pistol or revolver;
- (8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
- (9) A valid United States military identification card;
- (10) A certified copy of the elector's birth certificate;
- (11) A valid social security card;
- (12) Certified naturalization documentation;
- (13) A certified copy of court records showing adoption, name, or sex change;
- (14) A current utility bill, or a legible copy thereof, showing the name and address of the elector;
- (15) A bank statement, or a legible copy thereof, showing the name and address of the elector;
- (16) A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or
- (17) A government document, or a legible copy thereof, showing the name and address of the elector.

(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."

Ga. Code. Ann.
§ 21-2-417

Hawaii

Photo ID

effective June, 2003

(b) The voter shall present valid identification to the official in charge of the pollbook.

Haw. Code. R.
§ 2-51-80
(Paper ballots;
voting
procedure at the
polls), § 2-51-
83 (Punchcard

ballots; voting procedure at polls), 2-51-85.1 (Marksense ballots; voting procedure at the polls.) – All have same subsection (b)

Haw. Code. R. T. 2, SUBT. 4, CH. 51, Appendix

Do I Need an I.D. to Vote on Election Day?

Yes. Be sure to have an I.D. with a picture and signature (such as a Hawaii driver's license or state I.D. card) when you go to vote. The NVRAC card is not an acceptable form of identification.

From the 2004 version of the administrative code.

§ 11-136 Poll book, identification, voting.

Every person upon applying to vote shall sign the person's name in the poll book prepared for that purpose. This requirement may be waived by the chairperson of the precinct officials if for reasons of illiteracy or blindness or other physical disability the voter is unable to write. Every person shall provide identification if so requested by a precinct official. A poll book shall not contain the social security number of any person.

HRS 11-136

After signing the poll book and receiving the voter's ballot, the voter shall proceed to the voting booth to vote according to the voting system in use in the voter's precinct. The precinct official may, and upon request shall, explain to the voter the mode of voting.

Last amended 2003.

Idaho

Sign Name

(1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.

Id. St. §34-1106

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein.

(5) The elector shall then be given the appropriate ballots which have been stamped with the official election stamp and shall be given folding instructions for such ballots.

Illinois

Give Name

(Last amended in 1972)

Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee or early ballot shall not be permitted to vote in the precinct. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be

10 Ill. Comp. Stat. 5/17-9

cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

Indiana Sign Name

Iowa Sign Name

West's
Annotated
Indiana Code §
3-11-8-25
Iowa Code §
49.77

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

Signature of Voter

Address

Telephone

Approved:

Board Member

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person

does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Kansas	Sign Name	<p>(From 2004 version of Iowa Annotated Code; effective January 1, 1995) (b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.</p>	Kan. Stat. Ann. § 25-2908(b)
Kentucky	Provide ID	<p>(Approved April 14, 2004, 2004 Kansas Laws Ch. 93)</p> <p>117.227 Confirmation of voter's identity</p> <p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.</p> <p>Effective: 7/15/02</p> <p>31 KAR 4:010. Voter identification cards.</p> <p>Section 1. In addition to the forms of identification specifically provided for by <u>KRS 117.227</u>, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be acceptable for confirmation of the voter's identity.</p>	Ky Rev. Stat. Ann. 117.227
Louisiana	Photo ID	<p>A. Identification of voters.</p> <p>(1) A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place.</p> <p>(2) Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to <u>R.S. 40:1321</u>, or other generally recognized picture identification card. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in <u>R.S. 18:565</u>.</p>	La. Rev. Stat. Ann. 18:562

Effective: 1/1/2002

Maine	Give Name	<p>The voting procedure is as follows.</p> <p>I. Name announced. A voter who wishes to vote must state the voter's name and, upon request, residence address to an election clerk who shall announce the name in a loud, clear voice.</p> <p>(In effect at time of 2003 amendment: 2003, c. 584, § 9)</p>	<p>Me. Rev. Stat. Ann. tit. 21-A, § 671</p>
Maryland	Sign Name	<p>10-310.</p> <p>(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:</p> <p>(1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;</p> <p>(2)(i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or</p> <p>(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;</p> <p>(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;</p> <p>(4) verify the address of the voter's residence;</p> <p>(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and</p> <p>(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.</p>	<p>Md. Elec. Law § 10-310</p>
Mass.	Give Name	<p>Each voter desiring to vote at a polling place shall give his name and, if requested, his residence to one of the officers at the entrance to the space within the guard rail, who shall thereupon distinctly announce the same. If such name is found on the voting list, the election officer shall check and repeat the name and shall admit the voter to the space enclosed by the guard rail and, in case official ballots, other than those marked "Challenged Ballots" as provided by section thirty-five A, are used, such voter shall be given one ballot. The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.</p> <p>Last amended in 1981</p> <p>(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of 950 CMR 52.03(5B), of M.G.L. c. 54, § 76B, and of 950 CMR 52.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 52.03(23).</p>	<p>Mass. Ann. Laws 54 § 76</p> <p>950 Mass. Code Regs. 52.03</p>
Michigan	Sign Name	<p>(1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or chauffeur's license issued to that individual pursuant to the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official.</p>	<p>Mich. Comp. Laws Ann. § 168.523</p>

If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter

registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

The Attorney General declared that this statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.

(Effective March 31, 1997)

Minnesota

Sign Name

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

Minn. Stat. §
204C.10

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots

as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Mississippi	Sign Name	<p>(Effective January 1, 2004) * * *</p>	<p>Miss. Code Ann. § 23-15- 541</p>
		<p>When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.</p>	
Missouri	Provide ID	<p>(Effective January 1, 1987)</p> <p>1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:</p> <ul style="list-style-type: none">(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;(2) Identification issued by the United States government or agency thereof;(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;(5) Driver's license or state identification card issued by another state; or(6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose. <p>(Last amended in 2002)</p>	<p>Mo. Rev. Stat. §115.427.1</p>
Montana	Provide ID	<p>(1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter</p>	<p>Mont. Code. Ann. §13-13- 114(1)(a)</p>

registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(From 2004 version of the Montana Code Annotated; No updates in 2004, only in 2005 [Unrelated section was amended in 2005])

Nebraska

Sign Name

(1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.

Neb. Rev. Stat.
§ 32-913

(Last amended in 2003)

Neb. Rev. Stat.
§ 32-914

Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or 32-936. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01, (3) if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county, the clerk shall ask the registered voter to present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter, (4) the clerk has instructed the registered voter to personally write his or her name in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (5) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Nevada

Match Sig.

(Last updated in 2003)

1. Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register or if he provides an affirmation pursuant to NRS 293.525, he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

Nev. Rev.
Stat. § 293.277

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

NH

Give Name

Last Amendment Effective Jan. 1, 2004.

A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the

N.H. Rev. Stat.
Ann.
659:13

ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

New Jersey

Match Sig.

Last Amendment Effective July 2, 2002.

19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification

N.J. Stat. Ann.
19:15-17

a. The comparison of signatures of a voter made upon registration and upon election day, and if the voter alleges his inability to write, the comparison of the answers made by such voter upon registration and upon election day, shall be had in full view of the challengers.

b. If a voter has registered by mail after January 1, 2003 to vote for the first time in his or her current county of residence and did not provide personal identification when registering pursuant to section 16 of P.L.1974, c. 30 (C.19:31-6.4), the voter shall be permitted to vote starting at the first election held after January 1, 2004 at which candidates are seeking federal office after displaying one of the following items: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the voter's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the voter does not display one of these documents, the voter shall not be permitted to vote by machine but shall instead be provided with a provisional ballot, pursuant to the provisions of P.L.1999, c. 232 (C.19:53C-1 et seq.). This subsection shall not apply to any voter entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any voter who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This subsection shall also not apply to any person who registers to vote by appearing in person at any voter registration agency or to any person whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

c. Each county commissioner of registration shall collect and maintain, in the manner prescribed by the Attorney General, the information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4). Access to the personal identification information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4) shall be prohibited, in accordance with subsection a. of section 6 of P.L.2001, c. 404 (C.47:1A-5).

New Mexico

Sign Name

Last Amendment Effective July 9, 2004

D. The judge assigned to the voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of his name on the voter list or if the person presents a certificate under the seal and signature of the county clerk showing that he is entitled to vote in the election and to vote in that precinct, the judge shall announce to the election clerks the list number and the name of the voter as shown on the voter list.

N.M. Stat. Ann
§1-5-10
(Recompiled as
§1-12 -7.1 by
L. 2005, Ch.
270, §63,
effective July 1,
2005)

E. The election clerk shall locate that list number and name on the signature roster and shall require the voter to sign his usual signature or, if unable to write, to make his mark opposite his printed name. If the voter makes his mark, it shall be witnessed by one of the judges of the precinct board. If the signature roster indicates that the voter is required to present a form of identification before voting, the election judge shall ask the voter for a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows and matches the name and address of the voter as indicated on the signature roster. If the voter does not provide the required identification, he shall be allowed to vote on a provisional paper ballot.

G. A voter shall not be permitted to vote until he has properly signed his usual signature or made his mark in the signature roster.

(From 2004 version of New Mexico Annotated Statutes, amended in 2005 to require presentation of ID)

New York

Match Sig.

1. A person before being allowed to vote shall be required, except as provided in this chapter, to sign his name on the back of his registration poll record on the first line reserved for his signature at the time of election which is not filled with a previous signature, or on the line of the computer generated registration list reserved for his signature. The two inspectors in charge shall satisfy themselves by a comparison of this signature with his registration signature and by comparison of his appearance with the descriptive material on the face of the registration poll record that he is the person registered. If they are so satisfied they shall enter the other information required for the election on the same line with the voter's latest signature, shall sign their names or initials in the spaces provided therefor, and shall permit the applicant to vote. Any inspector or inspectors not satisfied shall challenge the applicant forthwith.

N.Y. Law § 8-304
(McKinney)

2. If a person who alleges his inability to sign his name presents himself to vote, the board of inspectors shall permit him to vote, unless challenged on other grounds, provided he had been permitted to register without signing his name. The board shall enter the words "Unable to Sign" in the space on his registration poll record reserved for his signature or on the line of the computer generated registration list reserved for his signature at such election. If his signature appears upon his registration record or upon the computer generated registration list the board shall challenge him forthwith, except that if such a person claims that he is unable to sign his name by reason of a physical disability incurred since his registration, the board, if convinced of the existence of such disability, shall permit him to vote, shall enter the words "Unable to Sign" and a brief description of such disability in the space reserved for his signature at such election. At each subsequent election, if such disability still exists, he shall be entitled to vote without signing his name and the board of inspectors, without further notation, shall enter the words "Unable to Sign" in the space reserved for his signature at such election.

3. The voter's signature made by him upon registration and his signature made at subsequent elections shall be effectively concealed from the voter by a blotter or piece of opaque paper until after the voter shall have completed his signature.

4. In any case where a person who has heretofore voted has placed his voting signature on the back of his registration poll record on the first or any succeeding line or lines at the time or times of an election, instead of on the last line of the space thereon required to be reserved for such voting signatures and on any lines next running upward therefrom, the inspectors of election shall obliterate such misplaced signature or signatures, initial the obliteration and require such voter to sign his name again in the correct place on such registration poll record.

5. Any person who has heretofore registered and who at such time placed his or her registration signature on the back of the registration poll record otherwise

than in the space required to be provided therefor at the bottom of such poll record, shall, before being permitted to vote at any election thereafter, subscribe a new registration signature for himself on the last line at the bottom of such poll record, and, at the same time, if the inspectors of election are satisfied that the signatures were made by the same person, obliterate his original registration signature placed elsewhere than on the bottom of such record. Such obliterations may be made by crossing out the signature so as to completely efface the same or by affixing thereover a piece of gummed tape of a size sufficient only to cover such signature and of a type adequate to fully conceal the same

Last Amended 1986

North Carolina Give Name

(a) Checking Registration. --A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

N.C. Gen. Stat.
Ann. § 163-
166.7

North Dakota Provide ID

16.1-05-07 Poll clerks to check identification and verify eligibility -- Poll clerks to request, correct, and update incorrect information contained in the pollbook.

N.D. Cent.
Code § 16.1-
05-07

1. Before delivering a ballot to an individual according to section 16.1-13- 22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state. If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.

(From 2003 version of N.D. Century Code; only amendment to this statute that became effective in 2003 was in 2005)

polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

(In effect at time of, and unaltered by: 2004, Oct. 8, P.L. 807, No. 97, § 5.1 (changes procedure for first time voters, not established voters))

Rhode Island Give Name

(a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if he or she has any, to one of the first pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:

R.I. Gen. Laws § 17-19-24

BALLOT APPLICATION

(Poll List)

Senatorial District _____

Representative District _____

Voting District _____

Election

Date _____

I hereby certify that I am a registered and qualified elector in the above voting district of

City of

and hereby make application for ballots to be voted at this election.

 (Signature of Voter)

(Residence Address)

Number Approved _____

(Supervisor of Election)

(b) The voter shall sign the application in the presence and view of a bipartisan pair. They shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, they shall initial the ballot application in the place provided next to the word "Approved" and shall enter on the certified list of voters a proper notation that the applicant has voted in the election. They shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the clerk shall provide the voter with the appropriate computer ballot and security sleeve, the warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.

(Last amended 2004, Current through January 2005 Session)

South Carolina Photo ID

§ 7-13-710. Proof of right to vote; signing poll list; comparison of signatures.

S.C. Code Ann.
§ 7-13-710

When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration provided for by §§ 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed "Names of Voters". Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

Last amended: 1968

South Dakota Photo ID

When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

S.D. Codified
Laws § 12-18-
6.1

- (1) A South Dakota driver's license or nondriver identification card;
- (2) A passport or an identification card, including a picture, issued by an agency of the United States government;
- (3) A tribal identification card, including a picture; or
- (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or

01778

Ohio	Match Sig.	<p>When an elector appears in a polling place to vote he shall announce his full name and address to the precinct election officials. He shall then write his name and address at the proper place in the poll lists or signature pollbooks provided therefore, except that if, for any reason, an elector shall be unable to write his name and address in the poll list or signature pollbook, the elector may make his mark at the place intended for his name and a precinct official shall write the name of the elector at the proper place on the poll list or signature pollbook following the elector's mark, upon the presentation of proper identification. The making of such mark shall be attested by the precinct official who shall evidence the same by signing his name on the poll list or signature pollbook as a witness to such mark.</p> <p>The elector's signature in the poll lists or signature pollbooks shall then be compared with his signature on his registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the precinct election officials, the signatures are the signatures of the same person, the clerks shall enter the date of the election on the registration form or shall record the date by such other means as may be prescribed by the secretary of state. If the right of the elector to vote is not then challenged, or, if being challenged, he establishes his right to vote, he shall be allowed to proceed into the voting machine. If voting machines are not being used in that precinct, the judge in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call his name and the stub number on each of the ballots. The clerk shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark his ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.</p>	Ohio Rev. Code Ann. § 3505.18
Oklahoma	Sign Name	<p>(Effective at time of last update, 1992 H 182, eff. 4-9-93)</p> <p>Each person presenting himself to vote shall announce his name to the judge of the precinct, whereupon the judge shall determine whether said person's name is in the precinct registry.</p> <p>(Last amended in 1990)</p> <p>Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct registry. Said clerk shall thereupon issue proper ballots to said person. The voter's signature on said precinct registry shall be the best evidence of said voter's having voted at said election. Said precinct registry shall be retained in the office of the county election board for a period of twenty-two (22) months following the election and shall be subject to public inspection during regular office hours.</p> <p>(Last amended in 1990)</p>	Okla. Stat. Ann. tit. 26, § 7-114 Okla. Stat. Ann. tit. 26, § 7-117
Oregon	Match Sig.	<p>All elections in Oregon are Vote by Mail.</p> <p>An Elections Official will compare the signature on your ballot return envelope to the signature on your voter registration card to verify your identity</p> <p>(http://www.uhavavote.org/votingguide/votbymail.html) (unknown date, but use of wayback machine shows that this provision on site on following dates: 7/11/04, 10/20/04 and 10/29/04)</p>	Or. Rev. Stat. § 254.385
Penn.	Match Sig.	<p>(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate, and, unless he is a State or Federal employee who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the</p>	25 Pa. Stat. Ann. § 3050

technical school, located within the State of South Dakota.

Last amended March 2004

Tennessee Provide ID

Identification of eligible voters

Tenn. Code
Ann. § 2-7-
112

(a)(1) A voter shall sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a registrar. The application for ballot shall include thereon a space for the address of the voter's current residence, and the voter shall write or print such address on the application when the voter signs it. The registrar shall compare the signature and information on the application with the signature and information on the duplicate permanent registration record. The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to § 2-7-140. If, upon comparison of the signature and other identification, it is found that the applicant is entitled to vote, the registrar shall initial the application and shall note on the reverse side of the voter's duplicate permanent registration record the date of the election, the number of the voter's ballot application, and the elections in which the voter votes. If the applicant's signature is illegible, the registrar shall print the name on the application. The registrar shall give the voter the ballot application which is the voter's identification for a paper ballot or ballots or for admission to a voting machine. The voter shall then sign the duplicate poll lists without leaving any lines blank on any poll list sheet.

(2) In any computerized county, the county election commission shall have the option of using an application for a ballot as provided in this section, or using the computerized voter signature list. A computerized voter signature list shall include the voter's name, current address of residence, social security number or registration number, birth date and spaces for the voter's signature, elections voted, ballot number and precinct registrar's initials. The following procedures shall be followed in the case of computerized voter signature lists:

(A) The voter shall sign the signature list and indicate the election or elections the voter desires to vote in and verify the voter's address in the presence of the precinct registrar;

(B) The registrar shall compare the voter's signature and information on the signature list with other evidence of identification supplied by the voter. If, upon comparison of the signature and other evidence of identification, it is found that the applicant is entitled to vote, the registrar shall initial the signature list;

(C) If the applicant's signature is illegible, the registrar shall print the name of the applicant on the voter list; and

(D) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.

Texas Provide ID

Last amended 2003

(b) On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.

Tex. Elec. Code
Ann. § 63.001

Utah Give Name

(Last amended in 1997)

(1)(a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.

(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.

Utah Code
Ann. § 20A-3-
104

(3) If the election judge determines that the voter is registered:

(a) the election judge in charge of the official register shall:

(i) write the ballot number opposite the name of the voter in the official register; and

- (ii) direct the voter to sign his name in the election column in the official register;
- (b) another judge shall list the ballot number and voter's name in the pollbook; and
- (c) the election judge having charge of the ballots shall:
 - (i) endorse his initials on the stub;
 - (ii) check the name of the voter on the pollbook list with the number of the stub;
 - (iii) hand the voter a ballot; and
 - (iv) allow the voter to enter the voting booth.

(In effect at time of last update prior to 2005: Laws 2003, c. 37, § 1, eff. May 5, 2003)

Vermont

Give Name

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

Vt. Stat. Ann.
tit. 17, § 2563

(1) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting

Virginia

Provide ID

(Last amended in 2003)

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification

Va. Code. Ann.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

If the voter's name is found on the pollbook, if he presents one of the forms of

identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.

Except as provided in subsection E of this section, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

Washington

Sign Name

(Version in effect as of 2004- effective 4/12/2004)
29A.44.201.

Wash. Rev.
Code §
29A.44.201 &
29A.44.210

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

(In effect at time of last update prior to 2005: 2004 c 271 § 136, eff. June 10, 2004)

29A.44.210.

Any person desiring to vote at any primary or election is required to sign his or her name on the appropriate precinct list of registered voters. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

The precinct election officers shall then record the voter's name.

Effective date: July 1, 2004

West Virginia

Match Sig.

(a) Any person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If that person is found to be duly registered as a voter at that precinct, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she so signs his or her name on the pollbook or his or her signature is so affixed thereon.
* * *

W. Va. Code §
3-1-34 (a)

(c) When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the

election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side required by this subsection. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot using a ballpoint pen of not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.

(In effect at time of last update prior to 2005: Acts 2003, c. 100, eff. 90 days after March 7, 2003)

Wisconsin

Give Name

6.79(2)(a) Except as provided in sub. (6), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55(2) or (3) and electors who are reassigned from another polling place under s. 5.25(5)(b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number.

Wis. Stat. §
6.79

(In effect at time of last update prior to 2005: 2003 Act 327, § 4, eff. June 12, 2004)

Wyoming

Give Name

(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no identification shall be required when:

Wyo. Stat.
Ann. § 22-3-
118

(i) Voting in person or by mail after having registered in person; or

(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election.

(In effect at time of last update prior to 2005: Effective dates. -- Laws 2004, ch. 94, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 5, 2004.)

**APPENDIX B: COURT DECISIONS AND LITERATURE ON VOTER
IDENTIFICATION AND RELATED ISSUE COURT DECISIONS**

June 28, 2006

017784

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination
 - Preventing voter fraud is a compelling interest since it is irreversible once vote is cast

- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Riddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

American Civil Liberties Union of Minnesota v. Kiffmeyer, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that provisional ballots would not be counted if the voter applied for an

absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal

protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues¹

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

¹ As of January 2, 2006

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

Georgia (Common Cause/Georgia v. Billups):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)². In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.³ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

² Litigation documents are available at the Election Law @ Moritz website.
<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

³ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.⁴ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

⁴ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

Defining Election Fraud

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc);
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);
- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;

- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

Existing Literature Reviewed

Reports

- The Long Shadow of Jim Crow, People for the American Way and the NAACP
- The New Poll Tax, Laughlin McDonald
- Wisconsin Audit Report, Voter Registration Elections Board
- Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud
- Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)
- Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton
- Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson
- A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald
- Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights
- America's Modern Poll Tax, The Advancement Project
- Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald
- Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee
- Department of Justice Public Integrity Reports 2002, 2003, 2004
- Prosecution of Election Fraud under United States Federal Law, Craig Donsanto
- Election Protection 2004, Election Protection Coalition
- The Federal Crime of Election Fraud, Craig Donsanto
- Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Fooled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)

Interviews

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one’s definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment
- Several people advocate passage of Senator Barak Obama’s “deceptive practices” bill
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving

- election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.
 - A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
 - A couple of interviewees indicated the need for clear standards for the distribution of voting machines

List of Experts Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Robin DeJarnette, Executive Director, American Center for Voting Rights

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin

Evelyn Stratton, Justice, Supreme Court of Ohio

**Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers**

Harry Van Sickle, Commissioner of Elections, Pennsylvania

Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice

Sharon Priest, former Secretary of State, Arkansas

Nexis Articles Analysis

Note: The search terms used were ones agreed upon by both Job Serebrov and Tova Wang and are available upon request. A more systematic, numerical analysis of the data contained in the Nexis charts is currently being undertaken. What follows is an overview.

Recommendation: In phase 2, consultants should conduct a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

Overview of the Articles

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

1. Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
2. Workers for groups and individuals have attempted to vote absentee in the names of the deceased
3. Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

1. Registering in the name of dead people
2. Fake names and other information on voter registration forms
3. Illegitimate addresses used on voter registration forms
4. Voters being tricked into registering for a particular party under false pretenses

5. Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from "battleground" states. There were several such reports out of Florida, Ohio and Pennsylvania.

"Dead Voters and Multiple Voting"

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations

turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction

of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Rough Summary of Department of Justice, Public Integrity Section Activities,
October 2002-January 2006*

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

*Based upon information available as of January 2006

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Case Summaries

After reviewing over 40,000 cases, the majority of which came from appeals courts, I have found comparatively very few which are applicable to this study. Of those that are applicable, no apparent thematic pattern emerges. However, it seems that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility. But because so few cases provided a picture of these current problems, I suggest that case research for the second phase of this project concentrate on state trial-level decisions.

Job Serebrov

May 2006

**Determining a Methodology for Measuring Voter Fraud and Intimidation:
Recommendations of Political Scientists**

The following is a summary of interviews conducted with a number of political scientists and experts in the field as to how one might undertake a comprehensive examination of voter fraud and intimidation. A list of the individuals interviewed and their ideas are available, and all of the individuals welcome any further questions or explanations of their recommended procedures.

- 1) In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that ask whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. (Stephen Ansolobhere, MIT)
- 2) Several political scientists with expertise in these types of studies recommended a methodology that includes interviews, focus groups, and a limited survey. In determining who to interview and where the focus groups should be drawn from, they recommend the following procedure:
 - Pick a number of places that have historically had many reports of fraud and/or intimidation; from that pool pick 10 that are geographically and demographically diverse, and have had a diversity of problems
 - Pick a number of places that have not had many reports of fraud and/or intimidation; from that pool pick 10 places that match the geographic and demographic make-up of the previous ten above (and, if possible, have comparable elections practices)
 - Assess the resulting overall reports and impressions resulting from these interviews and focus groups, and examine comparisons and differences among the states and what may give rise to them.

In conducting a survey of elections officials, district attorneys, district election officers, they recommend that:

- The survey sample be large in order to be able to get the necessary subsets
- The survey must include a random set of counties where there have and have not been a large number of allegations

(Allan Lichtman, American University; Thad Hall, University of Utah; Bernard Grofman, UC – Irvine)

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- 3) Another political scientist recommended employing a methodology that relies on qualitative data drawn from in-depth interviews with key critics and experts on all sides of the debate on fraud; quantitative data collected through a survey of state and local elections and law enforcement officials; and case studies. Case studies should focus on the five or ten states, regions or cities where there has been a history of election fraud to examine past and present problems. The survey should be mailed to each state's attorney general and secretary of state, each county district attorney's office and each county board of elections in the 50 states. (Lorraine Minnite, Barnard College)
- 4) The research should be a two-step process. Using LexisNexis and other research tools, a search should be conducted of news media accounts over the past decade. Second, interviews with a systematic sample of election officials nationwide and in selected states should be conducted. (Chandler Davidson, Rice University)
- 5) One expert in the field posits that we can never come up with a number that accurately represents either the incidence of fraud or the incidence of voter intimidation. Therefore, the better approach is to do an assessment of what is most likely to happen, what election violations are most likely to be committed – in other words, a risk analysis. This would include an analysis of what it would actually take to commit various acts, e.g. the cost/benefit of each kind of violation. From there we could rank the likely prevalence of each type of activity and examine what measures are or could be effective in combating them. (Wendy Weiser, Brennan Center of New York University)
- 6) Replicate a study in the United States done abroad by Susan Hyde of the University of California- San Diego examining the impact of impartial poll site observers on the incidence of election fraud. Doing this retrospectively would require the following steps:
 - Find out where there were federal observers
 - Get precinct level voting information for those places
 - Analyze whether there was any difference in election outcomes in those places with and without observers, and whether any of these results seem anomalous.

Despite the tremendous differences in the political landscapes of the countries examined by Hyde in previous studies and the U.S., Hyde believes this study could be effectively replicated in this country by sending observers to a random sample of precincts. Rather than compare the incumbent's vote share, such factors such as voter complaints, voter turnout, number of provisional ballots used, composition of the electorate, as well as any anomalous voting results could be compared between sites with and without monitors.

For example, if intimidation is occurring, and if reputable monitors make intimidation less likely or voters more confident, then turnout should be higher on average in monitored precincts than in unmonitored precincts. If polling station officials are intentionally refusing to issue provisional ballots, and the polling station officials are

more likely to adhere to regulations while being monitored, the average number of provisional ballots should be higher in monitored precincts than in unmonitored precincts. If monitors cause polling station officials to adhere more closely to regulations, then there should be fewer complaints (in general) about monitored than unmonitored precincts (this could also be reversed if monitors made voters more likely to complain).

Again, random assignment controls for all of the other factors that otherwise influence these variables.

One of the downsides of this approach is it does not get at some forms of fraud, e.g. absentee ballot fraud; those would have to be analyzed separately

7) Another political scientist recommends conducting an analysis of vote fraud claims and purging of registration rolls by list matching. Allegations of illegal voting often are based on matching of names and birth dates. Alleged instances of double voting are based on matching the names and birth dates of persons found on voting records. Allegations of ineligible felon (depending on state law), deceased, and of non-citizen voting are based on matching lists of names, birth dates, and sometimes addresses of such people against a voting records. Anyone with basic relational database skills can perform such matching in a matter of minutes.

However, there are a number of pitfalls for the unwary that can lead to grossly over-estimating the number of fraudulent votes, such as missing or ignored middle names and suffixes or matching on missing birth dates. Furthermore, there is a surprising statistical fact that a group of about three hundred people with the same first and last name are almost assured to share the exact same birth date, including year. In a large state, it is not uncommon for hundreds of Robert Smiths (and other common names) to have voted. Thus, allegations of vote fraud or purging of voter registration rolls by list matching almost assuredly will find a large proportion of false positives: people who voted legally or are registered to vote legally.

Statistics can be rigorously applied to determine how many names would be expected to be matched by chance. A simulation approach is best applied here: randomly assign a birth date to an arbitrary number of people and observe how many match within the list or across lists. The simulation is repeated many times to average out the variation due to chance. The results can then be matched back to actual voting records and purge lists, for example, in the hotly contested states of Ohio or Florida, or in states with Election Day registration where there are concerns that easy access to voting permits double voting. This analysis will rigorously identify the magnitude alleged voter fraud, and may very well find instances of alleged fraud that exceed what might have otherwise happened by chance.

This same political scientist also recommends another way to examine the problem: look at statistics on provisional voting: the number cast might provide indications of intimidation (people being challenged at the polls) and the number of those not counted

would be indications of "vote fraud." One could look at those jurisdictions in the Election Day Survey with a disproportionate number of provisional ballots cast and cross reference it with demographics and number of provisional ballots discarded. (Michael McDonald, George Mason University)

- 8) Spencer Overton, in a forthcoming law review article entitled *Voter Identification*, suggests a methodology that employs three approaches— investigations of voter fraud, random surveys of voters who purported to vote, and an examination of death rolls provide a better understanding of the frequency of fraud. He says all three approaches have strengths and weaknesses, and thus the best studies would employ all three to assess the extent of voter fraud. An excerpt follows:

1. Investigations and Prosecutions of Voter Fraud

Policymakers should develop databases that record all investigations, allegations, charges, trials, convictions, acquittals, and plea bargains regarding voter fraud. Existing studies are incomplete but provide some insight. For example, a statewide survey of each of Ohio's 88 county boards of elections found only four instances of ineligible persons attempting to vote out of a total of 9,078,728 votes cast in the state's 2002 and 2004 general elections. This is a fraud rate of 0.00000045 percent. The Carter-Baker Commission's Report noted that since October 2002, federal officials had charged 89 individuals with casting multiple votes, providing false information about their felon status, buying votes, submitting false voter registration information, and voting improperly as a non-citizen. Examined in the context of the 196,139,871 ballots cast between October 2002 and August 2005, this represents a fraud rate of 0.0000005 percent (note also that not all of the activities charged would have been prevented by a photo identification requirement).

A more comprehensive study should distinguish voter fraud that could be prevented by a photo identification requirement from other types of fraud — such as absentee voting and stuffing ballot boxes — and obtain statistics on the factors that led law enforcement to prosecute fraud. The study would demand significant resources because it would require that researchers interview and pour over the records of local district attorneys and election boards.

Hard data on investigations, allegations, charges, pleas, and prosecutions is important because it quantifies the amount of fraud officials detect. Even if prosecutors vigorously pursue voter fraud, however, the number of fraud cases charged probably does not capture the total amount of voter fraud. Information on official investigations, charges, and prosecutions should be supplemented by surveys of voters and a comparison of voting rolls to death rolls.

2. Random Surveys of Voters

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Random surveys could give insight about the percentage of votes cast fraudulently. For example, political scientists could contact a statistically representative sampling of 1,000 people who purportedly voted at the polls in the last election, ask them if they actually voted, and confirm the percentage who are valid voters. Researchers should conduct the survey soon after an election to locate as many legitimate voters as possible with fresh memories.

Because many respondents would perceive voting as a social good, some who did not vote might claim that they did, which may underestimate the extent of fraud. A surveyor might mitigate this skew through the framing of the question ("I've got a record that you voted. Is that true?").

Further, some voters will not be located by researchers and others will refuse to talk to researchers. Photo identification proponents might construe these non-respondents as improper registrations that were used to commit voter fraud.

Instead of surveying all voters to determine the amount of fraud, researchers might reduce the margin of error by focusing on a random sampling of voters who signed affidavits in the three states that request photo identification but also allow voters to establish their identity through affidavit—Florida, Louisiana, and South Dakota. In South Dakota, for example, only two percent of voters signed affidavits to establish their identity. If the survey indicates that 95 percent of those who signed affidavits are legitimate voters (and the other 5 percent were shown to be either fraudulent or were non-responsive), this suggests that voter fraud accounts for, at the maximum, 0.1 percent of ballots cast.

The affidavit study, however, is limited to three states, and it is unclear whether this sample is representative of other states (the difficulty may be magnified in Louisiana in the aftermath of Hurricane Katrina's displacement of hundreds of thousands of voters). Further, the affidavit study reveals information about the amount of fraud in a photo identification state with an affidavit exception—more voter fraud may exist in a state that does not request photo identification.

3. *Examining Death Rolls*

A comparison of death rolls to voting rolls might also provide an estimate of fraud.

Imagine that one million people live in state A, which has no documentary identification requirement. Death records show that 20,000 people passed away in state A in 2003. A cross-referencing of this list to the voter rolls shows that 10,000 of those who died were registered voters, and these names remained on the voter rolls during the November 2004 election. Researchers would look at what percentage of the 10,000 dead-but-registered people who "voted" in the November 2004 election. A researcher should distinguish the votes cast in the name of the dead at the polls from those cast

absentee (which a photo identification requirement would not prevent). This number would be extrapolated to the electorate as a whole.

This methodology also has its strengths and weaknesses. If fraudulent voters target the dead, the study might overestimate the fraud that exists among living voters (although a low incidence of fraud among deceased voters might suggest that fraud among all voters is low). The appearance of fraud also might be inflated by false positives produced by a computer match of different people with the same name. Photo identification advocates would likely assert that the rate of voter fraud could be higher among fictitious names registered, and that the death record survey would not capture that type of fraud because fictitious names registered would not show up in the death records. Nevertheless, this study, combined with the other two, would provide important insight into the magnitude of fraud likely to exist in the absence of a photo identification requirement.

FINAL DRAFT REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

This report to the United States Election Assistance Commission (EAC) presents an analysis of voter identification requirements across the country and makes recommendations for best practices to improve implementation of voter ID requirements at the polls. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under a contract to the EAC, dated May 24, 2005. The research included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting, a sample survey of local election officials, and a statistical analysis of the effects of various requirements for voter identification on turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the EAC (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

Executive Summary

Methods

To explore the effects of voter ID requirements on electoral participation in 2004, as measured by turnout, we gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. We assigned each state to one of five categories based on its ID requirements. The five categories are progressively more rigorous based on the demands they make on both voters¹ (and, to some extent) on election workers. The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample,

¹ Even the most relaxed provisions for identification at the polls — anything stricter than the honor system used in North Dakota — will impose some burden on particular voters. *Harvard Law Review* 119:1146

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Deliberative Process
Privilege

FINAL D R A F T

which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents are not uniformly and conveniently available to all voters.

We collected data on turnout in all counties to permit an estimate of the relationship between the rigor of the ID requirements and the level of turnout. This aggregate analysis is useful, but does not provide valid estimates on the effects of different kinds of ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates.) To allow that analysis, we used the Census Bureau's Current Population Survey from November 2004, which asked a large sample of Americans about their experience in the election. It has the disadvantage of relying on self reports by respondents about their registration status, citizenship, and experience in the polling place, but it provides the demographic data needed to supplement the aggregate analysis.

To understand the legal issues raised by voter ID requirements, we collected and analyzed the few major cases that have been decided on this issue. The decisions so far suggest the constitutional and other constraints to policies on voter ID requirements.

Findings

The form of Voter ID required of voters affects turnout. Lack of ID can keep voters from the polls. Or, when they go to the polls, it is reasonable to conclude that stricter Voter ID requirements will divert more voters into the line for provisional ballots. (This conclusion is a conjecture because we lack precise information on why voters must cast their ballots provisionally.) The result can be longer lines at the polls and confusion, without a clear demonstration that the security of the ballot is correspondingly increased.

Voter turnout at the state level in 2004 was lower in states where voter identification requirements were more demanding. While the trend is not perfectly linear, the data show a general movement toward lower turnout as requirements tend toward requiring greater levels of proof. An average of 63.1 percent of the voting age population turned out in states that required

voters to state their names, compared to 57.3 percent in states that required photo identification. Those figures, however, probably overstate the effect since the inclusion of other factors beyond voter ID requirements in the analysis diminishes the extent of influence of voter ID on turnout. After taking account of the other factors, the analysis still offers some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or people living below the poverty line.

Our analysis of litigation suggests that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification is not now sufficient to evaluate the tradeoffs between ensuring ballot access and ensuring ballot integrity. The lack of full understanding of the dynamics of voter ID requirements on political participation can be remedied by requiring the collection and reporting of data on the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of exit polling of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.² And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

A voting system that requires voters to produce an identify document or documents may indeed prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the

² Arizona held its first election with new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways not possible with the current lack of information on this subject.

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ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous Voter ID requirements affect the decision by potential voters to go or stay away from the polls– are not well understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements, broadly defined, and the two important goals of ensuring ballot access and ensuring ballot integrity.

- Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot.
- Recommend as a best practice the publication of a “Voting Impact Statement” by states considering changing their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that a proposed stricter ID requirement may keep away from the polls or be permitted to cast only a provisional ballot; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.
- Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should analyze this publish an analysis of this information to provide a sound estimate of the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. The states should also be encouraged to use this information to increase the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections.
 - Useful information could be supplied by exit polling or surveys of voters by local election officials. It would make clear why those who cast a provisional ballot

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were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.

- Polling to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
- Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots³, and the safe harbor provision in presidential elections.
- Recommendations to the states from EAC should reflect current judicial trends. Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional.

Background and Approach of the Study

Establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The stress on voters to provide required ID documents may be greater at the polls on Election Day than when registering. The pressures arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may be faced with long lines and limited time.

³ Our research on provisional voting reveals that states that provide more than week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁴ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks broadly at voter ID issues and goes beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures on voter ID goes ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. The controversy in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁵

We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁶ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and , if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

⁴ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁵ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

⁶ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." Harvard Law Review 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has informed us that it has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our analysis of the effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.⁷ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- can divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.⁸ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the

⁷ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

⁸ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

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polls. In conducting this analysis, we were sensitive to the observation that the problem with American elections may well be that too many people do not vote rather than that a few people may vote more than once.

An evaluation of the effect of different Voter ID regimes can be more effective if based on clear standards –legal, equitable, practical. The standards suggested here can best be described as the set of questions to be asked about Voter ID requirements. We suggest 7 questions that try to measure the most important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable, empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?⁹
2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹⁰
3. How practical is the requirement? Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required? Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹¹
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹² A thorough, objective

⁹ "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

¹⁰ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹¹ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹² "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at

impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.

5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹³
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. Does the Voter ID requirement have a neutral result on the composition of the qualified and eligible electorate? ID requirements should not be designed to, or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another. Whatever the requirement may be, can all citizens comply with it easily and at no or minimal cost?

Voter ID and Turnout

As of the 2004 election, the states and the District of Columbia could be divided into 5 different Voter ID regimes. These are shown in Table 1, *Voter ID Requirements*. Nine states required that voters give their names; 14 that they sign their names; 8 match the signature to a sample in the registration book; 15 require some form of ID (ranging from a utility bill to a government-issued photo ID), and 5 states in 2004 required a photo ID, although in all those states voters without that credential could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID.

This neat assignment in the following table and map of each state to one category no doubt fails to reflect actual practice at many polling places. Like any system run by fallible people, the voter ID process is subject to wide variation in practice. Voters may be confronted with demands for identification different from the directives in state statutes or regulation. Some voters may be waved through the process without a look at any document, no matter what the regulations say. Under the press of long lines and unfamiliar requirements, there is, in short, no sure way to report the wide variety of conditions voters actually encounter.

administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." *Harvard Law Review* 127:1144 (2006)

¹³ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen Hasen's has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," *62 Washington and Lee Law Review* 937 (2005).

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TABLE 1 -- Voter ID Requirements

State	Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID*	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	HAVA**	Sign Name	Address & Registration
Florida	Photo ID^	Photo ID	Photo ID^	Signature
Georgia	Provide ID	Gov. Issued Photo ID**	Gov. Issued Photo ID**	Affidavit
Hawaii	Photo ID^^	Photo ID	Photo ID^^	Affidavit
Idaho	Sign Name	HAVA	Sign Name	EDR
Illinois	Match Sig.	HAVA	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	HAVA	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID^	Photo ID	Photo ID^	DOB and Address
Maine	Give Name	HAVA	Give Name	EDR
Maryland	Sign Name	HAVA	Sign Name	Bring ID Later
Mass.	Give Name	HAVA	Give Name	Affidavit
Michigan	Sign Name	HAVA	Sign Name	Bring ID Later
Minnesota	Sign Name	HAVA	Sign Name	EDR
Mississippi	Sign Name	HAVA	Sign Name	Affidavit
Missouri	Provide ID	HAVA	Provide ID	Address & Registration
Montana	Provide ID	HAVA	Provide ID	Bring ID Later
Nebraska	Sign Name	HAVA	Sign Name	Affidavit
Nevada	Match Sig.	HAVA	Match Sig.	Affidavit
NH	Give Name	HAVA	Give Name	EDR
New Jersey	Match Sig.	HAVA	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	HAVA	Match Sig.	Affidavit
North Carolina	Give Name	HAVA	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	HAVA	Sign Name	Address & Registration
Oregon	Match Sig.	HAVA	Match Sig.	Signature
Penn.	Match Sig.	HAVA****	Match Sig.	Address & Registration
Rhode Island	Give Name	HAVA	Give Name	Address & Registration
South Carolina	Photo ID^^	Photo ID	Photo ID^^	Address & Registration
South Dakota	Photo ID^^	Photo ID	Photo ID^^	Affidavit
Tennessee	Provide ID	Provide ID*****	Provide ID	Affidavit
Texas	Provide ID	Provide ID*****	Provide ID	Bring ID Later

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Utah	Give Name	HAVA	Give Name	Bring ID Later
Vermont	Give Name	HAVA	Give Name	Affidavit
Virginia	Provide ID	HAVA	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	HAVA	Match Sig.	Address & Registration
Wisconsin	Give Name	HAVA	Give Name	Bring ID Later
Wyoming	Give Name	HAVA	Give Name	Affidavit

^In Florida and Louisiana, states that required a photo id in 2004, voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

^^In these states in 2004, voters lacking a photo ID could vote by providing other ID.

***Arizona voters who lack a photo ID may present 2 forms of ID with no photograph, such as 2 utility bills.**

****State only requires ID for first-time voters who register by mail without providing ID. They accept all forms of ID listed in the statute.**

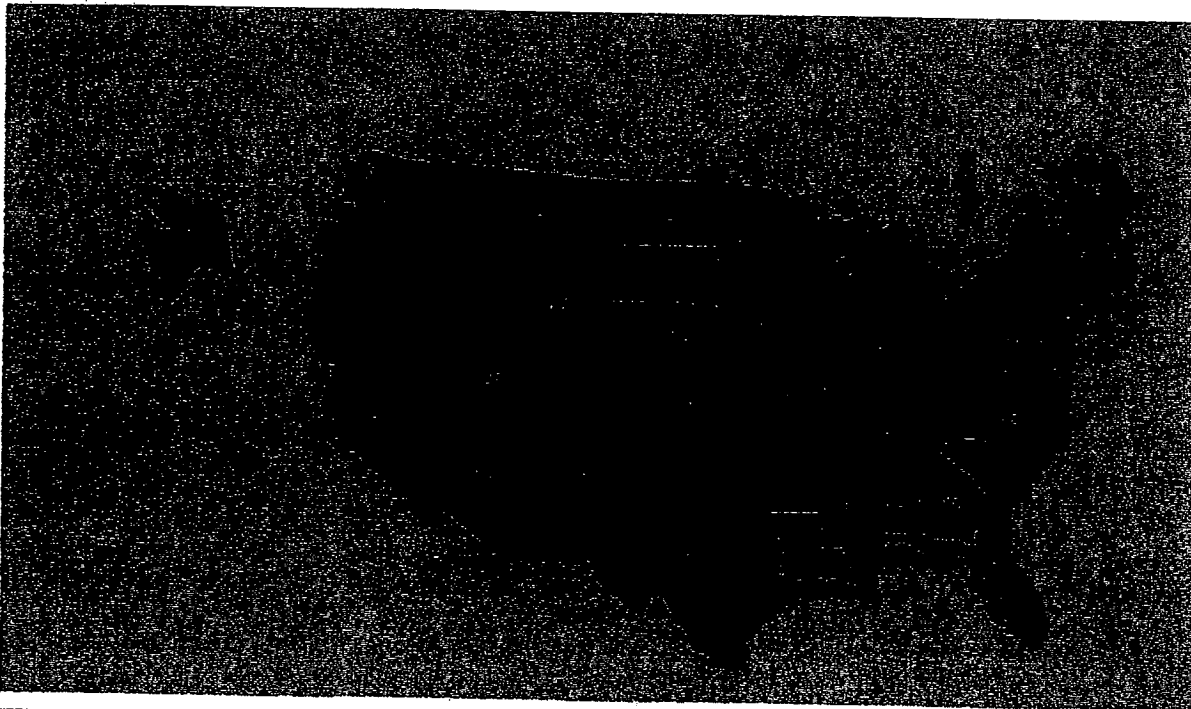
*****Georgia is currently enjoined from implementing this law, returning them for the time being to their 2004 requirement of provide ID.**

******Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.**

*******Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compare to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with registration.**

*******Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.**

Figure 1



Voter ID Requirements 2004

Since it is not practical to attempt to capture the wide variety of how voter ID requirements are actually implemented across the nation's tens of thousands of polling places, the analysis of the effect of state requirements on county-level turnout must be viewed with some caution.

Effect of Voter ID requirements on Turnout

We categorized each state according to its voter ID requirements in 2004, as shown in Table 1 and analyzed turnout data for each county according to the voter identification requirements of its state. We also assessed self-reported turnout by the sample interviewed in the November 2004 Current Population Survey of the Census Bureau.¹⁴

Voter turnout at the state level in 2004 varied based on voter identification requirements. An average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 57.3 percent in states that required photo identification. Other factors, of course, also influence turnout. Taking those other factors into account in the county-level analysis makes the effect of the voter ID requirement less dramatic. But the analysis still offers some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or of people living below the poverty line.

The individual-level analysis, based on the CPS, produced a similar result. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. The probability that a respondent to the survey voted dropped with each level of voter identification requirement, with a total drop of 2.5 percent across the five types of identification.

Future policy decisions should consider the tradeoffs between the incidence of vote fraud that can be prevented by stricter voter ID requirements and the number of eligible voters who will be kept from the polls by those stricter ID requirements. Continuing research is needed to provide the information to inform this calculation of benefits and costs.

¹⁴ See Appendix ___ for the full report on voter ID and turnout.

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Methods and Findings

We classified each state as having one of five types of identification requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (9 states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (8 states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (5 states). We then tested the assumption that voter identification requirements would prove to be increasingly demanding on the voter, with providing photo ID the most rigorous.

The analysis recognized that election laws in numerous states offer exceptions to these requirements if a prospective voter lacked the ID. Laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot. We therefore also categorized states based on the minimum requirement for voting with a regular ballot. None of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). This analysis treats the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit is regarded as the most rigorous.

Voter turnout at the state level in 2004 declined as voter identification requirements became more demanding, as shown in Table 2. While the trend is not perfectly linear, there is a general movement toward lower turnout as requirements tend toward requiring greater levels of proof. Using the maximum requirements as the independent variable, an average of 63.1 percent of the voting age population turned out in states that required voters to state their names, compared to 57.3 percent in states that required photo identification. A similar trend emerged when using the minimum requirements as the independent variable. Sixty-one percent of the voting age population turned out in states requiring voters to state their names, compared to 58.7 percent in states that required an affidavit from voters.

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Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	63.1 %	State Name	61.3 %
Sign Name	58.6 %	Sign Name	60.4 %
Match Signature	62.1 %	Match Signature	59.2 %
Provide Non-Photo ID	57.8 %	Provide Non-Photo ID	57.6 %
Provide Photo ID	57.3 %	Swear Affidavit	58.7 %
Average Turnout (All States)	59.6 %		

Voter identification requirements alone do not determine voter turnout. Other influences – demographic or political-- also affect voter participation. Multivariate models that take into account other predictors can place the effects of voter identification in a more accurate context. The multivariate analysis included whether the county was in a presidential battleground state or a state with a competitive race for governor or the U.S. Senate. Demographic variables included the percentage of the voting-age population in each county that was Hispanic or African-American, the percentage of county residents age 65 and older, and the percentage of the county population living below the poverty line. The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the voting-age population that voted in the 2004 election.

The aggregate analysis for the maximum identification requirements revealed a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. If the state was a battleground voter turnout increased. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county had no effect, but the percentage of Hispanic adults reduced voter turnout, as did the percentage of individuals living below the poverty line. In general, analysis of the aggregate data at the county level provides some support for the hypothesis that as the burden of voter identification requirements increases, turnout declines, at least in the case of the maximum requirements. The decline in turnout is particularly noticeable in counties with concentrations of Hispanic residents or individuals who live below the poverty line. Determining if the reduction in turnout is, in fact, among the Hispanic or poor residents of those counties requires further research at the individual level.

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Information collected for the Census Bureau Current Population Survey in November 2004 makes it possible to examine the influence of voter ID requirements at the individual level. Self-identified registered voters reported their experience at the polls in the survey. Note that the voter turnout rate for the CPS sample, an average of 89%, is much higher than the turnout rates presented in the aggregate data analysis, which average 58%. The difference is a result of several factors, including different denominators in calculating the turnout rate – self-reported registered voters in the CPS versus the much larger voting-age population for the aggregate data. Also some survey respondents overstate their incidence of voting. Nevertheless, the CPS serves as a widely accepted source of data on voting behavior.

The dependent variable in the individual analyses is whether respondents said they voted in the 2004 election. As in the aggregate analysis the contextual variables consist of whether the state was a battleground state or had competitive state-level races. The analysis also controlled for gender, age, education, household income, race or ethnicity, and employment status, marital status, and residential mobility.

The analysis revealed that voter identification requirements exerted a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 91.2 percent if all voters had to state their names to 88.7 percent if all voters had to provide photo identification. (Note that these turnout figures are higher than actual because of the factors involved in the CPS's self-reported survey, but that the difference in effect is reasonably related to the results obtained in the aggregate analysis.) In other words, the probability of voting dropped with each level of the maximum voter identification requirement, with a total drop of 2.5 percent across the five types of identification. When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

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Both the maximum and minimum identification requirements had negative and statistically significant effects for white voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.3 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of African-Americans voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name would be the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent. Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

Discussion and Conclusions of the Analysis

The results give evidence that tougher voter identification requirements are associated with a decline in voter participation. The overall effect for all registered voters was fairly small, but even a slight decline in turnout has the potential to alter the outcome of a close election. The decline is apparent in both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements.

- Hispanic voters and the poor appear to be less likely to vote if the level of required identification becomes more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households would be 5.3 percent less likely to vote as the requirements vary from stating one's name to attesting to one's identity in an affidavit.

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- Self-reported registered voters who had not graduated from high school would be 6.7 percent less likely to vote if the maximum requirement is photo identification as opposed to stating one's name. When considering the minimum requirements, those with less than a high school education would be 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name.
- Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit.
- Two concerns aired by critics of voter identification requirements were not borne out by the results. African-American voters did not appear to be affected by voter identification requirements, according to both the aggregate data and individual-level data analyses. Also, the self-reports of elderly voters, while indicating that they would be slightly less likely to vote as ID requirements become stricter, do not show a dramatic effect.

The data examined in this analysis could not capture the dynamics of how identification requirements lower turnout. Do know the voter ID and stay away from the polls because they cannot or do not want to meet them? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer these questions, pointing up the need for collection of additional data. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for poll workers to handle questions about, and potential disputes over, voter identification requirements.

It is important to note that the 2004 data do not allow us to draw conclusions about the effect of laws such as those recently passed in Georgia and Indiana, which require government-issued photo ID. No such laws were in place in 2004, and the five states that then required photo ID at the time allowed voters who signed an affidavit or provided another form of identification to cast a regular ballot.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification in order to have one's vote counted, without an affidavit exception: Georgia and Indiana. Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*,

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Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement without an affidavit exception (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). Cross-motions for summary judgment are currently pending. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. The court's decision in this case indicates that courts are likely to look strictly on photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions

suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

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HAVA does not require that the states notify registrants to remedy any failure to provide either of these numbers or to confirm that they have provided a verifiable number. Verification at the time of registration could forestall difficulties at the polling place. HAVA is silent on how the ID might be required at the polling place for new voters whose driving license or Social Security number could not be verified. Errors in recording those numbers are sure to occur.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the SVRL. It also requires voters to present ID at the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

6. Conclusions

The form of Voter ID required of voters affects turnout. Lack of ID can keep voters from the polls. Or, when they go to the polls, it is reasonable to conclude that stricter Voter ID requirements will divert more voters into the line for provisional ballots. (This conclusion is a conjecture because we lack good data on why voters must cast their ballots provisionally.) The result can be longer lines at the polls and confusion, without a clear demonstration that the security of the ballot is correspondingly increased.¹⁵

The dynamics of Voter ID requirements—how the more rigorous Voter ID requirements—affect the decision by potential voters to go or stay away from the polls are not well understood. This lack of understanding should be recognized in the policy process. The debate over voter ID in

¹⁵ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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the states would be improved by additional research sponsored by the EAC. So far as it may be necessary to reduce vote fraud made possible by inadequate voter ID, the research could identify methods to eliminate the need for voters to bring specific identity documents with them to the polls while assuring that each voter who casts a ballot is eligible and votes only once. One way to break the connection between the benefits of photo ID and the need for the voter to bring identification to the polling place, as recommended elsewhere by one of the authors of this report, Edward Foley: keep the information to verify a voter's identity in the records at the polling place. Other approaches could be developed.¹⁶

¹⁶ "A potential solution to this problem is to break the connection with the photo requirement and the obligation to produce identification at the polls. Eligible citizens could be required to provide a photograph at the time they *register* to vote, and poll workers would match this photograph with the image of the person standing in front of them. Given the availability of digital photography, the photos of registered voters could be stored in electronic poll books and easily "pulled up" with a click of a computer mouse when voters sign in to vote. . . . Of course, to satisfy the concerns of liberals, a requirement to provide a digital photograph at time of registration would have to address the cost and accessibility issues identified earlier."

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Appendices

- a. Summary of case law on Voter ID issues (included with this draft)
- b. Analysis of Effects of Voter ID Requirements on Turnout (attached as a separate document)
- c. Indexed database of major articles on Voter ID Requirements and related topics (included with this draft)
- d. Compendium of states' legislation, procedures, and litigation

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APPENDIX –Court Decisions and Literature on Voter Identification and Related Issues

Court Decisions

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination

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- Preventing voter fraud is a compelling interest since it is irreversible once vote is cast
- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Riddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

American Civil Liberties Union of Minnesota v. Kiffmeyer, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating

between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that

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provisional ballots would not be counted if the voter applied for an absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of

several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues¹⁷

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

¹⁷ As of January 2, 2006

Georgia (*Common Cause/Georgia v. Billups*):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)¹⁸. In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.¹⁹ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the

¹⁸ Litigation documents are available at the Election Law @ Moritz website.
<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

¹⁹ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

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Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.²⁰ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

²⁰ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

APPENDIX

Annotated Bibliography on Voter Identification Issues

Law Journals

- Angelo J. Genova & Rebecca Moll Freed, *The Right to Vote and Be Counted: A Liberty at Risk*, 233 N.J. LAW 44, Apr. 2005.
 - Discusses HAVA a lot
- George W. Grayson, *Registering and Identifying Voters: What the United States Can Learn From Mexico*, 3 ELECTION L.J. 513 (2004).
 - Benefits of US adopting Mexican system of identifying voters and voter registration
- Robert A. Pastor, *Improving the U.S. Electoral System: Lessons from Canada and Mexico*, 3 ELECTION L.J. 584 (2004).
 - Discusses HAVA, problems of 2000 election, discusses registration & identification
- Brian Kim, *Recent Development: Help America Vote Act*, 40 HARV. J. ON LEGIS. 579 (Summer 2003).
 - Discussion of HAVA requirements and voter ID, problems in 2000
- Robert L. McCurley, *Legislative Wrap-Up: Election Law Changes*, 64 ALA. LAW. 364, Nov. 2003.
 - Discusses changes in AL to their election law in 2003, including adding voter ID
 - HAVA discussed
- Clifford B. Levine, Esq. & David J. Montgomery, Esq., *Post-Election Litigation in Pennsylvania*, 41 Duq. L. Rev. 153 (Fall, 2002).
 - Discusses challenging elections based on voter fraud & illegal votes
- Rebecca Barrett, *Election*, 18 GA. ST. U. L. REV. 114 (Fall 2001).
 - Discusses a GA law in 2001 removing hunting & fishing licenses from list of acceptable ID and a failed amendment to limit acceptable ID to photo ID only
- Robert A. Junell, Curtis L. Seidlits, Jr. & Glen G. Shuffler, *Consideration of Illegal Votes in Legislative Election Contests*, 28 Tex. Tech L. Rev. 1095 (1997).
 - General discussion of ways voters are verified, what happens when voters are challenged as illegal voters
- John Victor Berry, *Take the Money and Run: Lame-Ducks "Quack" and Pass Voter Identification Provisions*, 74 U. DET. MERCY L. REV. 291 (Winter 1997).
 - discusses a photo ID law passed in Michigan in 1997 (later declared violated EPC of 14th amendment)
 - arguments against photo ID
- Deborah S. James, Note, *Voter Registration: A Restriction on the Fundamental Right to Vote*, 96 YALE L.J. 1615 (1987).
 - Discusses voter registration as a way to combat fraud & several different ways to do it

Historical articles:

- Gabrielle B. Ruda, Note, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 FORDHAM URB. L.J. 235 (November 2003).
 - Lot of analysis on HAVA and voter ID
 - Little bit of historical
 - Arguments for and against certain types of voter ID laws

FINAL DRAFT

- Kimberly C. Delk, *What Will it Take to Produce Greater American Voter Participation? Does Anyone Really Know?*, 2 LOY. J. PUB. INT. L. 133 (Spring 2001).
 - History of voting & requirements & laws throughout time
 - Future: I-voting & e-registration – improvements in voter ID which would result

Marginally relevant/limited discussion of Voter ID issues

- Jeanne S. Zaino & Jeffrey T. Zaino, *The Changing Landscape of Election Disputes*, 59 DISP. RESOL. J. 11 (Aug. – Oct. 2004).
 - Discusses HAVA & implementation
- Symposium, *Disability Law, Equality, and Difference: American Disability Law and the Civil Rights Model, Alabama Section*, 55 ALA. L. REV. 1167 (Summer 2004).
 - Discusses an AL law expanding exemptions to ID requirement if 2 poll workers identify them
- Bryan Mercurio, *Democracy in Decline: Can Internet Voting Save the Electoral Process*, 22 J. MARSHALL J. COMPUTER & INFO. L. 409 (Winter 2004).
 - Internet voting
- Kristen E. Larson, Note, *Cast Your Ballot.com: Fulfill Your Civic Duty over the Internet*, 27 WM. MITCHELL L. REV. 1797 (2001).
 - Voter ID and Internet voting
 - Costs & Benefits of Internet voting
 - States using or examining Internet voting
- Hugh M. Lee, *An Analysis of State and Federal Remedies for Election Fraud, Learning from Florida's Presidential Election Debacle?*, 63 U. Pitt. L. Rev. 159 (Fall, 2001).
 - Discusses illegal ballots, fraudulent registration
- Katharine Hickel Barondeau & Terry M. Jarrett, *The Florida Election Debacle: Can it Happen in Missouri?*, 57 J. Mo. B. 294, Nov./Dec. 2001.
 - Anti fraud election reform in Missouri
- Priscilla L. Southwell & Justin Burchett, *Vote-by-Mail in the State of Oregon*, 34 Willamette L. Rev. 345 (Spring 1998).
 - Vote by mail and discusses fraud issues involved
- Jonathan E. Davis, *Comment: The National Voter Registration Act of 1993: Debunking States' Rights Resistance and the Pretense of Voter Fraud*, 6 Temp. Pol. & Civ. Rts. L. Rev. 117 (Fall 1996/Spring 1997).
 - Voter fraud arguments against NVRA
- James A. Gardner, *Consent, Legitimacy and Elections: Implementing Popular Sovereignty Under the Lockean Constitution*, 52 U. PITT. L. REV. 189 (Fall 1990).
 - History of voting and requirements
 - Theory

Political Science Literature

Abramson, Paul R. "Political Participation." In *The Encyclopedia of Democracy*. Ed. Seymour Martin Lipset. Washington, DC: Congressional Quarterly, 1995.

Aldrich, John H. "Rational Choice and Turnout." *American Journal of Political Science*. 37:1 (February 1993).

FINAL DRAFT

- Arvizu, John R. and F. Chris Garcia. "Latino Voting Participation: Explaining and Differentiating Latino Voter Turnout." *Hispanic Journal of Behavioral Sciences*. 18:2 (May 1996).
- Barber, Benjamin R. *Strong Democracy: Participatory Politics for a New Age*. Berkeley, CA: University of California Press, 1984.
- Blais, Andre. *To Vote or Not to Vote? The Merits and Limits of Rational Choice Theory*. Pittsburgh, PA: University of Pittsburgh Press, 2000.
- Blais, Andre and Robert Young. "Why Do People Vote? An Experiment in Rationality." *Public Choice*. 99:1-2 (April 1999).
- Bowler, Shaun. David Brockington and Todd Donovan. "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001).
- Boyd, Richard W. "The Effects of Primaries and Statewide Races on Voter Turnout." *Journal of Politics*. 51:3 (August 1989).
- Brady, Henry E., Sidney Verba, and Kay Lehman Schlozman. "Beyond SES: A Resource Model of Political Participation." *American Political Science Review*. 89:2 (June 1995).
- Brians, Craig Leonard. "Voter Registration's Consequences for the Mobile: A Comparative Turnout Study." *Political Research Quarterly*. 50:1 (March 1997).
- Brians, Craig Leonard and Bernard Grofman. "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001).
- "When Registration Barriers Fall, Who Votes? An Empirical Test of a Rational Choice Model." *Public Choice*. 99:1-2 (April 1999).
- Burnham, Walter Dean. "The Appearance and Disappearance of the American Voter." In *Electoral Participation: A Comparative Analysis*. Ed. Richard Rose. Beverly Hills, CA: Sage, 1980.
- Cassel, Carol A. and Robert C. Luskin. "Simple Explanations of Turnout Decline." *American Political Science Review*. 82:4 (December 1988).
- Castanheira, Micael. "Victory Margins and the Paradox of Voting." *European Journal of Political Economy*. 19:4 (November 2003).
- Center for the Study of the American Electorate. "2004 Election Report". 4 November 2004. Available online at ??????????
- Cho, Wendy K. Tam. "Naturalization, Socialization, Participation: Immigrants and (Non-) Voting." *Journal of Politics*. 61:4 (November 1999).
- Crewe, Ivor. "Electoral Participation." In *Democracy at the Polls: A Comparative Study of Competitive National Elections*. Eds. David Butler, Howard R. Penniman, and Austin Ranney. Washington, DC: American Enterprise Institute, 1981.

FINAL D R A F T

- Franklin, Mark N. "Electoral Participation." In *Comparing Democracies: Elections and Voting in Global Perspective*. Eds. Laurence Le Duc, Richard G. Niemi, and Pippa Norris. Thousand Oaks, CA: Sage Publications, 1996.
- Franklin, Mark N., Cees van der Eijk, and Erik Oppenhuis. "The Institutional Context: Turnout." In *Choosing Europe? The European Electorate and National Politics in the Face of Union*. Eds. Cees van der Eijk and Mark N. Franklin. Ann Arbor, MI: University of Michigan Press, 1996.
- Gerber, Alan S., Donald P. Green, and Matthew Green. "Partisan Mail and Voter Turnout: Results from Randomized Field Experiments." *Electoral Studies*. 22:4 (December 2003).
- Gerber, Alan S., Donald P. Green, and Ron Shachar. "Voting May Be Habit-Forming: Evidence from a Randomized Field Experiment." *American Journal of Political Science*. 47:3 (July 2003).
- Gimpel, James G., Joshua Dyck, and Daron Shaw. "Registrants, Voters, and Turnout Variability across Neighborhoods." *Political Behavior*. 26:4 (December 2004).
- Gimpel, James G. and Jason E. Schuknecht. "Political Participation and the Accessibility of the Ballot Box." *Political Geography*. 22:5 (June 2003).
- Gray, Mark and Miki Caul. "Declining Voter Turnout in Advanced Industrial Democracies, 1950 to 1997: The Effects of Declining Group Mobilization." *Comparative Political Studies*. 33:9 (November 2000).
- Green, Donald P. and Alan S. Gerber. *Get Out the Vote!: How to Increase Voter Turnout*. Washington, DC: Brookings Institution Press, 2004.
- Hanmer, M.J. and Michael W. Traugott. "The Impact of Voting by Mail on Voter Behavior." *American Politics Research*. 32:4 (July 2004).
- Highton, Benjamin. "Alternative Tests for the Effects of Campaigns and Candidates on Voting Behavior." In *Capturing Campaign Effects*. Eds. Henry Brady and Richard Johnston. Ann Arbor, MI: University of Michigan Press, forthcoming.
- "Easy Registration and Voter Turnout." *Journal of Politics*. 59:2 (May 1997).
- "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000).
- "Voter Registration and Turnout in the United States." *Perspectives on Politics*. 2:3 (September 2004).
- "Who Reports? Self-Reported Versus Proxy-Reported Voter Turnout." *Public Opinion Quarterly*. Forthcoming.
- Highton, Benjamin and Arthur Burris. "New Perspectives on Latino Voter Turnout in the United States." *American Politics Research*. 30:3 (May 2002).
- Highton, Benjamin and Raymond E. Wolfinger. "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998).

FINAL DRAFT

----- "The Political Implications of Higher Turnout." *British Journal of Political Science*. 31:1 (January 2001).

Highton, Benjamin, Raymond E. Wolfinger, and Megan Mullin. "How Postregistration Laws Affect the Turnout of Citizens Registered to Vote." *State Politics and Policy Quarterly*. 5:1 (Spring 2005).

Hirczy, Wolfgang. "The Impact of Mandatory Voting Laws on Turnout: A Quasi-Experimental Approach." *Electoral Studies*. 13:1 (March 1994).

Jacobs, Lawrence et al. *American Democracy in an Age of Rising Inequality*. Report of the American Political Science Association's Task Force on Inequality and American Democracy. Available online at <http://209.235.207.197/imgtest/taskforcereport.pdf>

Jones, Bill. "California's Long Road to Election Reform." *Election Law Journal*. 1:4 (December 2002).

Karp, Jeffrey A. and Susan A. Banducci. "Absentee Voting, Mobilization, and Participation." *American Politics Research*. 29:2 (March 2001).

----- "Going Postal: How All-Mail Elections Influence Turnout." *Political Behavior*. 22:3 (September 2000).

Kelley, Stanley, Richard E. Ayres, and William G. Bowen. "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967).

Kimberling, William C. and Peggy Sims. *Federal Election Law 91: A Summary of Federal Election Laws Pertaining to Registration and Voting*. Washington, DC: National Clearinghouse on Election Administration, Federal Election Commission, 1991.

----- *Federal Election Law 96: A Summary of Federal Election Laws Pertaining to Registration, Voting, and Public Employee Participation*. Washington, DC: National Clearinghouse on Election Administration, Federal Election Commission, 1996.

Kleppner, Paul. *Who Voted?: The Dynamics of Electoral Turnout, 1870- 1980*. New York, NY: Praeger Publishers, 1982.

Knack, Stephen. "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*. 57:3 (August 1995).

----- "Does Rain Help the Republicans? Theory and Evidence on Turnout and the Vote." *Public Choice*. 79:1-2 (April 1994).

Lapp, John A. "Elections—Identification of Voters." *American Political Science Review*, 3:1 (February 1909).

Leighley, Jan E. and Arnold Vedlitz. "Race, Ethnicity, and Political Participation: Competing Models and Contrasting Explanations." *Journal of Politics*. 61:4 (November 1999).

Lijphart, Arend. "The Political Consequences of Electoral Laws, 1945-85." *American Political Science Review*. 84:2 (June 1990).

FINAL DRAFT

- "Unequal Participation: Democracy's Unresolved Dilemma." *American Political Science Review*. 91:1 (March 1997).
- Magleby, David B. "Participation in Mail Ballot Elections." *Western Political Quarterly*. 40:1 (March 1987).
- Manza, Jeff and Clem Brooks. "The Gender Gap in U.S. Presidential Elections: When? Why? Implications?" *American Journal of Sociology*. 103:5 (March 1998).
- "The Religious Factor in U.S. Presidential Elections, 1960-1992." *American Journal of Sociology*. 103:1 (July 1997).
- "Social Cleavages and Political Alignments: U.S. Presidential Elections, 1960-1992." *American Sociological Review*. 62:6 (December 1997).
- *Social Cleavages and Political Change: Voter Alignments and U.S. Party Coalitions*. New York, NY: Oxford University Press, 1999.
- Martin, Paul. "Voting's Rewards: Voter Turnout, Attentive Publics, and Congressional Allocation of Federal Money." *American Journal of Political Science*. 47:1 (January 2003).
- Mattila, Mikko. "Why Bother? Determinants of Turnout in the European Elections." *Electoral Studies*. 22:3 (September 2003).
- McDonald, Michael P. "Every Eligible Voter Counts: Correctly Measuring American Turnout Rates." *Brookings Institution Report*. 2004. Available online at <http://www.brookings.edu/views/papers/20040909mcdonald.pdf>
- McDonald, Michael P. and Samuel Popkin. "The Myth of the Vanishing Voter." *American Political Science Review*. 95:4 (December 2001).
- Merrifield, John. "The Institutional and Political Factors that Influence Voter Turnout." *Public Choice*. 77:3 (November 1993).
- Mitchell, Glenn E. and Christopher Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate." *Political Behavior*. 17:2 (June 1995).
- Morone, James A. *The Democratic Wish: Popular Participation and the Limits of American Government*. New Haven, CT: Yale University Press, 1998.
- Nagler, Jonathan. "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991).
- Nardulli, Peter F., Dalager, Jon K., and Donald E. Greco. "Voter Turnout in U.S. Presidential Elections: An Historical View and Some Speculation." *PS: Political Science and Politics*. 29:3 (September 1996).

FINAL D R A F T

National Research Commission on Election and Voting. "Interim Report on Alleged Irregularities in the United States Presidential Election 2 November 2004." 23 December 2004. Available online at <http://elections.ssrc.org/research/InterimReport122204.pdf>

Neeley, G.W. and L.E. Richardson. "Who Is Early Voting? An Individual Level Examination." *Social Science Journals*. 38:3 (Autumn 2001).

Oliver, J. Eric. "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout." *American Journal of Political Science*. 40:2 (May 1996).

Pacek, Alexander and Benjamin Radcliff. "Turnout and the Vote for Left-of Centre Parties: A Cross-National Analysis." *British Journal of Political Science*. 25:1 (January 1995).

Palfrey, Thomas R. and Howard Rosenthal. "Voter Participation and Strategic Uncertainty." *American Political Science Review*. 79:1 (March 1985).

Pantoja, Adrian D., Ricardo Ramirez, and Gary M. Segura. "Citizens by Choice, Voters by Necessity: Patterns in Political Mobilization by Naturalized Latinos." *Political Research Quarterly*. 54:4 (December 2001).

Patterson, Thomas E. *The Vanishing Voter*. New York, NY: Alfred A. Knopf, 2002.

Piven, Frances Fox and Richard A. Cloward. *Why Americans Don't Vote*. New York, NY: Pantheon Books, 1988.

Phillips, Kevin P. and Paul H. Blackman. *Electoral Reform and Voter Participation: Federal Registration, a False Remedy for Voter Apathy*. Washington, DC: American Enterprise Institute for Public Policy Research, 1975.

Plutzer, Eric. "Becoming a Habitual Voter: Inertia, Resources and Growth in Young Adulthood." *American Political Science Review*. 96:1 (March 2002).

Powell, G. Bingham, Jr. "American Voter Turnout in Comparative Perspective." *American Political Science Review*. 80:1 (March 1986).

----- *Contemporary Democracies: Participation, Stability, and Violence*. Cambridge, MA: Harvard University Press, 1982.

----- "Constitutional Design and Citizen Electoral Control." *Journal of Theoretical Politics*. 1:2 (April 1989).

----- "Voting Turnout in Thirty Democracies: Partisan, Legal, and Socio-Economic Influences." In *Electoral Participation: A Comparative Analysis*. Ed. Richard Rose. Beverly Hills, CA: Sage, 1980.

Rallings, C., M. Thrasher and G. Borisjuk. "Seasonal Factors, Voter Fatigue and the Costs of Voting." *Electoral Studies*. 22:1 (March 2003).

Rosenstone, Steven J. and John Mark Hansen. *Mobilization, Participation, and Democracy in America*. New York, NY: Macmillan, 1993.

FINAL D R A F T

- Rosenstone, Steven J. and Raymond E. Wolfinger. "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978).
- Rusk, Jerrold G. "The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876 – 1908." *American Political Science Review*. 64:4 (December 1970).
- Shaw, Daron, Rodolfo O. de la Garza, and Jongho Lee. "Examining Latino Turnout in 1996: A Three-State, Validated Survey Approach." *American Journal of Political Science*. 44:2 (April 2000).
- Southwell, Priscilla L. and Burchett, Justin I. "The Effect of All-Mail Elections on Voter Turnout." *American Politics Quarterly*. 28:1 (January 2000).
- Squire, Peverill, Raymond E. Wolfinger, and David P. Glass. "Presidential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987).
- Stein, Robert M. "Introduction: Early Voting (in Research Notes)." *Public Opinion Quarterly*. 62:1 (Spring 1998).
- Stein, Robert M. and Patricia A. Garcia-Monet. "Voting Early but Not Often." *Social Science Quarterly*. 78:3 (September 1997).
- Timpone, Richard J. "Structure, Behavior, and Voter Turnout in the United States." *American Political Science Review*. 92:1 (March 1998).
- Tollison, Robert D. and Thomas D. Willett. "Some Simple Economics of Voting and Not Voting." *Public Choice*. 14:1 (April 1973).
- Traugott, Michael W., Adam Berinsky, and Nancy Burns. "Who Votes by Mail?" *Public Opinion Quarterly*. 65:2 (Summer 2001).
- Verba, Sidney, Norman H. Nie, and Jae-On Kim. *Participation and Political Equality: A Seven-Nation Comparison*. Cambridge, UK: Cambridge University Press, 1978.
- Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and Equality: Civic Volunteerism in American Politics*. Cambridge, MA: Harvard University Press, 1995.
- Wattenberg, Martin P. "Turnout Decline in the U.S. and Other Advanced Industrial Democracies." *Research Monograph: Center for the Study of Democracy, University of California, Irvine*. September 1998. Available online at <http://www.democ.uci.edu/papers/marty.html>
- Winders, Bill. "The Roller Coaster of Class Conflict: Class Segments, Mass Mobilization, and Voter Turnout in the US., 1840-1996." *Social Forces*, 77:3 (March 1999).
- Wolfinger, Raymond E. "The Rational Citizen Faces Election Day or What Rational Choice Theorists Don't Tell You about American Elections." In *Elections at Home and Abroad: Essays in Honor of Warren E. Miller*. Eds. M. Kent Jennings and Thomas E. Mann. Ann Arbor, MI: University of Michigan Press, 1994.

FINAL DRAFT

Wolfinger, Raymond E., David P. Glass, and Peverill Squire. "Predictors of Electoral Turnout: An International Comparison." *Policy Studies Review*. 9:3 (Spring 1990).

Wolfinger, Raymond E. and Steven J. Rosenstone. *Who Votes?* New Haven, CT: Yale University Press, 1980.

Appendix



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

October 17, 2006

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

Dear Ms. Weiser:

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

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

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

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

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

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

Sincerely,

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

Tom Wilkey
Executive Director

017853



US ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

JOHN WEINGARTEN

FROM:

Bert A. Benavides (for Tom Wilkey)

COMPANY:

EAGLETON

DATE:

10/18/2006

FAX NUMBER:

732-932-6778

TOTAL NO. OF PAGES, INCLUDING COVER:

2

SENDER'S PHONE NUMBER:

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

SENDER'S FAX NUMBER:

202-566-3128

RE:

RESPONSE TO BRENNAN CENTER
FOR JUSTICE, NYU SCHOOL OF
LAW

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

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

017854

MESSAGE CONFIRMATION

OCT-18-2006 08:17 AM WED

FAX NUMBER : 2025663128
NAME : EAC

NAME/NUMBER : 917329326778
PAGE : 2
START TIME : OCT-18-2006 08:16AM WED
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RESULTS : [O.K]

017855

F04-002

FOIA File

epic.org

20 working days: 8/17/2004

July 20, 2004

VIA FACSIMILE

United States Election Assistance Commission
 1225 New York Avenue N.W.
 Suite - 1100
 Washington, DC 20005
 (202) 566-3100
 fax (202) 566-3127

1718 Connecticut Ave NW
 Suite 200
 Washington DC 20009
 USA
 +1 202 483 1140 (tel)
 +1 202 483 1248 (fax)
 www.epic.org

FOIA REQUEST

Dear Mr. John Vergelli:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. §. 552, on behalf of the Electronic Privacy Information Center, I request access to and copies of all agency records of ~~complaints and agency responses~~ regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners. I also request access to and copies of all agency records of ~~complaints and agency responses~~ regarding voting ballot counting software from September 2000 to the present. Additionally, I request access to and copies of all agency records of communications between the agency and any other party discussing or interpreting Help America Vote Act of 2002, Section 301(a)(2)(B); 42 U.S.C. §15481(a)(2) (B).

Please redact any personal information incidentally submitted in conjunction with any complaint.

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited Web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of who report on technology issues for major news outlets. The newsletter

017856

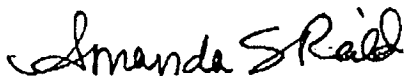
reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our Web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA and Department of Commerce regulations. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requester under the FOIA. See Electronic Privacy Information Center v. Department of Defense, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested records with only duplication fees assessed under 15 C.F.R. § 4.11(c). Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," as described above, any duplication fees should be waived. This information is being sought on behalf of EPIC for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a news media organization and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request. Thank you for your assistance.

Very truly yours,



Amanda S. Reid

Electronic Privacy Information Center
1718 Connecticut Ave., N.W.
Suite 200
Washington, DC 20009 USA



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* reid@epic.org
* http://www.epic.org

017857

Memo

To: File
From: JCV
Re: Phone call to EPIC re FOIA request
Date: 08/31/2004

I spoke with Lillie Coney. Amanda Reid, who signed the request, was an intern who has left EPIC. (That explains why my earlier messages to Reid weren't returned.) Coney is now the point of contact.

I clarified with Coney that "complaints," as used in the request, pertains to particular incidents or events, and not generally to the use of DREs, or to policy matters.

017858

1. Complaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners.

2. Complaints and agency responses regarding voting ballot counting software from 9/2000 to the present.

3. All agency acts of communications between the agency and any other party discussing or interpreting HAVA § 301(2)(7)(B).

"Audit capacity."

NOTES:

Spoke with John Vergelli on 9-8-04 regarding FOIA request by EPIC. He stated that he had an initial conversation with Lillie Coney regarding the request. Email has gone out to some staff regarding the need to gather any responsive documents.

I will collect any responsive documents and send a response.

017360

John C.
Vergelli/EAC/GOV
09/01/2004 09:11 AM

DeForest Soaries Jr./EAC/GOV, Gracia
To Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Diane

cc

bcc

Subject FOIA request from EPIC to EAC

The EAC has received a FOIA request from the Electronic Privacy Information Center (EPIC). EPIC seeks three types of records:

1. "[C]omplaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners."

2. "[C]omplaints and agency responses regarding voting ballot counting software from September 2000 to present."

About 1. and 2., I've spoken with a staffer from EPIC. In response to my question, the staffer clarified that by "complaint" they mean a specific assertion or allegation about a particular incident or event. They are not seeking records that are about DRES, etc., generally or as a matter of policy.

The staffer also clarified that the language, "voting ballot counting software," is meant to get at optical scan counting software.

3. "[R]ecords of communications between the agency and any other party discussing or interpreting [HAVA section] 301(a)(2)(B)."

Section 301(a)(2)(B) is entitled "Audit Capacity." In summary, its three clauses require "a permanent paper record with a manual audit capacity," "provid[ing] the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced," and that the "paper record ... shall be available as an official record for any recount."

This request appears complete: It describes the records sought with reasonable clarity, which is what the law demands of requestors.

It's now the EAC's obligation to make a reasonable search for records, which includes e-mails.

So, please search your files, e-mail folders, etc., for any records that are responsive to the request's three descriptions. Please respond to your new G.C. (as a bureaucrat at heart, I love giving work to other people!) by Friday, 9/10 with a description

017361

of what you have--don't make copies yet.

Once we've identified whatever responsive records we have, we must produce copies, unless we can protect a given document under one of the FOIA exemptions. At the risk of speculating, one exemption that may be relevant covers trade secrets and confidential business information.

John Vergelli
Attorney Advisor
U.S. Election Assistance Commission
PRIVILEGED AND CONFIDENTIAL
Attorney-Client Communication
Attorney Work Product

017362



Gracia Hillman/EAC/GOV
09/01/2004 01:42 PM

To Sheila A. Banks/EAC/GOV@EAC
cc
bcc
Subject Fw: FOIA request from EPIC to EAC

Sheila:

I do not believe I have any such communication in my email but I might. I suspect that if I do, it is something that all 4 commissioners received.

Nonetheless, I will need you to search my email looking for any such communication as is described in Vergelli's email below. I would guess the letter we recently sent to the couple who are poll workers might qualify.

At any rate, Vergelli's email instructs that we identify the possible qualifying communication, make a list but not copies yet.

You can access my email to do this any time I am not here. Thank you.

----- Forwarded by Gracia Hillman/EAC/GOV on 09/01/2004 01:36 PM -----



John C. Vergelli/EAC/GOV
09/01/2004 09:11 AM

To DeForest Soaries Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Diane Savoy/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, Joan A. Wooley/EAC/GOV@EAC, Nancy Jackson/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Penelope Bonsall/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Daniel Murphy/EAC/GOV@EAC
cc
Subject FOIA request from EPIC to EAC

The EAC has received a FOIA request from the Electronic Privacy Information Center (EPIC). EPIC seeks three types of records:

1. "[C]omplaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners."

017863

2. "[C]omplaints and agency responses regarding voting ballot counting software from September 2000 to present."

About 1. and 2., I've spoken with a staffer from EPIC. In response to my question, the staffer clarified that by "complaint" they mean a specific assertion or allegation about a particular incident or event. They are not seeking records that are about DREs, etc., generally or as a matter of policy.

The staffer also clarified that the language, "voting ballot counting software," is meant to get at optical scan counting software.

3. "[R]ecords of communications between the agency and any other party discussing or interpreting [HAVA section] 301(a)(2)(B)."

Section 301(a)(2)(B) is entitled "Audit Capacity." In summary, its three clauses require "a permanent paper record with a manual audit capacity," "provid[ing] the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced," and that the "paper record ... shall be available as an official record for any recount."

This request appears complete: It describes the records sought with reasonable clarity, which is what the law demands of requestors.

It's now the EAC's obligation to make a reasonable search for records, which includes e-mails.

So, please search your files, e-mail folders, etc., for any records that are responsive to the request's three descriptions. Please respond to your new G.C. (as a bureaucrat at heart, I love giving work to other people!) by Friday, 9/10 with a description of what you have--don't make copies yet.

Once we've identified whatever responsive records we have, we must produce copies, unless we can protect a given document under one of the FOIA exemptions. At the risk of speculating, one exemption that may be relevant covers trade secrets and confidential business information.

John Vergelli
Attorney Advisor
U.S. Election Assistance Commission

017864

PRIVILEGED AND CONFIDENTIAL
Attorney-Client Communication
Attorney Work Product

017865

Juliet E.
Thompson/EAC/GOV
09/08/2004 09:07 AM

To DeForest Soaries Jr./EAC/GOV, Gracia Hillman/EAC/GOV,
Paul DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,
cc
bcc
Subject FOIA Requests

I have discovered that there are two FOIA requests.

The first was sent by The Mercury News to the FEC regarding communications with Ciber, Inc., Wyle labs, Wyle Laboratories, SysTest or American Management Systems. After speaking with John Vergelli this morning, I have learned that this request was forwarded to the FEC for their response. I will follow up with the contact person at the FEC to determine where they are on the response.

The second FOIA request was sent by EPIC on July 20, 2004 and sought information regarding complaints as to electronic voting, DREs, etc. I have included the body of the email from John regarding information that was requested. Please take a look at your records this week to determine whether you have any responsive documents. I have also contacted Diane Savoy regarding the incoming general email boxes and reviewing those for possible responsive materials.

Thank you.

1. "[C]omplaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners." (complaints - meaning a specific assertion or allegation about a particular incident or event)
2. "[C]omplaints and agency responses regarding voting ballot counting software from September 2000 to present." ("vote ballot counting software - to include optical scan equipment and software)
3. "[R]ecords of communications between the agency and any other party discussion or interpreting [HAVA section] 301(a)(2)(B)." (Audit capacity - "permanent paper record with a manual audit capacity")

017866



John C. Vergelli/EAC/GOV
05/13/2004 03:04 PM

To DeForest Soaries Jr./EAC/GOV
cc
bcc
Subject Initial review of FOIA request fm S.J. Mercury News

Mr. Chairman, I've made a first review of the FOIA request you handed me this morning, and a bit of initial legwork.

On its face, the request is complete-- the standard is that it must "reasonably describe" the records sought, and this request does.

I spoke with Peggy about whether we have responsive records--it is likely that we do, in the records brought over from the FEC. It is also very possible that the FEC still has some responsive records--e.g., in e-mails from FEC Commissioners' offices to OEA/Clearinghouse when the 2002 standards were approved, etc.

Given the subject of the request, we may need to consider whether FOIA exemption 4, for trade secrets and confidential commercial or financial information, applies to any of our records that contain information received from the corporations identified in the request. At first glance, I don't think any of the other FOIA exemptions will be relevant, but I'll look at this more closely.

Under FOIA, the agency receiving the request has twenty working days to make a determination on the request; that means, in general terms, to grant or deny the request, but not necessarily to deliver the documents. However, this deadline is quite often missed by agencies. If we count days from the date the request was faxed to the FEC, the 20th working day was 5/11. FOIA has an exception to this 20-working-days requirement that is relevant: An agency may extend the time to respond beyond twenty days in "unusual circumstances," which expressly include the need to consult with another agency. To avail itself of the exception, the agency must tell the requestor in writing why it needs the extension, and when it will make the determination. If the extension is for more than 10 days, the requestor may modify her request.

The FEC obviously wants to punt this one to us. However, while there are going to be tasks that we need to perform from our end, the request is addressed to them, and they may well have records that are responsive, so they are not off the hook.

I doubt that the FEC has made any response to this requestor, so I recommend the following course of action in the short-term. With your approval, I'll contact the FOIA officer at the FEC, explain that he still has obligations under this request, and suggest that he send a response to the requestor indicating that he is extending the time to respond under the exception described above--there are unusual circumstances (the EAC's recent creation and the transfer of OEA/Clearinghouse) and he does have to consult with another agency (i.e., the EAC). Doing this relatively quickly would be good-faith action to mitigate any accusation that either FEC or EAC did not act with the statutory deadlines, while we pull together our response.

Please let me know if this is okay with you.

Thanks,
John Vergelli

017867

He sd
4/28/04
grw



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 23, 2004

Forwarded from the FOIA office at the Federal Election Commission

017868

The Mercury News
The Newspaper of Silicon Valley
MercuryNews.com

750 Ridder Park Drive
San Jose, CA 95190
(408) 920-5000

Elise Ackerman
San Jose Mercury News
750 Ridder Park Drive
San Jose, CA 95190
408-271-3774

April 14, 2004

FEDERAL ELECTION COMMISSION
FOIA Officer, Press Office
999 E St., N.W.
Washington, DC 20463
(202) 694-1220
fax (202) 501-3283

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I request access to and copies of any communications on file with the Federal Election Commission with the following companies: Ciber Inc., Wyle Labs or Wyle Laboratories, SysTest or American Management Systems. I would also like to review any correspondence between the FEC and a member of the ITA Technical Subcommittee of the National Association of State Election Directors (NASED), also known as the ITA subcommittee or the Voting Systems Board. I would like to review any documents that fit this request from 1990 to the present date.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$40.00. However, please notify me prior to your incurring any expenses in excess of that amount.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on an issue that is of current interest to the public, namely the testing of voting machines and the drafting of voting machine standards.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information.

The public has an urgent need for information that deals with the integrity testing of voting systems that will be used in the November election.

I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Very truly yours,



Elise Ackerman

017370

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Official Business

FIRST CLASS
12 14
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APR 26 2004
MAILED FROM ZIP CODE 20005
Rec'd 4/28/04

FIRST CLASS MAIL

Election Assistance Commission
1225 New York Ave N.W. 11th Floor
Washington DC 20005

017871

NOTES:

Spoke with John Vergelli on 9-8-04 regarding FOIA request by the Mercury News. The request was originally sent to the FEC. It was returned to the FEC for their response. I will follow up with Bob Bearsac regarding the status of their response.

017372

9/8/04

Bob Bierack (FEC) - 202-694-1220

The Mercury News

Contacted to determine where we are
and what help we can provide.

- Will get back to me - after he checks
the statue.

017873

20 wkq days to respond [§ 552(a)(6)(A)(i)]

But, extension allowed in "unusual circumstances," including the need to consult w/ another agency. [§ 552(a)(6)(B)(i)]

Requested faxed on 04/13/2004: 20th wkq day was 05/11/2004.

Fees: Document duplication costs, only for requestor is ^{representative} ~~member~~ of "news media." 5 USC § 552(a)(4)(A)(i)(II).

Duplication is the 1st direct costs of making copies of documents.

Tasked by
Alumn on
05/13/2004.

Peggy - 3120

S.I. Mercury News 04/14/04 FOIA request to
FEC:

Q When Clearinghouse xfrd, did it bring
recs?

Recs still
at FEC?

Rebekah Harvey? Other Comrs' ofcs involved?
At approval?

Penelope was ex-officio mbr of VSB, and
Peggy & Bryan wd. attend occasionally.

E-mails that didn't make the xfr -
Bryan H.

Vendor proprietary info?

Request must "reasonably describe" records
sought § 552(a)(3)(A).

- "any communication on file w/ the
[FEC] w/ the following [cos]:"

- "any correspondence btwn the FEC
and a mbr of the ITA Technical
Subcmte of [NASED], aka the
ITA subcmte or the Voting Systems
Bd"

0173/75

F05 -007

FOIA File

Jeannie Layson /EAC/GOV
01/06/2006 09:25 AM

To "Susan Pynchon"
<[REDACTED]>@GSAEXTERNAL
cc [REDACTED]
bcc ggilmour@eac.gov
Subject Re: Fwd: Freedom of Information Act Request re Voting
Systems Accreditation Board [REDACTED]

Ms. Pynchon,
The U.S. Election Assistance Commission could find no records responsive to your request. The commission is not the custodian of the records you requested. The entity you referred to is part of the National Association of State Election Directors, a non-federal entity.

Please note that I am the agency's FOIA officer, so in the future please send any FOIA requests directly to me either by email to jlayson@eac.gov or to the address listed below. You can reach me directly at 202-566-3103.

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

017876

Ms. Pynchon, due to your inquiry from Friday now advanced as a FOIA request, I am forwarding the information to Jeannie Layson, our FOIA specialist. She returns from vacation on Tuesday, January 3rd. Thank you very much. Bert A. Benavides

Special Assistant to Executive Director Thomas Wilkey
U. S. Elections Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
202.566.3100
202.566.1389 fax

--- Forwarded by Bert A. Benavides/EAC/GOV on 12/28/2005 05:07 PM ---

"Susan Pynchon" <susanpynchon@yahoo.com>
12/27/2005 10:51 PM

To "Bert Benavides" <bbenavides@eac.gov>
cc


Subject: Freedom of Information Act Request re Voting Systems Accreditation Board

Dear Bert,

This email is a follow up to my phone call to you last Friday, December 23. We are requesting the following information under the Freedom of Information Act:

A list of the current members of the Voting Systems Accreditation Board and a resume for each member.

Is Paul Craft still on the Board and will he remain on the board now that he is no longer working for the state of Florida but has his own consulting firm?

You may send the list and the resumes electronically to me at 

If you have any questions regarding my request, please email me or call my cell phone at 386-804-3131.

Thank you very much.

Sincerely,

Susan Pynchon
Florida! Fair Elections Coalition

017877

susanpynchon@yahoo.com
386-804-3131

017878



"Susan Pynchon"
<susanpynchon@yahoo.com>
>

01/05/2006 04:22 PM

To "Jeannie Layson" <jlayson@eac.gov>

cc "Bert Benavides" <bbenavides@eac.gov>, "Anita Lapidus"
[REDACTED] "Kitty Garber"

bcc

Subject Fwd: Freedom of Information Act Request re Voting Systems
Accreditation Board

Dear Jeannie,

I spoke to Bert Benavides on December 27 and followed up our conversation the same day with an email requesting certain information. Below is our email exchange, in which Ms. Benavides said she would forward our request to you.

It is now January 5, and we would appreciate receiving the information we have requested as soon as possible, specifically:

- A list of the current members of the Voting Systems Accreditation Board and a resume for each member.
- Is Paul Craft still on the Board and will he remain on the board now that he is no longer working for the state of Florida but has his own consulting firm?

You may send the list and the resumes electronically to me at [REDACTED]

If you have any questions regarding my request, please email me or call my cell phone at 386-804-3131.

Thank you very much.

Sincerely,

Susan Pynchon
Florida! Fair Elections Coalition

[REDACTED]
386-804-3131

Thank you very much

bbenavides@eac.gov wrote:

To: jlayson@eac.gov

CC: [REDACTED]

Subject: Fw: Freedom of Information Act Request re Voting Systems
Accreditation Board

From: bbenavides@eac.gov

Date: Wed, 28 Dec 2005 17:15:10 -0500

017879

F04-001

FOIA File

F05-006

FOIA File



"Jo-Anne Chasnow"

12/22/2005 02:01 PM

To jlayson@eac.gov

cc

bcc

Subject Re: FOIA request

Much appreciated, Jeannie, many thanks.
Happy holidays to you.

Jo-Anne

Jo-Anne Chasnow
Policy Director, Election Administration
Project Vote
201-863-3412
[REDACTED]

On Thu, 22 Dec 2005 13:13:14 -0500 jlayson@eac.gov writes:

Ms. Chasnow,

I have received your FOIA request for "copies of all responses to the EAC Voter Registration Survey which solicited responses by March 31, 2005 from the following 16 states: Arizona, California, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Michigan, Minnesota, New Mexico, North Carolina, Ohio, Pennsylvania, Texas and Washington. The responses to this survey were the basis for 2003-2004 report to Congress on the Impact of the National Voter Registration Act."


I am working with the appropriate EAC staff to gather the information.

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

017880










Jeannie Layson /EAC/GOV
01/06/2006 04:39 PM

To "Jo-Anne Chasnow"
cc [REDACTED]>@GSAEXTERNAL

bcc
Subject Re: FOIA request 

Ms. Chasnow,
Per your FOIA request, attached are the first six of the 16 state files you requested. The subsequent two emails will contain the remaining ten files. Please call me at [REDACTED] if you can be of further assistance or if you experience any difficulties receiving the files.

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

 
www.eac.gov  Georgia Voter Registration Survey - FINAL (Georgia).pdf  Florida Voter Registration Survey - 2FINAL.pdf
 
co voter reg survey 3-05.pdf  ca voter reg survey.pdf  Arizona reg survey.pdf  Louisiana Voter Registration Survey3-31-05 - FINAL2.pdf






017381

Jeannie Layson /EAC/GOV
01/06/2006 04:39 PM

To: [REDACTED]
cc:
bcc:
Subject: FOIA request

And here are five more of the files you requested...

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

 [www.eac.gov Maryland Voter Registration Survey - FINAL4.25.05.pdf](#)  [North Carolina Voter Registration Survey -SE.pdf](#)
 [New Mexico Voter Reg Survey - FINAL.pdf](#)  [Minnesota Voter Registration Survey - FINAL.pdf](#)  [mich voter reg survey.pdf](#)

017392



Jeannie Layson /EAC/GOV
01/06/2006 04:40 PM

To [REDACTED]
cc
bcc
Subject FOIA request



And here are the last five...

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



[www.eac.gov](#)  Pennsylvania Voter Registration Survey - FINAL1.pdf  Ohio EAC Voter Registration Survey.pdf  ct voter reg survey.pdf



 Washington 2005 EAC Voter Registration Survey - FINAL.pdf  tx voter reg survey.pdf

017383

See the FOIA request below. Please provide me with the information requested by Jar. 10. Thank you and let me know if you have any questions regarding the inquiry.

----- Forwarded by Juliet E. Thompson/EAC/GOV on 12/20/2005 09:10 AM -----

"Jo-Anne Chasnow" <jac1000@juno.com>

12/20/2005 08:35 AM

To JThompson@eac.gov

cc polnat6@acom.org, j[REDACTED]

Subject FOIA request

December 20, 2005

Juliet Thompson, General Counsel
US Election Assistance Commission

Dear Ms. Thompson:

I am sending this today as a Freedom of Information Act request. I am requesting copies of all responses to the EAC Voter Registration Survey which solicited responses by March 31, 2005 from the following 16 states: Arizona, California, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Michigan, Minnesota, New Mexico, North Carolina, Ohio, Pennsylvania, Texas and Washington. The responses to this survey were the basis for 2003-2004 report to Congress on the Impact of the National Voter Registration Act.

I would prefer electronic copies which could be sent to me via e-mail.

Many thanks for your cooperation and your assistance. Please let me know if you have any questions regarding my request.
Happy Holidays.

Sincerely,

Jo-Anne Chasnow
Policy Director, Election Administration
Project Vote
201-863-3412
jac1000@juno.com
6 Liberty Place, #5E
Weehawken, New Jersey 07086

CC: Michael Slater, Director, Election Administration, Project Vote

017384

Karen Lynn-Dyson/EAC/GOV
12/22/2005 02:22 PM

To Jeannie Layson/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Fw: FOIA request

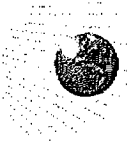
Jeannie-

Is the attached e-mail sufficient or suitable? Let me know, so that I can re-format if necessary.

Thanks

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

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/21/2005 02:18 PM —

















Nicole
Mortellito/CONTRACTOR/EA
C/GOV
12/22/2005 02:17 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Fw: FOIA request

Karen:

In response to Ms. Chasenow's FOIA request, please find attached the NVRA responses from the States specified in her e-mail. All are in PDF format.

  
Washington 2005 EAC Voter Registration Survey - FINAL.pdf Arizona reg survey.pdf ca voter reg survey.pdf
  
co voter reg survey 3-05.pdf ct voter reg survey.pdf Florida Voter Registration Survey - 2FINAL.pdf
 
Georgia Voter Registration Survey - FINAL (Georgia).pdf Louisiana Voter Registration Survey3-31-05 - FINAL2.pdf
 
Maryland Voter Registration Survey - FINAL4.25.05.pdf mich voter reg survey.pdf
 
Minnesota Voter Registration Survey - FINAL.pdf New Mexico Voter Reg Survey - FINAL.pdf
 
North Carolina Voter Registration Survey -SE.pdf Ohio EAC Voter Registration Survey.pdf

017835



Pennsylvania Voter Registration Survey - FINAL1.pdf tx voter reg survey.pdf

Regards,

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

Karen Lynn-Dyson/EAC/GOV

12/22/2005 01:16 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc

Subject Fw: FOIA request

Nicole-

Could you go to the share drive file , look under NVRA survey state data and pull these state files?

One completed, please send me an e-mail with each of the State files.

Thanks, so much!

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

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/21/2005 01:12 PM -----

Jeannie Layson /EAC/GOV

12/22/2005 01:03 PM

To klyndyson@eac.gov

cc

Subject Fw: FOIA request

Karen,

017886



Nicole
Mortellito/CONTRACTOR/EA
C/GOV

01/06/2006 04:51 PM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: FOIA request

Jeannie:

All of the files provided to you by Karen came by way of me from the EAC server and are, indeed, final copies of all of the forms.

Regards,

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

Jeannie Layson /EAC/GOV
01/06/2006 02:57 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Re: Fw: FOIA request

Not all of these files have "FINAL" in the file name. Can you verify that they are indeed the final forms?

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

017887

F05-005

FOIA File



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

December 16, 2005

Kathleen Wynne
Communications Director/Investigator
Black Box Voting, Inc.
330 SW 43rd Street
Suite K, Box 547
Renton, WA 98055

Dear Ms. Wynne,

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on November 18, 2005. Your request sought:

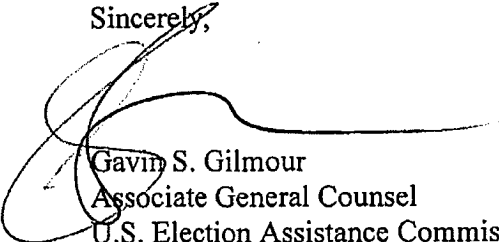
1. Any and all correspondence, e-mails, faxes between Secretary of State J. Kenneth Blackwell of Ohio and the EAC beginning January 2003 through November 2005.
2. Any and all correspondence, e-mails, faxes between CompuWare Corporation and the EAC beginning January 2003 through November 2005.
3. A copy of a CopmuWare report describing the GEMS' Security Defect.

In reference to requested items in number 2 and 3 above, the EAC has conducted a search of its files and does not have any correspondence with CompuWare Corporation nor does the EAC have a copy of the requested CompuWare report.

In reference to the requested items in number 1 above, the responsive documents are attached.

If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,


Gavin S. Gilmour
Associate General Counsel
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter and Fax (both dated November 18, 2005)
2. Responsive Documents

017888

05-0021

Gaylin Vogel/EAC/GOV
12/16/2005 10:52 AM

To kathleen@blackboxvoting.org
cc
bcc
Subject FOIA Response

Ms. Wynne:

Per your request I am sending this FOIA response electronically.



Black Box Response 16122005.pdf

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

017889



kathleen@blackboxvoting.org
11/18/2005 03:13 PM

To ggilmour@eac.gov
cc
bcc
Subject Urgent FOIA Request

Dear Mr. Gilmour:

As discussed this morning, attached is my FOIA request, which you agreed I could send to you via e-mail.

Many thanks for all your help in this matter.

Kathleen Wynne
Communications Director/Investigator
Black Box Voting, Inc.

This message was sent using IMP, the Internet Messaging Program.



EAC PRR Letter2.doc

017890



330 SW 43rd St.
Suite K, Box 547
Renton WA 98055
(425) 793-1030

November 18, 2005

Via E-Mail

Gavin S. Gilmour, Esq.
Associate General Counsel
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Gilmour:

Pursuant to our telephone conversation this morning and your subsequent approval of my sending you directly Black Box Voting's FOIA request. In that regard, we would like to request the following:

1. Any and all correspondence, e-mails, faxes between Secretary of State J. Kenneth Blackwell of Ohio and the EAC beginning January 2003 through November 2005.
2. Any and all correspondence, e-mails, faxes between Compuware Corporation and the EAC beginning January 2003 through November 2005.

We would appreciate receiving these documents either in electronic or paper form, with electronic being the preferred form.

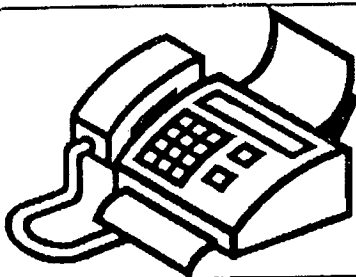
Please contact me by e-mail at your earliest convenience to inform us as to when we can expect to receive these documents, as well as to inform us of the cost incurred for duplication of these documents. My e-mail address is: Kathleen@blackboxvoting.org.

Thank you for your kind assistance and prompt response to this request.

Sincerely,

Kathleen Wynne
Communications Director/Investigator
Black Box Voting, Inc.

017391



A facsimile from

Black Box Voting, Inc.

Phone: 425-793-1030

Fax: 425-793-1033

To: Gavin S. Gilmour, Esq.
The U.S. Elections Assistance
Commission

Fax number: (202) 566-3127

Date: November 18, 2005

Regarding: CompuWare Report describing the GEMS' Security Defect

2 pages including this cover page.

Comments:

Dear Mr. Gilmour:

I just e-mailed you our FOIA request. In connection with our concerns that the EAC should have received notification from Secretary of State J. Kenneth Blackwell of Ohio alerting the Commission of this "High" risk security vulnerability in Diebold's GEMS software found by CompuWare Corporation BEFORE the November 2004 election, attached is a page from the August 18, 2004 Report specifically pointing out the security risks that needed to be mitigated.

Has the EAC received any report containing this information? If so, could you please also include that report with our other FOIA request? Thank you.

I look forward to receiving your response regarding this very serious matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Wynne'.

Kathleen Wynne
Communications Director/Investigator
Black Box Voting, Inc.

017892

Diebold DRE Technical Security Re-Assessment

Part Two: Diebold

Risk Levels of Identified Risks (continued)

2.1.3	A network port is provided for loading the ballot definition; and downloading candidate records. This should be done on a point-to-point network. There is a risk of a TCP hijacking attack if the AccuVote-TSX is connected to an internet or intranet. The DRE machines at voting locations will not have an Ethernet card as part of their configuration.	Low	High	Low
2.1.4	Ports on the AccuVote-TSX are covered by a locking panel. There is a risk that if the cover is unlocked during an election, the exposed ports could be used to disrupt the AccuVote-TSX.	Low	Low	Low
Physical Testing				
3.01	There is a risk that the PCMCIA card can be removed if the compartment is not locked. This is still the same setup. The power switch is in the same compartment as the PCMCIA Flash memory card with the ballot information.	Low	Medium	Low
3.07 3.41	GENIS uses the MS database for engine to store ballot definition data and election results. Any ODBC compliant tool could view the data in the database. There is a risk that an unauthorized person with access to the GENIS server can access the database and change ballot definition files and election results.	High	High	High



"LoParo, Carlo"
<CLOPARO@sos.state.oh.us
>

02/18/2005 04:57 PM

To ""testimony@eac.gov"" <testimony@eac.gov>

cc

bcc

Subject Blackwell testimony

Testimony to the Elections Assistance Commission
Provisional Ballot Hearing
J. Kenneth Blackwell, Ohio Secretary of State
Columbus, Ohio
Wednesday, February 23, 2005

Members of the Commission, welcome to Ohio. It is good to be with you today.

Thank you for the opportunity to testify. We have a good report to make from Ohio, and I'm pleased to be able to share it with you.

Everyone in my office, along with the thousands of election officials and workers throughout Ohio, knew we were going to have especially demanding jobs in 2004. All of the pre-election polling indicated that the presidential election was a dead heat in Ohio. Everyone knew what that meant: a lot of newly registered voters (many of them first time voters), extra attention to the state's election laws, and some confusion about the procedures.

I am an educator by training, and I approached the situation as an educational problem. An effective educator has a command of the facts and can communicate those facts clearly. The results show that all of us, Republicans and Democrats together, carried out our difficult and closely scrutinized jobs with few hitches, which we are now seeking to correct.

One reason that Ohio did not become, as some predicated, the Florida of 2004, was that Ohio has an election system that is transparent, bi-partisan, and fair. It both makes sure that citizens have every chance to make their views heard on elections days and provides checks against possible fraud.

It is also not new to us. The rules concerning provisional balloting have been in place since the mid-1990s. In 1994, my predecessor in this office, now-Governor Bob Taft, issued a directive to the County Boards of Elections describing the rule. It included the provision that voters casting a provisional ballot must do so in the precinct where they live.

HAVA, implemented after the 2000 election, required states that did not have provisional balloting provisions to provide them. It leaves the details rightly up to the states. Ohio retained its existing system. In this, Ohio is with the majority - 28 states require voters to cast provisional ballots in their home precincts.

This provision was the subject of a pre-election lawsuit that argued that Ohio's law was too restrictive and violated HAVA. The plaintiffs lost, and we hoped that the suit did not confuse voters.

We did not leave education to the hope that everyone heard the news. We had clear standards, and we made certain that election officials and workers understood them. We sent memos that spelled out how to implement state law. We followed up the memos with conference calls with members of County Boards of Elections. As the election neared, those calls were a daily event.

We got out the word directly to the voters. I believed that with an electorate that had grown by 22 percent, a massive education campaign could dispel any lingering confusion about where and how to vote. We used radio and television ads. Cards mailed to registered voters reminded them of their precinct and voting location. Using a

017394

sophisticated computer system, we called voters in urban areas twice with a recorded message that was another reminder of their precinct and voting place.

The system worked. After the election, bipartisan boards counted and checked by hand 153,539 provision ballots. Across Ohio, 77 percent of the provisional ballots were counted in the final tally. Most commonly, ballots were rejected because voters weren't registered. A few voters voted twice. A small number were rejected because voters cast their ballots at the wrong precinct.

Ohio's rate of acceptance compares very favorably to those of other states - especially those that allow voters to cast ballots outside of their correct precinct. In Pennsylvania, for example, only 48 percent of the provisional ballots were either fully or partially counted. This is not the result that critics of Ohio's law predicted. Ohio's provisional ballot count also did not produce legal challenges after the election. In North Carolina, the results of a close race for a state office finally turned on the count of the provisional ballots - and the mistaken instructions given by election officials to voters, who were wrongly instructed to cast their provisional ballots anywhere.

Because of our clear standards, communicated plainly and often, voters, election officials, and my office were on the same page, adhering to state law.

Ohio's election system is not perfect, but our provisional balloting system and our educational efforts can stand, I believe, as a model for other states.

Thank you.

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017395



OFFICE OF THE CHAIR

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

March 9, 2005

Honorable J. Kenneth Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

RE: Participation in February 23, 2005
Public hearing on provisional voting

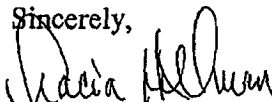
Dear Secretary Blackwell:

Thank you for participating in the United States Election Assistance Commission's public hearing on provisional voting. Initial responses indicate that the hearing was a great success, providing needed light to an issue that has been a source of confusion for many voters and election administrators alike.

Your testimony regarding the experience of Ohio in implementing provisional voting was insightful and helpful to EAC as it begins its work on provisional voting. We were particularly interested in the effect of litigation on the efforts of the state and local election officials to implement provisional voting.

Again, thank you for your time and assistance in beginning EAC's research and guidance work on provisional voting.

Sincerely,


Gracia Hillman
Chair



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

OFFICE OF THE CHAIRMAN

February 7, 2005

Honorable Kenneth J. Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Via Facsimile Transmission
614-644-0649

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005
Public Hearing on Provisional Voting

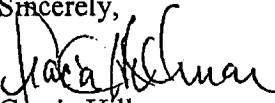
Dear Secretary Blackwell:

On February 23, 2005, the United States Election Assistance Commission (EAC) will be conducting a public hearing regarding provisional voting. The hearing will take place in Columbus, Ohio at the Moritz School of Law on February 23, 2005 from 1:00 to 5:00 p.m. This hearing is an information gathering session that is intended to begin the research process for the EAC's work in developing voluntary guidance on provisional voting. The hearing involves receiving testimony from three panels of speakers. The first panel will include election professionals from the state and local level. The second panel will include representatives of non-government sector organizations that are interested in election reform issues. The third panel will include academicians who have researched the issue of provisional voting.

The Commission would like to invite you to participate on the panel of election professionals. The Commission would ask that you limit your comments to no more than 10 minutes on the experiences in your state regarding the implementation and use of provisional voting during the elections of 2004. If you are able to attend, the Commission would ask that you submit written comments by Wednesday, February 16, 2005. Those comments can be sent via email to testimony@eac.gov.

Thank you for your consideration of this request. We look forward to hearing from you.

Sincerely,


Gracia Hillman
Chair



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

February 11, 2005

Honorable Kenneth J. Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Via Facsimile Transmission
614-644-0649

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005
Public Hearing on Provisional Voting

Dear Secretary Blackwell:

We appreciate your consideration of speaking at the public hearing on provisional voting to be held on Wednesday, February 23, 2005 in Columbus, Ohio. We must quickly finalize our arrangements and panelists for this hearing. As such, we would appreciate confirmation that you will or will not be able to speak at this event by 10:00 a.m. on Monday, February 14, 2005. If we have not received confirmation at that point, we will have to select another speaker.

Thank you in advance for your consideration and timely response.

Sincerely,

A handwritten signature in cursive script that reads "Gracia M. Hillman".

Gracia Hillman
Chair

F05-004

FOIA File

05-0090



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

December 15, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on November 16, 2005. The request sought certain agency records concerning the performance of the agency contract awarded to Kennesaw State University. Specifically, the request sought records pertaining to:

1. Designation and certification of the agency's contracting officer;
2. The docket manager for the Voluntary Voting System Guidelines (VVSG) comment process;
3. The docket rules for the VVSG comment period and final standards promulgation;
4. Contract performance reports, which includes the status of work under contract;
5. Communications from those who submitted comments on the status of comments and the ease of electronic access to the web posted comments to the VVSG;
6. Review of comments submitted for the VVSG;
7. A copy of VVSG comments submitted to both the agency and the contractor;
8. The status of comments submitted, ie. un read, read, categorized, assessment, and disposition;
9. Communications between the EAC, TGDC, and contractor over changes to the VVSG based on comments submitted;
10. Increased cost above the initial award to Kennesaw State University of \$175,000; and
11. Documents on subcontracts or consultancies issues by Kennesaw State University under the EAC contract in question with Brit Williams, TEM Consulting or Stephen Berger.

No Records. After a review of its files the EAC has determined that it has no records pertaining to items 1, 10 and 11 noted above.

Responsive Records. The EAC has found responsive records to the following items requested above:

- Items 2 and 3. Please see the EAC's public comment rules as published in the federal register (Volume 70, Number 124, pages 37378 - 37379). Further, enclosed please find testimonies of Merle King and Carol Paquette given before the Commission.
- Item 4. Please find responsive documents attached.
- Item 5. Please find the responsive documents attached. Some of the communications responsive to this request have been redacted. The removed portions contain personal

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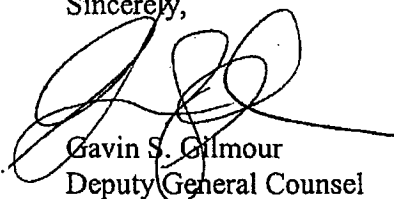
information (such as home and e-mail addresses) provided by the commenter. This redaction is required by 5 U.S.C. §522(b)(6).

- Item 7. Copies of the public's comments on the VVSG may be found on EAC's website (www.eac.gov). The EAC received 5,670 comments. All but approximately 1000 – 1500 of these comments have been posted. The remaining comments will be posted within the next five working days.
- Item 8. Please find the responsive records attached. These records have been printed and pulled from our tracking and management system database. The information enclosed relates to the status of the various comments as of December 5, 2005. The EAC has redacted the "recommended resolution" column on this printout because it is privileged (see discussion below). The reference numbers on the tracking and management system printout start at number 259, there are no entries numbered 1 through 258.

Withheld Records. Documents responsive to Items 6 and 9 are protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5). The documents sought are pre-decisional policy recommendations. Such documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action. It is estimated that approximately 2000 pages have been withheld from the tracking and management system database. Thirty-five pages of interagency e-mails have also been withheld.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,



Gavin S. Gilmour
Deputy General Counsel
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (dated November 16, 2005)
2. Responsive Documents

017330



Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,
Suite 200
Washington, DC 20009
USA

Phone: 202-483-1140
Fax: 202-483-1248
<http://www.epic.org>
Email: coney@epic.org

Fax Cover Sheet

Send to: <i>US Election Assistance Commission</i>	From: Lillie Coney
Attention: <i>Julie Thompson</i>	Office Location 1718 Connecticut Avenue, NW
Office location: <i>Washington DC</i>	Date: <i>11/16/05</i>
Fax number: <i>202-566-3127</i>	Phone number: 202-483-1140 Ext. 111

- URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: 3

Comments:

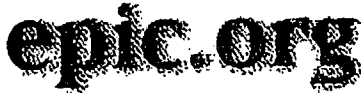
FOIA request



Organization

017901

ELECTRONIC PRIVACY INFORMATION CENTER



November 16, 2005

Fax 202-566-3127

Julie Thompson
 FOIA Officer
 United States Election Assistance Commission
 1225 New York Avenue N.W., Suite - 1100
 Washington, DC 20005

1718 Connecticut Ave NW

Suite 200

Washington DC 20009

USA

+1 202 483 1140 (tel)

+1 202 483 1248 (fax)

www.epic.org

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the performance of the agency contract awarded under no bid circumstances to Kennesaw State University. The documents sought include, but are not limited to information regarding:

- Designation and certification of the agency's contracting officer;
- The docket manager for the Voluntary Voting System Guidelines (VVSG) comment process;
- The docket rules for the VVSG comment period and final standards promulgation;
- Contract performance reports, which includes the status of work under contract;
- Communications from those who submitted comments on the status of comments and the ease of electronic access to the web posted comments to the VVSG;
- Review of comments submitted for the VVSG;
- A copy of VVSG comments submitted to both the agency and the contractor
- The status of comments submitted, i.e. unread, read, categorized, assessment, and disposition;
- Communications between the EAC, TGDC, and contractor over changes to the VVSG based on comments submitted
- Increased cost above the initial award to Kennesaw State University of \$175,000;
- Documents on subcontracts or consultancies issues by Kennesaw State University under the EAC contract in question with Brit Williams, TEM Consulting, or Stephen Berger.

This FOIA request includes notes, statements, memorandum, letters, compact disks, and e-mails regarding meetings and communications on the performance of the contract with Kennesaw State University.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

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Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,


Lillie Coney
Associate Director

017903

**Testimony
Public Hearing of the
Election Assistance Commission**

**Merle S. King
Chair
Department of Computer Science and Information Systems
Kennesaw State University**

September 27, 2005

Kennesaw State University (KSU) has accepted the task of providing technical support to the Election Assistance Commission (EAC) in the management of public comments regarding the Voluntary Voting System Guidelines (VVSG) and the subsequent editing of the VVSG to reflect the incorporation of these comments. In addition, KSU has been asked to assist by making recommendations that relate to improving the readability of the VVSG in regards to format, style, and clarity as well as correction of typographical errors.

In my comments, I will address the following issues as they relate to the comments received: the quantity of comments received by section; challenges in resolving comments; and a proposed procedure for resolving the use of comments in the editing of the VVSG

Comments are posted directly to the website (www.eac.gov) by the author, or may be submitted to the email address: votingsystemsguidelines@eac.gov. Comment may also be delivered by FAX or regular mail to the Commission. Comments submitted to the email address are posted to website by KSU staff. This requires the KSU staff to analyze the email contents and post the comment to the appropriate section at the website. Hardcopy documents are processed in similar fashion to the email. By placing all comments online, regardless of their form of submission, the public is able to 1) confirm their comment has been received and posted; and 2) review comments about the VVSG as well as comments about other comments.

Each comment, regardless of how it is received and/or posted, is assigned a tracking number within our comment system. This tracking system enables us to account for every comment received and its eventual resolution. In addition to a twice-daily backup of the online system, hardcopies of all comments are made and kept on file within our facility.

After a comment is uploaded to the website, it is reviewed and assigned the status of "Accepted" or "Rejected". As of September 22, 432 comments have been uploaded and posted to the website. Of these, 406 have been "Accepted" for display and 26 have been "Rejected". A breakdown of these comments reveals the following:

Comments Received, Accepted and Rejected, by Category

<i>Category</i>	<i>Received</i>	<i>Accepted</i>	<i>Rejected</i>	<i>Reason(s) for rejection</i>
<i>Sections</i>	244	234	10	6: tests of the system 2: reference to document format 2: multiple submissions
<i>General</i>	101	88	13	2: tests of the system 11: comments unrelated to guidelines
<i>Glossary</i>	87	84	3	1: test of the system 1: typographical error by staff; resubmitted 1: multiple submission
<i>Total</i>	432	406	26	

Table 1.

Comments rejected as test-comments are those entered by staff at the EAC and at KSU to test a feature of the system as it was being prototyped. Rather than delete these comments, we elected to retain them so that we would have a complete, end-to-end accounting of all comments entered into the system.

The eleven (11) comments rejected in the General category did not address the voting system guidelines or voting technologies. They tended to be broadly focused statements regarding election outcomes and were not directed toward the VVSG document.

The multiple submissions were those in which the author submitted the same comment twice.

All comments are retained within the database, but only those that are "Accepted" are displayed to an online reviewer.

Of the 432 comments accepted, not all are discrete, single topic submissions, nor are they all posted by their authors in the appropriate category. Occasionally the author will bundle several comments into a single submission. This complex comment may address multiple sections of VVSG. The decomposition of these complex comments results in a total number of comments to be analyzed greater than the total number submitted. To this end, we have 442 discrete, accepted comments to be analyzed and processed. (468 total comments – 26 rejected = 442).

The 442 discrete comments are not uniformly distributed over the contents of the VVSG:

Distribution of Comments – High Level Analysis

<i>Category</i>	<i>Comments</i>
<i>Section</i>	
<i>Volume I</i>	242
<i>Volume II</i>	47
<i>General</i>	69
<i>Glossary</i>	84

Table 2.

Distribution of Comments – Detailed Analysis

<i>Category</i>	<i>Comments</i>
Vol. I, Section 1 - Introduction	5
Section 2 - VS Functional Capabilities	54
Section 3 – Hardware Req'ts.	11
Section 4 – Software Req'ts.	3
Section 5 – Telecommunication Req'ts.	17
Section 6 – Security	120
Section 7 – Quality Assurance Req'ts.	2
Section 8 – Configuration Mgt. Req'ts.	1
Appendix A – Glossary	84
Appendix B – References	3
Appendix C – Best Practices for Ele. Off.	10
Appendix D – Ind. Dual Verification	14
Appendix E – NASED Tech. Guideline #1	1
Vol. II, Section 1 – National Cert. Test. Guidelines	22
Section 2 – Technical Data Package	3
Section 3 – Functionality Testing	1
Section 4 – Hardware Testing	6
Section 5 – Software Testing	3
Section 6 – Systems Integration Testing	2
Section 7 – Vend. Config. Mgmt. and QA	1
Appendix A – National Certification Plan	6
Appendix B – National Cert. Test Report	1
Appendix C – Nat. Cert. Test Des. Criteria	2

Table 3.

The section receiving the most comments is Vol. I, Section 6, Security. Of these, 82 are related to Section 6.8 Requirements for Voter Verified Paper Audit Trail (Optional), and many of those are redundant.

The majority of comments related to Vol. I, Appendix A – Glossary, are from two reviewers, one who is on the staff at KSU. EAC has requested KSU to further develop the Glossary by ensuring that all key terms in the body of the document are included. In addition, we have been asked to identify and document terms whose definitions vary somewhat by jurisdiction, e.g., absentee voting, and to ensure that all definitions are in conformance with HAVA and other authoritative sources. Posting these proposed changes in the form of comments allows the public to review and comment on them.

To support the efficient resolution and disposition of the comments, we have proposed a broad classification scheme that identifies a comment as Non-extensive or Extensive, based on the degree of effort required for resolution. Non-extensive indicates that the comment can be resolved by inspection or with little effort, as opposed to those that require more significant analysis or effort to resolve (Extensive). Of the Accepted Comments posted, 192 are judged to be Non-extensive, with the remaining 250 assessed as Extensive.

Examples of Non-extensive comments include:

- Spelling and typographical errors
- Formatting errors (indentation, numbering, etc.)
- Pagination
- Conforming glossary definitions to authoritative sources (HAVA, NIST, etc.)
- Affirming the currency and correctness of references to other sources

Extensive comments are those that will require more thorough research and may extend into the areas of law and policy. Examples include:

- Change “should” to “shall” or “shall” to “should”
- Alteration of scope of the subject under consideration
- Technical specifications
- Changes in performance of a component of a Voting System

Resolving these comments will require some research and perhaps multiple passes through different reviewers.

To control the process of resolving and incorporating comments into the final version of the VVSG, we have developed an online system to enable designated reviewers access to the comments as well as recommendations for resolution. The EAC will determine who the reviewers will be. Our prototype assumes the reviewers will be: KSU staff, NIST personnel, and the staff of the EAC. Each change to the VVSG that is the result of processing a comment will be tracked and include the appropriate signoffs, with the final signoff being that of the EAC.

In summary, we have implemented a system that tracks every comment from its origin through its resolution. This resolution will be: incorporation into the VVSG as submitted, incorporation into the VVSG after modification, or unused.

We are aware that there are organizations, including vendors, that are still preparing their comments for submission. We do not expect these comments to be posted until right before the closing of the public comment period (September 30). We are prepared to process a last-minute high volume of submissions. It would not be surprising to see the number of comments double in the time remaining before September 30.

Testimony
Meeting of the Election Assistance Commission

Merle S. King
Chair
Department of Computer Science and Information Systems
Kennesaw State University

December 13, 2005

For the past six months, Kennesaw State University (KSU) been engaged in supporting the Election Assistance Commission (EAC) in the management of public comments received regarding the Voluntary Voting System Guidelines (VVSG). In addition we have supported the subsequent editing of the VVSG to reflect the incorporation of revisions in response to EAC analysis and consideration of these comments. We have also worked with the EAC staff to improve the readability of the VVSG in regards to format, style, and clarity as well as correction of typographical errors.

After the VVSG was posted for public review and comment on July 1, 2005, the public was invited to review the VVSG document and provide comments. These comments were submitted in a variety of ways including direct posting to a website (www.eac.gov), emailed to votingsystemsguidelines@eac.gov or hardcopy submitted by mail, fax or presented at one of several public hearings held during the comment period.

Each comment, regardless of how it was received and/or posted, was reviewed and assigned a tracking number and posted to the website tracking system. This system enables us to account for every comment received and its eventual resolution. In addition to a twice-daily backup of the online system, hardcopies of all comments are made and kept on file within our facility. At the September 27, 2005 meeting of the EAC, I indicated that we had received 432 comments as of September 22. Between September 23 and September 30, EAC received over 5,000 comments. Although all comments have been reviewed by EAC staff for input to their deliberations, KSU is still classifying and cataloging comments in preparation for our final report.

In the final two days of the comment period approximately 3300 nearly identically worded emails were sent to the EAC in response to an organized campaign to request the Commission to make voter verifiable paper audit

trails mandatory for electronic voting systems. The EAC staff had to individually review these messages and then forward them to KSU for manual entry into the comment website. To keep the data entry of this large volume of identical comments from delaying the processing and consideration of the other comments received, EAC requested us to develop a temporary database for recording these comments. KSU expects to complete this data entry by the end of this week, and the temporary database will then be merged with the comment website.

Public Comment Process

Individuals and organizations that wished to comment on the draft of the VVSG were given 90 days after the posting of the VVSG to do so. Electronic versions of the VVSG were made available on the EAC website and hardcopies were provided upon request.

The EAC held public hearings in New York, Pasadena and Denver during the summer of 2005. In addition to testimony presented by invitees, individuals could present testimony at the conclusion of each hearing. All of the testimony from these hearings, including transcripts of oral testimony, was reviewed as part of the public comment process and entered into the website tracking system.

The EAC also discussed the VVSG with the EAC Standards Board and Board of Advisors. Formal comments submitted by the Standards Board were entered into the website tracking system.

About 2/3 of the comments received were emailed to the EAC. These emails were reviewed by EAC staff and then forwarded to KSU for entry into the website tracking system. About 1/3 of the comments received were entered directly into the website by their author.

Comments can be viewed on the web through a link from the EAC website (www.eac.gov).

Sources of Comments

Comments could be submitted by individuals or by authors representing organizations. Our preliminary assessment of the comments indicates that 40% were submitted by individuals not claiming affiliation with any

organization, with 60% coming from organizations that include advocacy groups as well as voting system vendors. The majority of General and Glossary comments came from individuals while Section comments came primarily from organizations. Section comments outnumber General and Glossary comments 2:1.

Content of Comments

Although we have not prepared our final report of the disposition of comments, our ongoing review of the comments, indicates the following distributions:

Comments dealing with...

- Content of the VVSG: 64.2%
- Testing criteria: 13.4%
- Security and threat analysis: 7.4%
- Formatting of the VVSG: 5.6%
- Grammar: 5.0%
- Testing laboratory supervision: 2.2%
- Concerns about vendors: 2.2%

The majority of the comments relate to Volume I, Sections 2 and 6 (Human Factors and Security).

Website Tracking System

Once a comment was entered at the website by either its author or entered by a KSU staff member from emails or hardcopy submission, the comment was classified as either "Extensive" or "Non-Extensive". Non-Extensive comments are those that address spelling, section numbering, or trivial formatting errors. Extensive comments are those that address adding, deleting, or modifying the content or intent of the VVSG.

In addition to this classification, KSU reviewed the comment and ensured that it was properly assigned the correct document designation of General, Section or Glossary. Comments related to a specific section had to assigned the appropriate section (and subsection) number. Since both volumes of the VVSG contained duplicate section and appendix identifiers, there was

occasional confusion on the part of the submitter regarding which volume their comments referred to.

After these initial comment posting actions, comments were given a preliminary content review by KSU and assigned a suggested disposition for consideration by the EAC staff. This was done to expedite the review process so the final VVSG could be completed as quickly as possible. Specific disposition categories were developed in conjunction with the EAC:

- Rejected – comments contained observations about the election process in general and did not contain specific comments pertaining to the VVSG content or suggested language to consider
- Rejected, redundant – comments may or may not contain usable suggestions but the comment's content has already been made by another author
- Accept as written – comments contained both an analysis of a portion of the VVSG draft and suggested language to clarify or amend the document
- Accept modified – comments contained valid analysis, but lacked appropriate language for remedy. Language would be provided by EAC review working groups.
- Carry over – comment contains either valid analysis of VVSG content needing review for next iteration of the VVSG or suggests an expansion of the scope of the VVSG that needs to be reviewed in the next iteration
- Refer to EAC for resolution – comments that require policy review (e.g. shoulds and shalls)
- Other – comments that will be referred to the Election Management Guidelines working group for consideration, or comments that do not fall into one of the preceding categories

Once KSU had reviewed, classified, and recommended disposition of a comment, it was then reviewed by the EAC staff or one of three comment review working groups comprised of EAC and NIST personnel, and in some cases by both. All comments received at least two levels of review and no final recommended disposition assigned (accepted, rejected, carried over, etc.) without explicit approval of EAC staff. Each comment's disposition is tracked to the document and to the reviewers who signed off on its disposition.

KSU also assisted in formatting, editing, and providing research support for the EAC staff in developing the current draft of the VVSG. Our support was limited to proposing document formats, editing for grammar and syntax, document management, and research on references.

Work remaining on the project includes implementing any final edits required by the EAC and eventually closing down the website tracking system which will include a detailed report of the comments received.

PAQUETTE TESTIMONY – JUNE 30 PUBLIC MEETING

Section 202 of the Help America Vote Act (HAVA) directs the Election Assistance Commission (EAC) to adopt voluntary voting system guidelines and to provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited test labs - among many other duties. The guidelines specify the functional and performance requirements that voting systems must meet to receive national certification. They also describe the testing procedures that the voting system test labs should follow in conducting system certification testing.

To assist EAC with its guidelines development work, HAVA provides for the establishment of a body of subject matter experts, the Technical Guidelines Development Committee (TGDC). As specified by the statute, the fifteen members of the TGDC are drawn from a variety of organizations, such as NASED, the Access Board, IEEE, and ANSI. The TGDC is chaired by the Director of the National Institute for Standards and Technology (NIST), and NIST is charged with providing technical support to the deliberations of the TGDC. EAC has provided nearly \$3 million dollars this fiscal year to fund the work of the TGDC and NIST.

HAVA tasks the TGDC with developing recommendations for guidelines and providing those recommendations to the EAC. The TGDC and NIST completed this challenging task within the nine months specified by HAVA and delivered their initial set of recommendations to the EAC on May 9. This document represents a significant step forward from the 2002 Voting System Standards. We appreciate the solid research and many hours of analysis involved in this effort. The TGDC and NIST have provided an excellent body of work for EAC to consider in preparing its proposed guidelines.

These recommendations augment the 2002 Voting Systems Standards in the areas of accessibility, usability, and security. They include significant new requirements for accessibility, voting system software distribution, system setup validation, and the use of wireless. Since some States have required voter verified paper audit trails, the Guidelines include performance specifications for this system component. These requirements are optional for national certification purposes.

A paper audit trail is only one of several currently available technical approaches to provide a means, in addition to the voting system summary screen, for voters to verify their choices before submitting their ballot. EAC plans to address the development of similar specifications for audio, video, and cryptographic methods in the future. There was not sufficient time for the TGDC and NIST to include these other technical solutions in the initial recommendations.

EAC has conducted a thorough review of these recommendations in carrying out its due diligence as the agency responsible for the implementation and interpretation of HAVA. In particular, the Commission has performed a legal analysis to ensure compliance with the statute, especially focusing on the mandatory Section 301 voting system

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requirements.

This legal review resulted in changes to several of the accessibility recommendations to make the requirements mandatory, rather than permissive. For example, Human Factors requirement 2.2.6 provides that an accessible voting station *should* provide features to enable voters who are blind to verify their ballot choices, if the normal voting procedure includes a voter verified paper audit trail. A significant caveat was added that, if the State requires the paper record produced by the voter verified paper audit trail feature to be the official ballot, then the accessible voting system *must* provide features to enable visually impaired voters to review the paper record.

In addition, selected portions of the Guidelines document were revised to reflect the new EAC process for the national certification of voting systems, most notably in Volume I, Section 1, and Volume II, Section 1. Since these Guidelines will be in use for the next several years, we thought it advisable to replace the description of the former NASED process with the EAC process, which will be in place concurrently with the adoption of these Guidelines. In a similar vein, we substituted Election Assistance Commission in place of Federal Election Commission where appropriate.

Materials in Section 6 were reorganized to place the new requirements developed by the TGDC and NIST within the appropriate subsections. This allows the reader to review all the requirements for a particular topic in one place. For example, the new software distribution requirements were moved to the Software Security subsection. Voter verified paper audit trail requirements were placed at the end of the section since they are optional for national certification purposes. The discussion on independent dual verification systems was removed from the main body of the document since the TGDC did not recommend it as a requirement at this time. This material is presented in Appendix D.

Volume I, Section 9 was combined with Volume II, Section 1 to consolidate all requirements regarding the national certification testing process in a single volume. Minor updates were made throughout both volumes of the Guidelines to reflect the role of the EAC and to include new terminology introduced by HAVA. In addition, the Glossary was updated to reflect Department of Justice comments submitted earlier to NIST. Some other wording clarifications were made to the Glossary.

The Federal Register notice was published on June 29 to begin the 90 day public comment period. EAC has also scheduled three public hearings on the Guidelines. The first one is today in New York; the second is on July 28 at the California Institute of Technology in Pasadena; California; and the third in Denver on August 23. Each of these hearings will include several panels of speakers discussing various aspects of the Guidelines. There will also be time provided for comment by members of the public. The EAC Board of Advisors and Standards Board also will be providing input on the Guidelines. The Commission has scheduled several days with the Boards to review and discuss their comments.

The Guidelines are available in a variety of formats. The document can be read or downloaded from the EAC website (www.eac.gov) in either pdf or HTML format. Since

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it is more than 250 pages, it can be downloaded in individual sections or the entire document. The document is also available in hard copy or on CD by contacting the EAC. Instructions for requests are provided on the website and in the Federal Register notice.

EAC is also providing several alternative methods for submitting comments:

- through an on-line comment form on the webpage (www.eac.gov)
- by e-mail to votingsystemguidelines@eac.gov
- by mail to Voting System Guidelines Comments to the Commission
- by FAX to Voting System Guidelines Comments at (202)566-3127.

All comments from all sources will be stored in a single database and all will be posted on the EAC webpage. Are there any questions?

Paquette
testimony

October 25, 2005 Public Meeting
U.S. Election Assistance Commission

Summary of Voluntary Voting System Guidelines Review Process

The EAC has received approximately 4500 comments on the Voluntary Voting System Guidelines (VVSG). About 70% of these comments were received on the last two days of the comment period: 700 comments to the website and 2500 emails. Most of the emails came from an organized write-in campaign to encourage EAC to mandate voter verified paper audit trails. However, several of the emails came from voting system vendors and included fairly lengthy attachments containing a large number of individual comments (48 Excel spreadsheet pages in one case). A small number of comments were received by FAX and postal mail. As one might expect, security and human factors are the topics with the most comments.

We have created a database to track the comments and assist in managing the review process. Comments submitted to the EAC website were directly entered into this database by the author. All comments received by email require manual entry into the database. This is a time-consuming task that is being performed by Kennesaw State University, which is under contract to assist EAC with this effort.

We have organized the review process into 4 subject areas: Security, Human Factors, Core Requirements, and Glossary. The review groups are comprised of staff from EAC, NIST, and Kennesaw. Work is under way to review the comments and determine their disposition. Many are very general in nature and do not relate to any specific section of the VVSG. There are also many duplicate comments. It is too early in the process to forecast with any great accuracy how long it will take, but we are pressing ahead with the review as quickly as we can.

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UNITED STATES

ELECTION ASSISTANCE COMMISSION



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Security Section Voluntary Voting System Guidelines: Summary of Changes

Carol Paquette

U.S. Election Assistance Commission

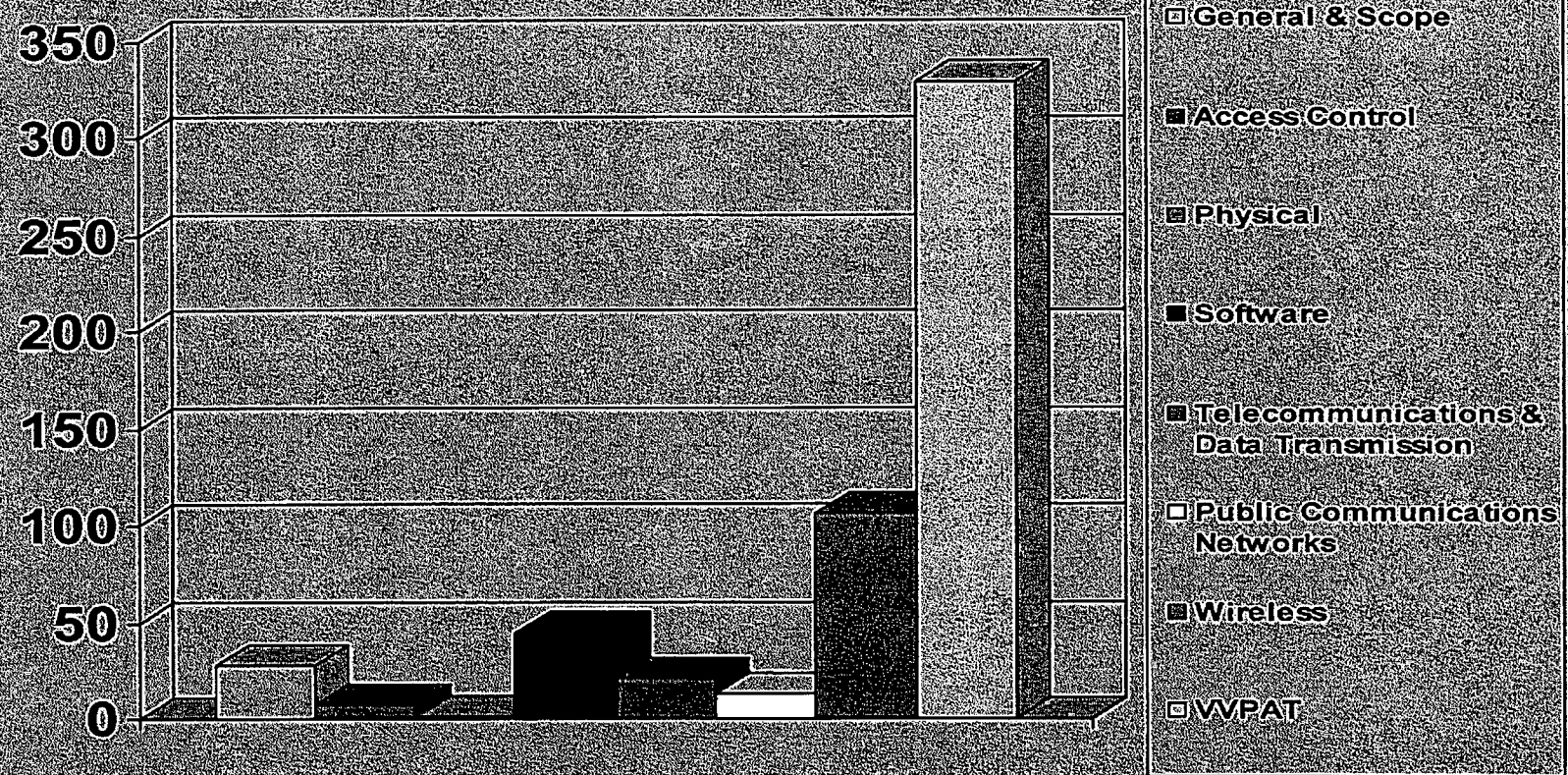


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Security Comments by Category



Total: 550 Comments



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Three Principal Areas of Comments

- Software
- Wireless
- VVPAT



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Software

- 2005 VVSG adds significant new requirements to improve the integrity of voting system software pertaining to:
 - Distribution of software to purchasing jurisdictions
 - Generation of reference information to validate software
 - Validation of software on the voting equipment



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Software Comments Resolution

- 42 comments received
- 20 comments designated as carry-over
- 9 comments accepted to clarify language
- 16 comments were not utilized
 - No specific comment made
 - Substance of comment redundant



Wireless Comments Resolution

- 70 comments received
- 29 comments designated as carry-over
- 4 comments accepted
 - Clarification of discussion and requirements based on NIST and review group recommendations



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Wireless Should to Shall Changes

- If a voting system includes wireless capabilities, then the voting system shall be able to accomplish the same function if wireless capabilities are not available due to an error or no service. (6.7.2.3)
- The indication (of whether the wireless capability is active) shall be visual. (6.7.3.3)



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VVPAT

- 227 technical comments received
- 24 comments designated as carry-over
- 96 comments designated as redundant
- Clarification of discussion and requirements based on NIST and review group recommendations.

Summary of VVPAT Changes

- Independent verification overview added to provide context for VVPAT requirements
- VVPAT requirements previously in Human Factors will be consolidated in VVPAT section
- 6.8.4 Approve or Spoil the Paper Record significantly revised
- 6.8.7 Equipment Security and Reliability significantly revised

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(New) 6.8.4 Approve or Void Paper Record

- 6.8.4.1 The voting station shall allow the voter to approve or void the paper record.
- 6.8.4.2 The voting station shall, in the presence of the voter, mark the paper record as being approved by the voter if the ballot selections are accepted, or voided, if the voter decides to change one or more selections.
- 6.8.4.3 If the records do not match, the voting station shall mark and preserve the paper record and shall provide a means to preserve the corresponding electronic record so the source of the error or malfunction can be analyzed.
- 6.8.4.4 The voting system shall not record the electronic record until the paper record has been approved by the voter.
- 6.8.4.5 Vendor documentation shall include procedures to enable the poll worker to return a voting station to correct operation after a voter has used it incompletely or incorrectly. This procedure shall not cause discrepancies between the tallies of the electronic and paper records.
- **Requirements Deleted** – (using previous numbers) 6.8.4.4, 6.8.4.5 and 6.8.4.6

6.8.5 Preserve Voter Privacy Changes

- 6.8.5.1.1 deleted:
 - When the voter is responsible for depositing a paper record in the ballot box, the accessible voting station shall maintain the privacy and anonymity of voters unable to manually handle paper.
- 6.8.5.4 deleted:
 - The voter shall not be able to leave the voting area with the paper record if the information on the paper record can directly reveal the voter's choices.

Policy Consideration: Voter should not be permitted to handle the paper record in order to reduce opportunity for vote fraud.

6.8.6 Electronic & Paper Record Structure Changes

- 6.8.6.2 All cryptographic software in the voting system shall be approved by the U.S. Government's Cryptographic Module Validation Program (CMVP), as applicable.
- 6.8.6.8.1 The paper record shall contain error correcting codes for the purposes of detecting read errors and for preventing other workings on the paper record to be misinterpreted when the machine is reading the paper record.
- 6.8.6.10 If barcode is used, the voting system shall be able to print a barcode with each paper record that contains human readable contents of the paper record.

6.8.7 Equipment Security and Reliability

- Requirements Deleted:
 - 6.8.7.1, 6.8.7.2, 6.8.7.3, - not testable
 - 6.8.7.2.5, 6.8.7.2.6 – not testable, election management procedures
- 6.8.7.2.7 revised: Tamper evident seals or physical security measures shall protect the connection between the printer and the voting station.
- 6.8.7.3.2 revised: The voting station shall detect errors and malfunctions such as paper jams or low supplies of consumables (remainder unchanged).

UNITED STATES

ELECTION ASSISTANCE COMMISSION



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QUESTIONS?

Security Working Group:

Carol Paquette

U.S. EAC

John Wack

Nelson Hastings

NIST



★ Tracking & Management System

View All Comment Recommendations

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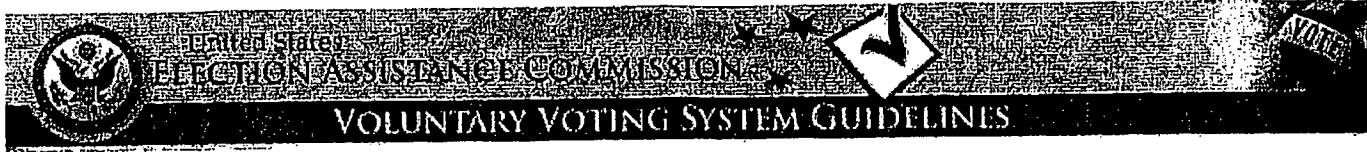
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Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
259	Non-Extensive	Undervote		✓	✓	✓	Closed
260	Non-Extensive	Phantom Vote		✓		✓	Closed
261	Non-Extensive	Blank Ballot		✓		✓	Closed
262	Extensive	3		✓	✓		Closed
263	Non-Extensive	6.8.1		✓		✓	Closed
264	Non-Extensive	6.8		✓		✓	Closed
265	Extensive			✓	✓	✓	Closed
266	Extensive	6.6		✓	✓	*	Closed
267	Extensive	6.5.5		✓	✓	*	Closed
268	Non-Extensive	Undervote		✓		✓	Closed
269	Extensive	2.2.7.1.2.1.8		✓	✓		Closed
270	Extensive	2.2.7.1.2.1.9		✓	✓		Open
271	Extensive	2.2.7.1.3.4		✓			Open
272	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
273	Extensive	2.2.7.1.2.2.6		✓			Open
274	Extensive	6.8.2.2		✓	✓		Closed
275	Extensive	6.8.3.5		✓	✓		Closed
276	Extensive	6.8.4.3		✓	✓		Closed
277	Extensive	6.8.4.7		✓	✓		Closed
278	Non-Extensive	6.8.4.7		✓		✓	Closed
279	Non-Extensive	6.8.4.7		✓		✓	Closed
280	Extensive	6.8		✓	✓	*	Closed
281	Extensive	6.8.2.2		✓	✓		Closed

<u>282</u>	Extensive	6.8		✓	✓		Closed
<u>283</u>	Extensive	6.8.2.2		✓	✓		Closed
<u>284</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>285</u>	Extensive	6.8.4.3		✓	✓		Closed
<u>286</u>	Extensive	6.8.4.3		✓	✓		Closed
<u>287</u>	Extensive	6.8		✓	✓		Closed
<u>288</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>289</u>	Non-Extensive	6.8.2.2		✓		✓	Closed
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<u>323</u>	Extensive	2.2.7.1		✓		✓	Closed
<u>324</u>	Non-Extensive	0.0.0		✓		✓	Closed
<u>327</u>	Non-Extensive	123		✓		✓	Closed
<u>328</u>	Non-Extensive	2		✓		✓	Closed
<u>329</u>	Non-Extensive	3.22.1		✓		✓	Closed
<u>330</u>	Extensive	2.2.7.4		✓	✓		Closed
<u>332</u>	Non-Extensive	5.1		✓		✓	Closed
<u>333</u>	Extensive	6.4.4.7		✓	✓		Closed
<u>334</u>	Extensive	6.5.4.2		✓	✓		Closed
<u>335</u>	Extensive	6.6.1		✓	✓	✗	Closed
<u>336</u>	Non-Extensive	1		✓		✓	Closed
<u>337</u>	Non-Extensive			✓		✓	Closed
<u>338</u>	Non-Extensive	TEST		✓		✓	Closed
<u>339</u>	Extensive	A1C		✓			Closed
<u>340</u>	Extensive	2.2.7.4		✓			Open
<u>341</u>	Extensive	A1C		✓			Closed
<u>342</u>	Extensive	A1C		✓			Closed
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<u>344</u>	Extensive	2.2.7.4.1.2		✓	✓		Closed
<u>345</u>	Extensive	2.2.7.3.5		✓	✓		Closed
<u>346</u>	Non-Extensive	A1B		✓			Closed
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<u>354</u>	Non-Extensive	A1D		✓		✓	Closed
<u>356</u>	Non-Extensive	6.8		✓		✓	Closed
<u>357</u>	Non-Extensive	VVPAT		✓			Open
<u>358</u>	Extensive			✓	✓	*	Closed
<u>359</u>	Extensive	6.8		✓	✓	*	Closed
<u>360</u>	Extensive	6.8.1.3		✓	✓		Closed
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<u>362</u>	Non-Extensive	6.8.2.3		✓		✓	Closed
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<u>366</u>	Extensive	6.8.4.5		✓	✓		Closed
<u>367</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>368</u>	Extensive	6.8.5.4		✓	✓		Closed
<u>369</u>	Non-Extensive	Voting area		✓		*	Closed
<u>370</u>	Extensive	6.8.6.10.3		✓	✓		Closed
<u>371</u>	Extensive	6.8.7.2.2		✓	✓		Closed
<u>372</u>	Extensive	6.8.7.2.7		✓	✓		Closed
<u>373</u>	Extensive	6.4.4.11		✓	✓		Closed
<u>374</u>	Extensive	6.4.4.11		✓	✓	*	Closed
<u>375</u>	Extensive	2.2.7		✓	✓		Closed



★ Tracking & Management System

View All Comment Recommendations

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392	Extensive			✓		✓	Closed
393	Non-Extensive	6.8		✓		✓	Closed
394	Non-Extensive			✓		✓	Closed
395	Non-Extensive	6.7		✓		✓	Closed
396	Non-Extensive	6.7		✓		✓	Closed
397	Non-Extensive			✓		✓	Closed
398	Non-Extensive	6.8		✓		✓	Closed
399	Non-Extensive	6.8		✓		✓	Closed
400	Non-Extensive	6.8		✓		✓	Closed
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409	Non-Extensive			✓		✓	Closed
410	Non-Extensive			✓		✓	Closed
411	Non-Extensive			✓		✓	Closed
412	Non-Extensive			✓		✓	Closed

<u>413</u>	Non-Extensive	A1C		✓		Closed
<u>414</u>	Extensive			✓	✓	Closed
<u>415</u>	Non-Extensive	6.8		✓	✓	Closed
<u>416</u>	Non-Extensive			✓	✓	Closed
<u>417</u>	Non-Extensive			✓	✓	Closed
<u>418</u>	Non-Extensive	6.7		✓	✓	Closed
<u>419</u>	Non-Extensive			✓	✓	Closed
<u>420</u>	Non-Extensive			✓	✓	Closed
<u>421</u>	Non-Extensive	6.7		✓	✓	Closed
<u>422</u>	Non-Extensive	6		✓	✓	Closed
<u>423</u>	Non-Extensive			✓	✓	Closed
<u>424</u>	Non-Extensive			✓	✓	Closed
<u>425</u>	Extensive	6.4.4		✓	✓	Closed
<u>426</u>	Non-Extensive	6.4.2		✓	✓	Closed
<u>427</u>	Non-Extensive			✓	✓	Closed
<u>428</u>	Non-Extensive			✓	✓	Closed
<u>429</u>	Non-Extensive			✓	✓	Closed
<u>430</u>	Non-Extensive			✓	✓	Closed
<u>431</u>	Non-Extensive			✓	✓	Closed
<u>432</u>	Non-Extensive	Attestation		✓	✓	Closed
<u>433</u>	Extensive			✓	✓	Closed
<u>434</u>	Extensive	2.1.1		✓	✓	Closed
<u>435</u>	Extensive	2.2.7.1.3.5		✓	✓	Closed
<u>436</u>	Non-Extensive			✓	✓	Closed
<u>437</u>	Extensive	2.2.7.2.1.2		✓	✓	Closed
<u>438</u>	Extensive	2.7.2.2.2.2		✓	✓	Closed
<u>439</u>	Extensive	2.7.2.2.3.1		✓		Open
<u>440</u>	Extensive	2.2.7.2.2.3.9		✓		Open
<u>441</u>	Extensive	2.2.7.2.2.7		✓	✓	Closed
<u>442</u>	Extensive	2.2.7.1.4		✓	✓	Closed
<u>443</u>	Extensive	2.2.7.1.7		✓	✓	Closed

<u>444</u>	Extensive						Closed
<u>445</u>	Extensive			✓		✓	Closed
<u>446</u>	Non-Extensive	2		✓		✓	Closed
<u>447</u>	Non-Extensive			✓		✓	Closed
<u>448</u>	Non-Extensive			✓		✓	Closed
<u>449</u>	Non-Extensive			✓		✓	Closed
<u>450</u>	Extensive			✓		✓	Closed
<u>451</u>	Non-Extensive	6.7		✓		✓	Closed
<u>452</u>	Non-Extensive			✓		✓	Closed
<u>453</u>	Non-Extensive	6.7		✓		✓	Closed
<u>454</u>	Non-Extensive			✓		✓	Closed
<u>455</u>	Non-Extensive			✓		✓	Closed
<u>458</u>	Non-Extensive	...		✓		✓	Closed
<u>459</u>	Extensive	6.8.7.2.3		✓	✓		Closed
<u>460</u>	Non-Extensive	6.8.3		✓		✓	Closed
<u>461</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>462</u>	Extensive	6.8.6.2		✓	✓		Closed
<u>463</u>	Extensive	6.8.6.5		✓		✓	Closed
<u>464</u>	Extensive	6.8.7.2.2		✓	✓		Closed
<u>465</u>	Extensive	6.8.7.2.3		✓	✓		Closed
<u>466</u>	Extensive	A1D		✓	✓		Closed
<u>467</u>	Non-Extensive	A1D		✓		✓	Closed
<u>468</u>	Non-Extensive	A1D		✓		✓	Closed
<u>469</u>	Non-Extensive	A1D		✓		✓	Closed
<u>470</u>	Non-Extensive	A1D		✓		✓	Closed
<u>471</u>	Non-Extensive	A1D		✓		✓	Closed
<u>472</u>	Extensive	A1D		✓	✓		Closed
<u>473</u>	Non-Extensive	A1D		✓		✓	Closed
<u>474</u>	Extensive	.20.1.6		✓	✓		Closed
<u>475</u>	Extensive	6.8.6.6.1		✓		✓	Closed
<u>476</u>	Extensive	A1D		✓	✓	✱	Closed

<u>646</u>	Non-Extensive	4.4.1					Closed
<u>647</u>	Non-Extensive	5.1.2		✓		✓	Closed
<u>648</u>	Non-Extensive	5.2.7		✓		✓	Closed
<u>649</u>	Non-Extensive	6		✓		✓	Closed
<u>650</u>	Non-Extensive	6.1		✓		✓	Closed
<u>651</u>	Non-Extensive	6.1.1		✓		✓	Closed
<u>652</u>	Non-Extensive	6.1.2		✓		✓	Closed
<u>653</u>	Non-Extensive	6.1.3		✓		✓	Closed
<u>654</u>	Extensive	6.1.4		✓	✓		Closed
<u>655</u>	Non-Extensive	6.2		✓		✓	Closed
<u>656</u>	Non-Extensive	6.2		✓		✓	Closed
<u>657</u>	Non-Extensive	6.4.1		✓	✓	✓	Closed
<u>658</u>	Non-Extensive	6.4.4.2		✓		✓	Closed
<u>659</u>	Extensive	6.4.5.5.6		✓	✓	✗	Closed
<u>660</u>	Non-Extensive	6.5		✓		✓	Closed
<u>661</u>	Non-Extensive	6.5.3		✓		✓	Closed
<u>662</u>	Non-Extensive	6.5.4.2		✓		✓	Closed
<u>663</u>	Extensive	6.5.4.3		✓	✓		Closed
<u>664</u>	Non-Extensive	6.5.4.3		✓		✓	Closed
<u>665</u>	Non-Extensive	6.7.2.1.1		✓		✓	Closed
<u>666</u>	Non-Extensive	6.7.4		✓		✓	Closed
<u>667</u>	Extensive	6.7.6.1		✓	✓		Closed
<u>668</u>	Non-Extensive	6.8.4.3		✓		✓	Closed
<u>669</u>	Non-Extensive	6.8.5.4		✓		✓	Closed
<u>670</u>	Extensive	6.8.6.3.1		✓	✓		Closed
<u>671</u>	Non-Extensive	6.8.3		✓		✓	Closed
<u>672</u>	Non-Extensive	7		✓		✓	Closed
<u>673</u>	Extensive	7.4		✓	✓		Closed
<u>674</u>	Non-	8		✓		✓	Closed

<u>675</u>	Extensive Non- Extensive	A2B		✓	✓	Closed
<u>676</u>	Non- Extensive	A2C		✓	✓	Closed
<u>677</u>	Non- Extensive	A2C		✓	✓	Closed
<u>678</u>	Non- Extensive	A2A		✓	✓	Closed
<u>679</u>	Non- Extensive	A2A		✓	✓	Closed
<u>680</u>	Non- Extensive	A2A		✓	✓	Closed
<u>681</u>	Non- Extensive	A2A		✓	✓	Closed
<u>682</u>	Non- Extensive	A2A		✓	✓	Closed
<u>683</u>	Non- Extensive	A2A		✓	✓	Closed
<u>684</u>	Non- Extensive	.20.1		✓	✓	Closed
<u>685</u>	Non- Extensive	.20.1		✓	✓	Closed
<u>686</u>	Non- Extensive	.20.1.1		✓	✓	Closed
<u>687</u>	Non- Extensive	1.3		✓	✓	Closed
<u>688</u>	Non- Extensive	1.3		✓	✓	Closed
<u>689</u>	Non- Extensive	1.3.1		✓	✓	Closed
<u>690</u>	Non- Extensive	1.3.1.1		✓	✓	Closed
<u>691</u>	Non- Extensive	1.3.1.2		✓	✓	Closed
<u>692</u>	Non- Extensive	.20.1.3.1.3		✓	✓	Closed
<u>693</u>	Non- Extensive	.20.1.3.1.4		✓	✓	Closed
<u>694</u>	Non- Extensive	1.3.1.4		✓	✓	Closed
<u>695</u>	Non- Extensive	2.1.6		✓	✓	Closed
<u>696</u>	Non- Extensive	2.1.7.1.1		✓	✓	Closed



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697	Non-Extensive	2.1.7.1.1		✓		✓	Open
698	Non-Extensive	.20.1.7.1.2		✓		✓	Closed
699	Non-Extensive	2.1.7.2.1		✓		✓	Closed
700	Non-Extensive	.20.1.8		✓		✓	Closed
701	Non-Extensive	2.1.8.1.1		✓		✓	Closed
702	Non-Extensive	.20.1.8		✓		✓	Closed
703	Non-Extensive	.20.1.8.4		✓		✓	Closed
704	Non-Extensive	2.2.2		✓		✓	Closed
705	Non-Extensive	2.2.3		✓		✓	Closed
706	Non-Extensive	2.6.5		✓		✓	Closed
707	Non-Extensive	2.2.10		✓		✓	Closed
708	Non-Extensive	.20.3.2.4		✓		✓	Closed
709	Non-Extensive	.20.4.6.4.2		✓		✓	Closed
710	Non-Extensive	4.6.4.2		✓		✓	Closed
711	Extensive	4.6.6.2		✓	✓		Closed
712	Non-Extensive	4.7.1		✓		✓	Closed
713	Non-Extensive	4.7.1		✓		✓	Closed
714	Non-Extensive	4.7.4		✓		✓	Closed
715	Non-Extensive	.20.5.4.1.2		✓		✓	Closed
716	Non-Extensive	5.4.2		✓		✓	Closed
719	Non-Extensive	.20.7		✓		✓	Closed

<u>720</u>	Non-Extensive	Operational Environment		✓		✓	Closed
<u>721</u>	Non-Extensive	Operations Procedures		✓		✓	Closed
<u>722</u>	Non-Extensive	Physical Configuration Audit (PCA)		✓		✓	Closed
<u>723</u>	Non-Extensive	Precision		✓		✓	Closed
<u>724</u>	Non-Extensive	Primary Presidential Delegation Nomination		✓		✗	Closed
<u>725</u>	Non-Extensive	Compliance Point		✓		✓	Closed
<u>726</u>	Non-Extensive	Risk Assessment		✓	✓	✓	Closed
<u>727</u>	Non-Extensive	6.8.3.2		✓		✓	Closed
<u>728</u>	Non-Extensive	6.8		✓		✓	Closed
<u>729</u>	Non-Extensive	A1C		✓		✓	Closed
<u>730</u>	Extensive	Manual Audit Capacity		✓			Closed
<u>731</u>	Extensive	Manual Audit Capacity		✓			Closed
<u>732</u>	Extensive	Permanent Paper Record		✓	✓		Closed
<u>733</u>	Extensive	Manual Audit Capacity		✓			Closed
<u>734</u>	Non-Extensive			✓		✓	Closed
<u>735</u>	Non-Extensive			✓		✓	Closed
<u>736</u>	Non-Extensive			✓		✓	Closed
<u>737</u>	Non-Extensive	2		✓		✓	Closed
<u>738</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
<u>739</u>	Extensive	2.2.7.1.3.4		✓	✓		Closed
<u>740</u>	Extensive	2.2.7.1.3.5		✓	✓		Closed
<u>741</u>	Non-Extensive			✓		✓	Closed
<u>742</u>	Non-Extensive	Configuration Status Accounting		✓		✓	Closed
<u>743</u>	Non-Extensive	See Below_1		✓		✓	Closed
<u>744</u>	Non-Extensive	See Below_2		✓		✓	Closed
<u>745</u>	Non-Extensive	See Below_3		✓		✓	Closed

<u>746</u>	Non-Extensive	Ballot Measure		✓		✓	Closed
<u>747</u>	Extensive	Challenged Ballot		✓		✓	Closed
<u>748</u>	Extensive	Open Primary		✓	✓		Closed
<u>749</u>	Non-Extensive	Primary Election		✓			Open
<u>750</u>	Extensive	Referendum		✓			Open
<u>751</u>	Extensive	Rolloff		✓	✓		Open
<u>752</u>	Non-Extensive	Spoiled Ballot		✓		*	Closed
<u>753</u>	Extensive	Straight Party Voting		✓	✓	*	Closed
<u>754</u>	Extensive	Valid Vote		✓	✓	✓	Closed
<u>755</u>	Non-Extensive	Voted Ballot		✓		✓	Closed
<u>756</u>	Extensive	Voting Process		✓	✓	✓	Open
<u>757</u>	Extensive	Central Count Tabulation Process		✓	✓		Closed
<u>758</u>	Non-Extensive	Precinct Based Tabulation Process		✓			Closed
<u>759</u>	Extensive	Open Blanket Primary		✓			Closed
<u>760</u>	Extensive	Rejected Ballot		✓			Closed
<u>761</u>	Extensive	Pre-election Testing		✓			Closed
<u>762</u>	Extensive	Election		✓			Open
<u>763</u>	Extensive	Ballot Proposal		✓			Closed
<u>764</u>	Extensive	Blank Voted Ballot		✓			Closed
<u>765</u>	Non-Extensive	Voter Verified Paper Ballot		✓			Closed
<u>766</u>	Extensive	General Comment		✓	✓	✓	Closed
<u>767</u>	Extensive	Absentee Ballot		✓	✓	✓	Closed
<u>768</u>	Non-Extensive	Early Voting		✓		✓	Closed
<u>769</u>	Extensive	Provisional Ballot		✓		✓	Closed
<u>770</u>	Extensive	Absentee Ballot		✓	✓	✓	Closed
<u>771</u>	Extensive	Ballot Measure		✓	✓		Closed
<u>772</u>	Extensive	Ballot Production		✓	✓		Closed
<u>773</u>	Extensive	Central Counting		✓	✓		Closed
<u>774</u>	Extensive	Closed Primary		✓			Closed
<u>775</u>	Extensive	Directly Verifiable		✓	✓		Closed
<u>776</u>	Extensive	DRE-VVPAT		✓			Closed

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<u>777</u>	Extensive	Early Voting					Open
<u>778</u>	Extensive	Marksense		✓			Closed
<u>779</u>	Extensive	Open Primary		✓	✓		Closed
<u>780</u>	Extensive	Paper Record		✓			Closed
<u>781</u>	Extensive	Partisan Office		✓			Open
<u>782</u>	Extensive	Residual Vote		✓	✓		Open
<u>783</u>	Extensive	Technical Data Package		✓	✓		Closed
<u>784</u>	Extensive	Voter [deleteVerified] Verifiable Audit Record		✓	✓		Closed
<u>787</u>	Extensive	Absentee Ballot		✓	✓	✓	Closed
<u>788</u>	Non-Extensive	Ballot Measure		✓		✓	Closed
<u>789</u>	Non-Extensive	Ballot Production		✓		✓	Closed
<u>790</u>	Extensive	Central Counting		✓	✓		Closed
<u>791</u>	Non-Extensive	Closed Primary		✓		✓	Closed
<u>792</u>	Extensive	Directly Verifiable		✓	✓		Closed
<u>793</u>	Non-Extensive	DRE-VVPAT		✓		✓	Closed
<u>794</u>	Non-Extensive	Early Voting		✓		✓	Closed
<u>795</u>	Extensive	Marksense		✓			Closed
<u>796</u>	Non-Extensive	Open Primary		✓			Open
<u>797</u>	Extensive	Paper Record		✓			Open
<u>798</u>	Non-Extensive	Partisan Office		✓	✓	*	Closed
<u>799</u>	Non-Extensive	Technical Data Package		✓		*	Closed
<u>800</u>	Extensive	Voter [deleteVerified] Verifiable Audit Record		✓	✓		Open



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806	Non-Extensive	Abandoned Ballot		✓		✓	Closed
807	Extensive	Absentee Ballot		✓	✓	✓	Closed
808	Extensive	Audit Trail		✓	✓		Open
809	Extensive	Audit Trail for DRE		✓	✓		Closed
810	Non-Extensive	Ballot		✓		✓	Closed
811	Extensive	Ballot Configuration		✓	✓	*	Open
812	Non-Extensive	Ballot Form		✓		✓	Closed
813	Extensive	Ballot Format		✓	✓	✓	Closed
814	Extensive	Ballot Image		✓	✓		Open
815	Extensive	Ballot Instructions		✓	✓	✓	Closed
816	Extensive	Ballot Label		✓	*	✓	Closed
817	Extensive	Ballot Measure		✓	✓		Open
818	Extensive	Ballot Presentation		✓			Closed
819	Extensive	Ballot Position		✓	✓	✓	Closed
820	Extensive	Audit, Audit Trail, Audit Trail for DRE		✓			Closed
821	Non-Extensive	Absentee vote		✓		✓	Closed
822	Extensive	2.2.7.4		✓	✓		Closed
823	Extensive	A1C		✓		✓	Closed
824	Extensive	Central Counting		✓	✓		Closed
825	Extensive	Directly Verifiable		✓	✓		Closed
826	Extensive	Electronically-Assisted Ballot Marker (EBM)		✓	✓	✓	Closed
827	Extensive	Marksense		✓	✓		Closed
828	Non-Extensive	Optical Scan, Optical Scan System		✓		*	Closed
829	Extensive	Touch Screen Voting Machine		✓	✓	✓	Closed

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<u>830</u>	Non-Extensive	Voting Machine					Closed
<u>831</u>	Non-Extensive	VVPAT-Printer		✓		✓	Open
<u>832</u>	Extensive	Privacy		✓	✓	*	Closed
<u>833</u>	Extensive	Ballot Secrecy		✓			Closed
<u>834</u>	Extensive	Procedure-Dependent, Procedure-Independent		✓	✓		Closed
<u>835</u>	Extensive	Paper Ballots		✓			Closed
<u>836</u>	Extensive	Marksense		✓			Closed
<u>837</u>	Extensive	Summary Paper Ballot (SPB)		✓	✓		Closed
<u>838</u>	Extensive	Open Voting System		✓			Open
<u>839</u>	Extensive	Candidate Register		✓	✓		Closed
<u>840</u>	Extensive	Canvass		✓	✓	✓	Closed
<u>841</u>	Extensive	Cast Ballot, Ballot		✓	✓		Closed
<u>842</u>	Extensive	Cast Vote Record		✓	✓		Closed
<u>843</u>	Extensive	Central Counting		✓	✓		Closed
<u>844</u>	Non-Extensive	Checksum		✓		✓	Closed
<u>845</u>	Extensive	Contest		✓	✓	✓	Closed
<u>846</u>	Non-Extensive	Count		✓		✓	Closed
<u>847</u>	Extensive	Counted Ballot		✓	✓	✓	Closed
<u>848</u>	Non-Extensive	Abandoned Balot		✓		✓	Closed
<u>849</u>	Non-Extensive	Accessiblilty		✓	✓	✓	Closed
<u>850</u>	Extensive	Anonymity		✓	✓	✓	Closed
<u>851</u>	Extensive	Audit Trail for DRE		✓			Open
<u>852</u>	Extensive	Ballot Instructions		✓	✓		Closed
<u>853</u>	Non-Extensive	Ballot Measure		✓		✓	Closed
<u>854</u>	Extensive	Counted Ballot		✓	✓	✓	Closed
<u>855</u>	Extensive	Covert Channel		✓		✓	Closed
<u>856</u>	Extensive	Cryptography		✓		✓	Closed
<u>857</u>	Extensive	Cumulative Voting		✓	✓	✓	Closed
<u>858</u>	Extensive	Directly Verifiable		✓	✓		Closed
<u>859</u>	Extensive	DRE Display		✓	✓	✓	Closed
<u>860</u>	Non-Extensive	E-Voting		✓		✓	Closed
				✓		*	

<u>861</u>	Extensive	Election Markup Language (EML)					Closed
<u>862</u>	Extensive	Electronic Ballot Image (EBI)		✓			Closed
<u>863</u>	Extensive	Electronic Ballot Printer (EBP)		✓			Open
<u>864</u>	Extensive	Electronic Vote Capture System (EVCS)		✓			Open
<u>865</u>	Non-Extensive	Electronic Voter Interface		✓		✓	Closed
<u>866</u>	Non-Extensive	Error Correction Code		✓		✓	Closed
<u>867</u>	Non-Extensive	Firmware		✓		✓	Closed
<u>868</u>	Non-Extensive	Free Software		✓		✓	Closed
<u>869</u>	Non-Extensive	Hash		✓		✓	Closed
<u>870</u>	Extensive	Information Security		✓	✓	✓	Closed
<u>871</u>	Extensive	Nonvolatile Memory		✓	✓		Closed
<u>872</u>	Non-Extensive	Open Voting System		✓			Open
<u>873</u>	Extensive	Paper Record		✓			Open
<u>874</u>	Non-Extensive	Privacy		✓		✓	Closed
<u>875</u>	Extensive	Ranked Order Voting		✓	✓		Open
<u>876</u>	Extensive	Reconstructed Electronic Ballot Image (REBI)		✓		✓	Closed
<u>877</u>	Extensive	Security Analysis		✓	✓	✓	Closed
<u>878</u>	Non-Extensive	Security Audit		✓		✓	Closed
<u>879</u>	Extensive	Standalone Ballot Verification Station		✓	✓		Closed
<u>880</u>	Extensive	Summary Paper Ballot (SPB)		✓	✓		Closed
<u>881</u>	Extensive	Touch Screen Voting Machine		✓	✓	✓	Closed
<u>882</u>	Non-Extensive	Trojan Horse		✓		*	Closed
<u>883</u>	Extensive	Trusted Logic Voting (TLV)		✓	✓		Closed
<u>884</u>	Non-Extensive	Trusted Entity		✓		*	Closed
<u>885</u>	Non-Extensive	Untrusted Person/Entity		✓		*	Closed
<u>886</u>	Non-Extensive	Voter Verified Paper Audit Trail (VVPAT)		✓			Open
<u>887</u>	Non-Extensive	Voter Verified Paper Ballot (VVPB)		✓			Closed

<u>888</u>	Non-Extensive	Voting Machine		✓			Open
<u>889</u>	Extensive	Residual Vote		✓	✓		Open
<u>890</u>	Extensive	Election Confidence		✓		✓	Closed
<u>891</u>	Extensive	Direct Verification		✓	✓		Closed
<u>892</u>	Extensive	Indirect Verification		✓	✓		Closed
<u>893</u>	Extensive	Margin of Error		✓			Closed
<u>894</u>	Extensive	Margin of Victory		✓			Closed
<u>895</u>	Extensive	Privacy		✓	✓	*	Closed
<u>896</u>	Extensive	Receipt		✓			Closed
<u>897</u>	Non-Extensive	Voter Verified		✓			Open
<u>898</u>	Non-Extensive	Voter Verified Audit Record		✓			Open
<u>899</u>	Non-Extensive	General Glossary Comment		✓		✓	Closed
<u>900</u>	Extensive	Data Accuracy		✓	✓		Open
<u>901</u>	Extensive	Data Accuracy_continued		✓	✓		Closed
<u>902</u>	Extensive	Data Integrity		✓			Open
<u>903</u>	Extensive	Digital Signature		✓	✓	✓	Closed
<u>904</u>	Extensive	Direct Record Electronic (DRE) Voting System_a		✓		✓	Closed
<u>905</u>	Non-Extensive	Direct Record Electronic (DRE) Voting System_b		✓		✓	Closed



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906	Extensive	DRE Display		✓	✓	✓	Closed
907	Non-Extensive	DRE-VVPAT		✓		✓	Open
908	Extensive	E-Voting		✓		✓	Closed
909	Non-Extensive	Early Voting		✓		✓	Closed
910	Extensive	Election Databases		✓			Open
911	Extensive	Election Definition		✓			Open
912	Extensive	Electronic Voter Interface		✓			Open
913	Non-Extensive	Electronic Vote Capture		✓		✓	Closed
914	Extensive	Electronic Vote Capture System (EVCS)		✓			Open
915	Extensive	Electronic Vote Tabulation		✓			Open
916	Non-Extensive	Electronic Voting		✓			Open
917	Extensive	Electric Voting Machine		✓		✓	Closed
918	Extensive	Data Accuracy		✓	✓		Closed
919	Extensive	Directly Verifiable/Indirectly Verifiable		✓	✓		Closed
920	Extensive	E-Voting		✓		✓	Closed
921	Extensive	Valid Vote		✓	✓	✓	Closed
922	Extensive	User Centered Design		✓	✓		Closed
923	Non-Extensive	Auditability		✓		✓	Closed
924	Non-Extensive	Accuracy for Voting Systems		✓		✓	Closed
925	Non-Extensive	Adequate Security		✓		✗	Open
926	Non-Extensive	Audio Ballot		✓		✓	Closed
927	Extensive	Audit Trail		✓	✓		Closed

<u>928</u>	Non-Extensive	Audit Trail for DRE		✓		✓	Closed
<u>929</u>	Extensive	Ballot Counting Logic		✓	✓		Closed
<u>930</u>	Non-Extensive	Checksum		✓		✓	Closed
<u>931</u>	Extensive	Direct Record Electronic Voting System		✓		✓	Closed
<u>932</u>	Extensive	Directly Verified / Directly Verifiable		✓	✓		Open
<u>933</u>	Non-Extensive	DRE Display		✓		✓	Closed
<u>934</u>	Extensive	E-Voting		✓		✓	Closed
<u>935</u>	Extensive	Early Voting		✓		✓	Closed
<u>936</u>	Non-Extensive	Election Programming		✓		✓	Closed
<u>937</u>	Non-Extensive	Electronically-Assisted Ballot Market (EBM)		✓			Open
<u>938</u>	Extensive	Electronic Vote Capture System (EVCS)		✓			Open
<u>939</u>	Extensive	Electronic Voter Interface		✓			Open
<u>940</u>	Non-Extensive	Electronic Voting Machine		✓		✓	Closed
<u>941</u>	Non-Extensive	Firmware		✓		✓	Closed
<u>942</u>	Non-Extensive	Hash		✓		✓	Closed
<u>943</u>	Non-Extensive	Paper Record		✓			Open
<u>944</u>	Extensive	Polling Place and Precinct		✓	✓		Open
<u>945</u>	Extensive	Read Ballot		✓			Open
<u>946</u>	Extensive	Second Chance Voting		✓	✓		Closed
<u>947</u>	Extensive	Split Precinct		✓	✓	✓	Closed
<u>948</u>	Non-Extensive	Spoiled Ballot		✓		✓	Closed
<u>949</u>	Extensive	Touch Screen Voting Machine		✓	✓	✓	Closed
<u>950</u>	Non-Extensive	Varification		✓		✗	Closed
<u>951</u>	Extensive	Varification and Validation (V&V)		✓	✓	✓	Closed
<u>953</u>	Extensive	Referendum		✓			Open
<u>954</u>	Non-Extensive	Initiative		✓		✗	Closed
<u>955</u>	Non-Extensive	Referral		✓		✓	Closed

<u>956</u>	Non-Extensive	Vote By Mail		✓		✗	Closed
<u>957</u>	Non-Extensive	Straight Party Voting		✓		✗	Closed
<u>958</u>	Non-Extensive	Test Campaign		✓		✗	Closed
<u>959</u>	Non-Extensive	Traceability		✓	✓	✓	Closed
<u>960</u>	Non-Extensive	Usability Testing		✓			Open
<u>961</u>	Non-Extensive	Contest		✓		✓	Closed
<u>962</u>	Non-Extensive	Cast Vote Record		✓			Open
<u>963</u>	Non-Extensive	1.51.1		✓		✓	Closed
<u>964</u>	Non-Extensive	8.7.1		✓		✓	Closed
<u>965</u>	Extensive	National Certification Testing		✓	✓		Open
<u>966</u>	Non-Extensive	.20.1.8.3		✓		✓	Closed
<u>967</u>	Non-Extensive	.20.1.8		✓		✓	Closed
<u>968</u>	Non-Extensive	.20.1.8.1.1		✓		✓	Closed
<u>969</u>	Non-Extensive	.20.1.8.2		✓		✓	Closed
<u>970</u>	Non-Extensive	.20.1.8.2.4		✓		✓	Closed
<u>971</u>	Non-Extensive	.20.4.2.2		✓		✓	Closed
<u>972</u>	Non-Extensive	.20.4.2.1		✓		✓	Closed
<u>973</u>	Non-Extensive	.20.1.8.2.6		✓		✓	Closed
<u>974</u>	Non-Extensive	.20.2.11.5		✓		✓	Closed
<u>975</u>	Non-Extensive	.20.4.7.2		✓		✓	Closed
<u>976</u>	Non-Extensive	.20.4.7.4		✓		✓	Closed
<u>977</u>	Non-Extensive	.20.6.4.1		✓		✗	Closed
<u>978</u>	Non-Extensive	A2B		✓		✓	Closed
<u>979</u>	Non-Extensive	A2A		✓		✓	Closed
<u>980</u>	Non-Extensive	6.8		✓		✓	Closed
<u>981</u>	Extensive			✓	✓		Closed
<u>982</u>	Non-Extensive			✓		✓	Closed
<u>983</u>	Non-			✓		✓	Closed

<u>984</u>	Extensive	2.2.7.3		✓			Open
<u>985</u>	Extensive	2.2.7.7		✓		✓	Closed
<u>986</u>	Extensive			✓		✓	Closed
<u>987</u>	Non-Extensive			✓		✓	Closed
<u>988</u>	Non-Extensive	2.2.4.2		✓		✓	Closed
<u>990</u>	Extensive	2.2.7.1.7		✓	✓		Closed
<u>991</u>	Extensive	2.2.7.1.7		✓	✓		Closed
<u>992</u>	Extensive	6.0.1.1.1		✓		✓	Closed
<u>993</u>	Extensive	6.0.2.4.6		✓	✓		Closed
<u>994</u>	Non-Extensive	A1C		✓		✓	Closed
<u>995</u>	Extensive	2.2.7		✓		✓	Closed
<u>996</u>	Non-Extensive			✓		✓	Closed
<u>997</u>	Extensive	2.2.7.2		✓		✓	Closed
<u>998</u>	Extensive	2.2.7.2		✓		✓	Closed
<u>999</u>	Extensive	2.2.7.2		✓		✓	Closed
<u>1000</u>	Extensive	2.2.7.2		✓		✓	Closed
<u>1001</u>	Extensive	2.2.7		✓		✓	Closed
<u>1002</u>	Extensive	2.2.7.2.1.2		✓		*	Open
<u>1003</u>	Extensive	2.2.7.1.2.1.2		✓			Open
<u>1004</u>	Extensive	6.8.2.2.2		✓	✓		Closed
<u>1005</u>	Extensive	6.8.2.2.1		✓	✓		Closed
<u>1006</u>	Non-Extensive			✓		✓	Closed
<u>1007</u>	Extensive	2.2.7.1.2.1.2		✓			Open



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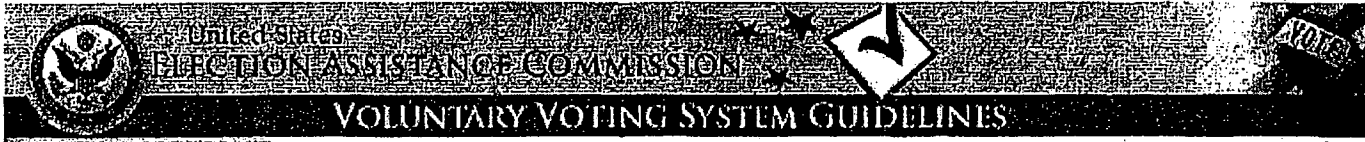
Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
1008	Extensive	2.2.7.1.2.1.3		✓			Open
1009	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
1010	Extensive	2.2.7.1.2.2.3.5		✓	✓		Closed
1011	Extensive	2.2.7.1.2.2.3.6		✓			Open
1012	Extensive	2.2.7.1.3.3		✓	✓		Closed
1013	Non-Extensive	6.8		✓		✓	Closed
1014	Extensive	Absentee Vote		✓	<input type="checkbox"/>	✓	Closed
1015	Extensive	2.2.7.1.1.2		✓			Open
1016	Extensive	2.2.7.2.2.2.3.8		✓			Open
1017	Extensive	2.2.7.2.2.2.3.8		✓			Open
1018	Extensive	2.2.7.2.2.2.3.8		✓	✓		Closed
1019	Extensive	personal assistive device		✓	✓		Closed
1020	Extensive	2.2.7.2.2.2.6		✓	✓		Closed
1021	Extensive	2.2.7.2.2.2.6		✓	✓		Closed
1022	Extensive	2.2.7.2.2.2.6		✓			Open
1023	Extensive	2.2.7.2.2.2.6		✓	✓		Open
1024	Extensive			✓	✓	*	Closed
1025	Extensive	2.2.7.4.1		✓	✓		Closed
1026	Extensive	2.2.7.5.1		✓	✓		Open
1027	Non-Extensive	2.2.7		✓		*	Closed
1028	Extensive	2.2.7.2		✓	✓		Open
1029	Extensive	6.8.2.2		✓	✓		Closed
1030	Extensive	6.8.4		✓	✓		Closed

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<u>1031</u>	Extensive	6.8.5.1		✓	✓		Closed
<u>1032</u>	Extensive	6.8.5.3		✓	✓		Closed
<u>1033</u>	Non-Extensive	6.7		✓	✓	*	Closed
<u>1034</u>	Extensive	6.4		✓	✓	*	Closed
<u>1035</u>	Extensive	6.4.2		✓	✓	*	Closed
<u>1036</u>	Extensive	6.8.3.2		✓		✓	Closed
<u>1037</u>	Extensive	6		✓	✓	*	Closed
<u>1038</u>	Extensive	6.7		✓	✓	*	Closed
<u>1039</u>	Extensive	1.7.2.2		✓	✓		Closed
<u>1040</u>	Extensive	permanent paper record		✓	✓	*	Closed
<u>1041</u>	Extensive	manual audit capacity		✓		*	Closed
<u>1042</u>	Non-Extensive	failure rate		✓		✓	Closed
<u>1043</u>	Extensive	ballot marking device		✓	✓	*	Closed
<u>1044</u>	Non-Extensive	error rate		✓		✓	Closed
<u>1045</u>	Non-Extensive			✓		✓	Closed
<u>1046</u>	Extensive	Challenged Ballot		✓		✓	Closed
<u>1047</u>	Extensive			✓		✓	Closed
<u>1048</u>	Extensive			✓		✓	Closed
<u>1049</u>	Non-Extensive			✓		✓	Closed
<u>1050</u>	Non-Extensive			✓		✓	Closed
<u>1051</u>	Extensive			✓		✓	Closed
<u>1052</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1053</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1054</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1055</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1056</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1057</u>	Extensive	6.8		✓	✓		Closed
<u>1058</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1059</u>	Non-	6.8		✓		✓	Closed

<u>1060</u>	Extensive Non- Extensive	6.8		✓		✓	Closed
<u>1061</u>	Non- Extensive			✓		✓	Closed
<u>1062</u>	Non- Extensive	6.8		✓		✓	Closed
<u>1063</u>	Non- Extensive	6.8		✓		✓	Closed
<u>1064</u>	Non- Extensive	6.8		✓		✓	Closed
<u>1065</u>	Non- Extensive			✓		✓	Closed
<u>1066</u>	Non- Extensive	6.8		✓		✓	Closed
<u>1067</u>	Extensive	2.2.7.1.3.5		✓	✓		Closed
<u>1068</u>	Non- Extensive	6.8		✓		✓	Closed
<u>1069</u>	Extensive			✓		✓	Closed
<u>1070</u>	Extensive	2.2.4.1		✓	✓		Closed
<u>1071</u>	Extensive	2.2.5.2.1		✓	✓		Closed
<u>1072</u>	Extensive	2.2.5.2.3		✓	✓		Closed
<u>1073</u>	Extensive	2.2.7.1.2		✓			Open
<u>1074</u>	Extensive	2.2.7.2.1.6		✓			Open
<u>1075</u>	Extensive	2.2.7.2.2.6		✓			Open
<u>1076</u>	Extensive	2.2.7.4.2.1		✓	✓		Closed
<u>1077</u>	Extensive	2.2.7.4.2.1.1		✓	✓		Closed
<u>1078</u>	Extensive	2.3.1.1.1		✓	✓		Closed
<u>1079</u>	Extensive	2.5.1		✓	✓		Closed
<u>1080</u>	Extensive	3.2.3.1		✓	✓		Closed
<u>1081</u>	Extensive	3.4.6		✓	✓		Closed
<u>1082</u>	Extensive	4.1		✓	✓		Closed
<u>1083</u>	Extensive	4.1.1		✓	✓		Closed
<u>1084</u>	Extensive	4.1.1		✓	✓		Closed
<u>1085</u>	Extensive	4.1.2		✓	✓		Closed
<u>1086</u>	Extensive	4.2.3		✓	✓		Closed
<u>1087</u>	Extensive	4.2.3		✓	✓		Closed
<u>1088</u>	Extensive	4.2.3		✓	✓		Closed
<u>1089</u>	Extensive	4.2.3		✓	✓		Closed
<u>1090</u>	Extensive	4.2.3		✓	✓		Closed
<u>1091</u>	Extensive	4.2.3		✓	✓		Closed
<u>1092</u>	Extensive	4.2.3		✓	✓		Closed
<u>1093</u>	Extensive	4.2.4		✓	✓		Closed
<u>1094</u>	Extensive	4.2.4		✓	✓		Closed
<u>1095</u>	Extensive	4.2.5		✓	✓		Closed

<u>1096</u>	Extensive	4.2.5		✓	✓		Closed
<u>1097</u>	Extensive	4.2.5		✓	✓		Closed
<u>1098</u>	Extensive	4.2.5		✓	✓		Closed
<u>1099</u>	Extensive	4.2.7		✓	✓		Closed
<u>1100</u>	Non-Extensive	4.2.7		✓	✓		Closed
<u>1101</u>	Extensive	4.2.7		✓	✓	*	Closed
<u>1102</u>	Extensive	4.2.7		✓	✓		Closed
<u>1103</u>	Extensive	4.2.7		✓	✓		Closed
<u>1104</u>	Extensive	4.4.2		✓	✓		Closed
<u>1105</u>	Extensive	6.2.2		✓	✓		Closed
<u>1106</u>	Extensive	6.2.2		✓	✓		Closed
<u>1107</u>	Extensive	6.4.4.6		✓	✓		Closed



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1108	Extensive	6.4.4.9		✓	✓	*	Closed
1109	Extensive	6.4.5.2		✓	✓		Closed
1110	Extensive	6.4.6.2		✓	✓		Closed
1111	Extensive	6.4.6.3.1		✓	✓		Closed
1112	Extensive	6.4.6.3.3		✓	✓		Closed
1113	Extensive	6.4.6.3.4		✓	✓		Closed
1114	Extensive	6.7.2.1.3.1		✓	✓		Closed
1115	Extensive	6.7.5		✓	✓		Closed
1116	Extensive	6.7.5.2		✓	✓		Closed
1117	Extensive	6.8.1.3		✓	✓		Closed
1118	Non-Extensive	6.8.3.1		✓		✓	Closed
1119	Extensive	6.8.3.2		✓	✓		Closed
1120	Extensive	6.8.3.5		✓	✓		Closed
1121	Extensive	6.8.4.3		✓	✓		Closed
1122	Extensive	6.8.4.4		✓	✓		Closed
1123	Extensive	6.8.6.10.3		✓	✓		Closed
1124	Extensive	6.8.6.5		✓		✓	Closed
1125	Non-Extensive	6.8		✓		✓	Closed
1126	Extensive	6.8.7.2		✓	✓		Closed
1127	Extensive	6.8.7.2.5		✓	✓		Closed
1128	Extensive	6.8.7.2.7		✓	✓		Closed
1129	Extensive	Electronic Vote Capture System		✓			Open
1130	Extensive	Nonvolatile Memory		✓	✓		Closed
1131	Extensive	Qualification Number		✓	✓		Open

<u>1132</u>	Extensive	Validation		✓	✓	✘	Closed
<u>1133</u>	Extensive	Verification		✓	✓	✘	Closed
<u>1134</u>	Extensive	Audit Trail for DRE		✓	✓		Closed
<u>1135</u>	Non-Extensive	Challenged Ballot		✓		✓	Closed
<u>1137</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1138</u>	Extensive	A1C		✓			Closed
<u>1139</u>	Extensive	.20.7.2		✓	✓		Closed
<u>1140</u>	Extensive	.20.5.4.2		✓	✓		Closed
<u>1141</u>	Extensive	.20.1.8.2.4		✓	✓		Closed
<u>1142</u>	Extensive	.20.1.3		✓	✓		Closed
<u>1143</u>	Extensive	.20.5.4.1		✓	✓		Closed
<u>1144</u>	Extensive	.20.5.4.1		✓	✓		Closed
<u>1145</u>	Extensive	.20.5.4.2		✓	✓		Closed
<u>1146</u>	Extensive	.20.5.4.2		✓	✓		Closed
<u>1147</u>	Extensive	.20.5.4.2		✓	✓		Closed
<u>1148</u>	Extensive	.20.5.4.2		✓	✓		Closed
<u>1149</u>	Extensive	.20.1.8.2.2		✓	✓		Closed
<u>1150</u>	Extensive	6.8		✓	✓		Closed
<u>1151</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1152</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1153</u>	Extensive			✓		✓	Closed
<u>1154</u>	Extensive	A1C		✓		✓	Closed
<u>1155</u>	Extensive			✓		✓	Closed
<u>1156</u>	Non-Extensive			✓		✓	Closed
<u>1157</u>	Extensive			✓		✓	Closed
<u>1158</u>	Extensive			✓		✓	Closed
<u>1159</u>	Non-Extensive	1.5		✓		✓	Closed
<u>1160</u>	Non-Extensive	6.5.5		✓		✓	Closed
<u>1161</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1162</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1163</u>	Non-Extensive			✓		✓	Closed
<u>1164</u>	Non-Extensive			✓		✓	Closed

<u>1165</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1166</u>	Extensive	2.2.7		✓	✓		Closed
<u>1167</u>	Extensive	2.2.5.2.1		✓	✓		Closed
<u>1168</u>	Extensive	2.2.7		✓	✓		Closed
<u>1169</u>	Extensive	6.8.2.1		✓		✓	Closed
<u>1170</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1171</u>	Extensive			✓		✓	Closed
<u>1172</u>	Extensive	2.2.7		✓	✓		Closed
<u>1173</u>	Extensive	2.1.4		✓			Open
<u>1174</u>	Extensive	2.2.7.4.2		✓			Open
<u>1175</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1176</u>	Extensive	6.8.1.2		✓	✓	✓	Closed
<u>1177</u>	Non-Extensive	6.8.1.2		✓		✓	Closed
<u>1178</u>	Extensive	2.2.7.4.2		✓	✓		Closed
<u>1179</u>	Extensive	3.2.6.2.1		✓	✓		Closed
<u>1180</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1181</u>	Extensive			✓		✓	Closed
<u>1182</u>	Extensive	A1D		✓	✓		Closed
<u>1183</u>	Extensive	A1D		✓	✓		Closed
<u>1184</u>	Extensive	A1D		✓	✓		Closed
<u>1185</u>	Extensive	A1D		✓	✓		Closed
<u>1186</u>	Extensive	A1D		✓	✓		Closed
<u>1187</u>	Extensive	A1D		✓	✓		Closed
<u>1188</u>	Extensive	A1D		✓	✓		Closed
<u>1189</u>	Extensive	A1D		✓	✓		Closed
<u>1190</u>	Extensive	A1D		✓	✓		Closed
<u>1191</u>	Extensive	A1D		✓	✓		Closed
<u>1192</u>	Extensive	A1D		✓	✓		Closed
<u>1193</u>	Extensive	A1D		✓	✓		Closed
<u>1194</u>	Extensive	A1D		✓	✓		Closed
<u>1195</u>	Extensive	A1D		✓	✓		Closed
<u>1196</u>	Extensive	A1D		✓	✓		Closed
<u>1197</u>	Extensive	A1D		✓	✓		Closed
<u>1198</u>	Extensive	A1D		✓	✓		Closed
<u>1199</u>	Extensive	A1D		✓	✓		Closed
<u>1200</u>	Extensive	A1D		✓	✓		Closed
<u>1201</u>	Non-Extensive	A1D		✓		✓	Closed

<u>1202</u>	Extensive	A1D					Closed
<u>1203</u>	Extensive	6.8		✓	✓	✓	Closed
<u>1204</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1205</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1206</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1207</u>	Extensive	6.4.4.5		✓	✓		Closed
<u>1208</u>	Non-Extensive	6.8		✓		✓	Closed



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1209	Extensive	7		✓		✓	Closed
1210	Non-Extensive	A1D		✓		✓	Closed
1211	Extensive			✓		✓	Closed
1212	Non-Extensive	2.2.7		✓		✓	Open
1213	Non-Extensive	A2A		✓		✓	Closed
1214	Non-Extensive			✓		✓	Closed
1221	Non-Extensive	Precinct Count Voting System		✓			Open
1223	Extensive	Public Network Direct etc.		✓	✓		Closed
1224	Extensive	6.8		✓		✓	Closed
1225	Non-Extensive	Central Count Voting System		✓			Open
1226	Non-Extensive	A1D		✓		✓	Closed
1227	Extensive	2		✓		✓	Closed
1228	Non-Extensive	2		✓		✓	Closed
1229	Extensive	2.2.7.1.2		✓		✓	Closed
1230	Extensive	2.2.7.1.1.3		✓	✓	✓	Closed
1231	Extensive	2.2.7.2.2.3.4		✓	✓		Closed
1232	Extensive	2.2.7.2.2.3.8		✓	✓		Closed
1233	Non-Extensive	6.8		✓		✓	Closed
1234	Extensive	2.2.7.7		✓	✓		Closed
1235	Extensive	2.2.7.3.1		✓	✓		Closed
1236	Extensive	2.2.7.4.1		✓			Open
1237	Extensive	6.8.5.4		✓	✓		Closed
1238	Extensive	6.8.2		✓	✓		Closed
1239	Extensive	6.8.5		✓	✓		Closed

<u>1240</u>	Extensive	6.8.7.2.1		✓	✓	✓	Closed
<u>1241</u>	Non-Extensive			✓		✓	Closed
<u>1242</u>	Extensive	A1D		✓	✓		Closed
<u>1243</u>	Extensive	6.8.7.3.4		✓	✓		Closed
<u>1244</u>	Extensive	2.2.7.2.2.3.4		✓		✓	Closed
<u>1245</u>	Extensive	6.8		✓		✓	Closed
<u>1246</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1247</u>	Non-Extensive	6.8.		✓		✓	Closed
<u>1249</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1250</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1251</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1252</u>	Extensive	A1D		✓			Open
<u>1253</u>	Extensive	2.2.7		✓	✓		Closed
<u>1254</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1255</u>	Non-Extensive	6.8		✓	✓		Closed
<u>1256</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1257</u>	Extensive	2.2.7		✓	✓	✓	Closed
<u>1258</u>	Extensive	6.7		✓	✓	*	Closed
<u>1259</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1260</u>	Extensive	6.8.5.4		✓	✓		Closed
<u>1261</u>	Non-Extensive	4		✓		✓	Closed
<u>1262</u>	Non-Extensive			✓		✓	Closed
<u>1263</u>	Extensive			✓		✓	Closed
<u>1264</u>	Non-Extensive			✓		✓	Closed
<u>1265</u>	Non-Extensive			✓		✓	Closed
<u>1266</u>	Non-Extensive			✓		✓	Closed
<u>1267</u>	Extensive			✓		✓	Closed
<u>1268</u>	Extensive	6.8		✓		✓	Closed
<u>1269</u>	Extensive	6.8		✓		✓	Closed
<u>1270</u>	Extensive			✓		✓	Closed
<u>1271</u>	Extensive	6.7		✓		✓	Closed
<u>1272</u>	Extensive	6.8		✓		✓	Closed
<u>1273</u>	Non-Extensive	6.7		✓		✓	Closed

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<u>1274</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1275</u>	Non-Extensive	8		✓		✓	Closed
<u>1276</u>	Non-Extensive			✓		✓	Closed
<u>1277</u>	Extensive	6.7		✓		✓	Closed
<u>1278</u>	Extensive	6.7		✓		✓	Closed
<u>1279</u>	Extensive	6.7		✓		✓	Closed
<u>1280</u>	Extensive	6.7		✓		✓	Closed
<u>1281</u>	Extensive	6.7		✓		✓	Closed
<u>1282</u>	Extensive	6.7		✓		✓	Closed
<u>1283</u>	Extensive	6.7		✓		✓	Closed
<u>1284</u>	Extensive	6.7		✓		✓	Closed
<u>1285</u>	Extensive	6.7		✓		✓	Closed
<u>1286</u>	Extensive	6.7		✓		✓	Closed
<u>1287</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1288</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1289</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1290</u>	Non-Extensive	6.8		✓	✓	✓	Closed
<u>1291</u>	Extensive	6.8.2.3.2		✓	✓		Closed
<u>1292</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1293</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1294</u>	Extensive	A1D		✓			Open
<u>1295</u>	Extensive			✓		✓	Closed
<u>1296</u>	Extensive	6.8		✓	✓		Closed
<u>1297</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>1298</u>	Non-Extensive	A1C		✓		✓	Closed
<u>1299</u>	Extensive	A1D		✓			Open
<u>1300</u>	Non-Extensive	6		✓		✓	Closed
<u>1301</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1302</u>	Non-Extensive			✓		✓	Closed
<u>1303</u>	Non-Extensive			✓		✓	Closed
<u>1304</u>	Extensive	A1D		✓		✓	Closed
<u>1305</u>	Non-			✓		✓	Closed

<u>1306</u>	Extensive Non- Extensive			✓		✓	Closed
<u>1308</u>	Non- Extensive			✓		✓	Closed
<u>1309</u>	Non- Extensive	Catastrophic Failure		✓			Open
<u>1310</u>	Non- Extensive	6.8.6		✓		✓	Closed
<u>1311</u>	Non- Extensive	5		✓		✓	Closed
<u>1312</u>	Extensive	Manual Audit Capacity		✓			Closed
<u>1313</u>	Non- Extensive	6		✓		✓	Closed
<u>1314</u>	Extensive	3.2.2.8		✓	✓	✓	Closed
<u>1315</u>	Extensive	6		✓	✓		Closed
<u>1316</u>	Non- Extensive			✓		✓	Closed
<u>1317</u>	Extensive	.20.1.9		✓		✓	Closed



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1318	Extensive	6		✓	✓		Closed
1319	Non-Extensive	3.2.1		✓		✓	Closed
1320	Extensive	Blended/Dual systems		✓	✓		Closed
1321	Non-Extensive	6.8		✓		✓	Closed
1322	Extensive			✓		✓	Closed
1323	Extensive	6		✓	✓		Closed
1324	Non-Extensive	2.2		✓		✓	Closed
1325	Extensive	6		✓	✓		Closed
1326	Extensive	6		✓	✓		Closed
1327	Extensive	6.8.6		✓	✓		Closed
1328	Non-Extensive	6.8		✓		✓	Closed
1329	Extensive	1		✓		✓	Closed
1330	Non-Extensive	A1D		✓		✓	Closed
1331	Non-Extensive	6		✓		✓	Closed
1332	Non-Extensive			✓		✓	Closed
1333	Extensive	6.6.4		✓		✓	Closed
1334	Non-Extensive			✓		✓	Closed
1335	Non-Extensive			✓		✓	Closed
1336	Non-Extensive	6.8		✓		✓	Closed
1337	Extensive	3.4		✓		✓	Closed
1338	Non-Extensive	2.2.7		✓		✓	Closed
1339	Non-Extensive	Vote By Mail:		✓		✗	Closed
1340	Extensive	7.4		✓	✓	✓	Closed
1341	Non-Extensive			✓		✓	Closed

<u>1342</u>	Extensive	1		✓	✓		Closed
<u>1343</u>	Non-Extensive	Vote By eMail		✓		✓	Closed
<u>1344</u>	Non-Extensive			✓		✓	Closed
<u>1345</u>	Extensive	1		✓	✓	✓	Closed
<u>1346</u>	Extensive	Interpret (a ballot)		✓	✓		Closed
<u>1347</u>	Extensive	Live Auditing		✓	✓		Closed
<u>1348</u>	Non-Extensive	6		✓		✓	Closed
<u>1349</u>	Non-Extensive	5		✓		✓	Closed
<u>1350</u>	Extensive			✓		✓	Closed
<u>1351</u>	Non-Extensive	6		✓		✓	Closed
<u>1352</u>	Extensive	Live Ballot		✓			Open
<u>1353</u>	Non-Extensive			✓		✓	Closed
<u>1354</u>	Non-Extensive	7		✓		✓	Closed
<u>1355</u>	Extensive			✓		✓	Closed
<u>1356</u>	Non-Extensive	7		✓		✓	Closed
<u>1357</u>	Extensive	3		✓		✓	Closed
<u>1358</u>	Non-Extensive	1.1		✓		✓	Closed
<u>1359</u>	Extensive	...		✓		✓	Closed
<u>1360</u>	Non-Extensive			✓		✓	Closed
<u>1361</u>	Extensive			✓		✓	Closed
<u>1362</u>	Extensive	6.8		✓		✓	Closed
<u>1363</u>	Non-Extensive	...		✓		✓	Closed
<u>1364</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1365</u>	Extensive	7.4		✓	✓	✓	Closed
<u>1366</u>	Extensive	...		✓		✓	Closed
<u>1367</u>	Non-Extensive			✓		✓	Closed
<u>1368</u>	Non-Extensive			✓		✓	Closed
<u>1369</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1370</u>	Non-Extensive			✓		✓	Closed
<u>1372</u>	Non-Extensive			✓		✓	Closed
<u>1373</u>	Extensive	6.8		✓		✓	Closed

<u>1374</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1375</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1376</u>	Extensive	A1D		✓			Open
<u>1377</u>	Non-Extensive			✓		✓	Closed
<u>1378</u>	Non-Extensive			✓		✓	Closed
<u>1379</u>	Non-Extensive			✓		✓	Closed
<u>1380</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1381</u>	Extensive	2.2.7.1.2		✓		✓	Open
<u>1382</u>	Extensive	2.2.7.1		✓		✓	Closed
<u>1383</u>	Extensive	2.2.7.1.4		✓		✓	Closed
<u>1384</u>	Non-Extensive			✓		✓	Closed
<u>1385</u>	Extensive			✓	✓	*	Open
<u>1386</u>	Extensive	1.8		✓		✓	Closed
<u>1387</u>	Extensive			✓		✓	Closed
<u>1388</u>	Extensive			✓		✓	Closed
<u>1389</u>	Extensive	VVPAT		✓	✓		Closed
<u>1390</u>	Extensive	VVPB		✓	✓		Closed
<u>1391</u>	Extensive	VVPR		✓	✓		Closed
<u>1392</u>	Non-Extensive			✓		✓	Closed
<u>1393</u>	Non-Extensive	2.2.7.2.4		✓		✓	Closed
<u>1394</u>	Extensive			✓		✓	Closed
<u>1395</u>	Non-Extensive			✓		✓	Closed
<u>1396</u>	Non-Extensive	2.2.7.2.4		✓		✓	Closed
<u>1397</u>	Non-Extensive			✓		✓	Closed
<u>1398</u>	Non-Extensive			✓		✓	Closed
<u>1399</u>	Non-Extensive	2.2.7.2.4		✓		✓	Closed
<u>1400</u>	Non-Extensive			✓		✓	Closed
<u>1401</u>	Non-Extensive	2.2.7.2.4		✓		✓	Closed
<u>1402</u>	Non-Extensive	2.2.7.2.4		✓		✓	Closed
<u>1403</u>	Non-Extensive			✓		✓	Closed

1404	Non-Extensive			✓		✓	Closed
1405	Non-Extensive			✓		✓	Closed
1406	Extensive			✓		✓	Closed
1407	Non-Extensive			✓		✓	Closed
1408	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1409	Non-Extensive			✓		✓	Closed
1410	Non-Extensive			✓		✓	Closed
1411	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1412	Non-Extensive			✓		✓	Closed
1413	Non-Extensive			✓		✓	Closed
1414	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1415	Extensive			✓		✓	Closed
1416	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1417	Non-Extensive	3.2.4.2.1		✓		✓	Closed
1418	Extensive	2.2.7.1		✓	✓	✓	Closed



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1419	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1420	Non-Extensive			✓		✓	Closed
1421	Extensive	2.2.7.1.2		✓			Open
1422	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1423	Extensive	2.2.7.2.1.5		✓	✓		Closed
1424	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1425	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1426	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1427	Non-Extensive	2.2.7.2.4		✓		✓	Closed
1428	Non-Extensive	2.2.7.2.1.9		✓		✓	Closed
1429	Extensive	2.2.7.1.2.1.3		✓	✓		Closed
1430	Extensive	2.2.7.2.2.2		✓	✓		Closed
1431	Non-Extensive	2.2.7.2.2.3		✓		✓	Closed
1432	Extensive	2.2.7.2.2.2		✓	✓		Closed
1433	Extensive	2.2.7.1.2.2.3.9		✓			Open
1434	Extensive	2.2.7.2.2.3.3		✓	✓		Closed
1435	Non-Extensive	2.2.7.2.2.3.7		✓		✓	Closed
1436	Non-Extensive	2.2.7.2.2.3.9		✓		✓	Closed
1437	Extensive	2.2.7.1.2.2.2		✓	✓		Open
1438	Non-Extensive	2.2.7.2.2.6		✓		✓	Closed
1439	Extensive	2.2.7.1.2.2.2.1		✓	✓		Closed
1440	Extensive	2.2.7.3.2		✓	✓		Closed
1441	Non-Extensive	2.2.7.4		✓		✓	Closed
1442	Extensive	2.2.7.1.3		✓	✓		Closed

<u>1443</u>	Extensive	2.2.7.1.2.2.3.4		✓	✓		Closed
<u>1444</u>	Extensive	2.2.7.7.2.1		✓	✓		Closed
<u>1445</u>	Non-Extensive	6.7.2.1.3.1		✓		✓	Closed
<u>1446</u>	Extensive			✓		✓	Closed
<u>1447</u>	Non-Extensive	6.7.2.3		✓		✓	Closed
<u>1448</u>	Extensive			✓		✓	Closed
<u>1449</u>	Non-Extensive	6.7.5.1		✓		✓	Closed
<u>1450</u>	Extensive			✓		✓	Closed
<u>1451</u>	Extensive	6.8		✓	✓	✓	Closed
<u>1452</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1453</u>	Extensive	6.7.2.1.3		✓	✓		Closed
<u>1454</u>	Extensive	6.7.2.1.3.1		✓	✓		Closed
<u>1455</u>	Extensive	6.7.6.4		✓	✓		Closed
<u>1456</u>	Extensive	6.7.7.1		✓	✓		Closed
<u>1457</u>	Extensive	6.8.1.1		✓	✓		Closed
<u>1458</u>	Extensive	6.8.5.3		✓	✓		Closed
<u>1459</u>	Extensive	1.8		✓		✓	Closed
<u>1460</u>	Extensive	6.8.1.3		✓	✓		Closed
<u>1461</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1462</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>1463</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1464</u>	Extensive	6.8.5.4		✓	✓		Closed
<u>1465</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1466</u>	Extensive	6.8.6.2		✓	✓		Closed
<u>1467</u>	Extensive	6.8.6.6.1		✓	✓		Closed
<u>1468</u>	Non-Extensive	6.6		✓		✓	Closed
<u>1469</u>	Non-Extensive	6.6		✓		✓	Closed
<u>1470</u>	Extensive	6.8.6.7		✓	✓		Closed
<u>1471</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1472</u>	Extensive	6.8.6.8		✓	✓		Closed
<u>1473</u>	Extensive			✓	✓		Closed
<u>1474</u>	Extensive	6.8.7.2.7		✓	✓		Closed
<u>1475</u>	Non-Extensive	6.8.3.1		✓		✓	Closed
<u>1476</u>	Non-			✓		✓	Closed

<u>1477</u>	Extensive Non-Extensive			✓		✓	Closed
<u>1478</u>	Extensive			✓	✓		Closed
<u>1479</u>	Extensive	Voting area (new term)		✓	✓	✓	Closed
<u>1480</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1481</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1482</u>	Non-Extensive			✓		✓	Closed
<u>1483</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1484</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1485</u>	Extensive			✓		✓	Closed
<u>1486</u>	Extensive	3.4		✓	✓		Closed
<u>1487</u>	Extensive			✓		✓	Closed
<u>1488</u>	Non-Extensive			✓		✓	Closed
<u>1489</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1490</u>	Extensive			✓		✓	Closed
<u>1491</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1492</u>	Non-Extensive			✓		✓	Closed
<u>1493</u>	Non-Extensive			✓		✓	Closed
<u>1494</u>	Non-Extensive			✓		✓	Closed
<u>1495</u>	Non-Extensive			✓		✓	Closed
<u>1496</u>	Non-Extensive	1.8.3		✓		✓	Closed
<u>1497</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1498</u>	Extensive	6.8.7.5		✓	✓		Closed
<u>1499</u>	Non-Extensive			✓		✓	Closed
<u>1500</u>	Non-Extensive			✓		✓	Closed
<u>1501</u>	Non-Extensive			✓		✓	Closed
<u>1502</u>	Extensive			✓	✓		Closed
<u>1503</u>	Non-Extensive			✓		✓	Closed
<u>1504</u>	Extensive			✓		✓	Closed
<u>1505</u>	Non-Extensive	6.5		✓		✓	Closed
<u>1506</u>	Non-Extensive			✓		✓	Closed

<u>1507</u>	Non-Extensive			✓		✓	Closed
<u>1508</u>	Extensive	6.5		✓		✓	Closed
<u>1509</u>	Extensive			✓		✓	Closed
<u>1510</u>	Extensive	6.5		✓		✓	Closed
<u>1511</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1512</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1513</u>	Extensive	6.5		✓		✓	Closed
<u>1514</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1515</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1516</u>	Non-Extensive			✓		✓	Closed
<u>1517</u>	Non-Extensive			✓		✓	Closed
<u>1518</u>	Non-Extensive	6.8		✓		✓	Closed



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1519	Non-Extensive	6.7		✓		✓	Closed
1520	Extensive	6.8		✓		✓	Closed
1521	Extensive			✓		✓	Closed
1522	Non-Extensive			✓		✓	Closed
1523	Non-Extensive			✓		✓	Closed
1524	Extensive			✓		✓	Closed
1530	Extensive			✓		✓	Closed
1536	Non-Extensive	6.8		✓		✓	Closed
1537	Non-Extensive	6.7		✓		✓	Closed
1538	Non-Extensive	6.8		✓		✓	Closed
1539	Non-Extensive			✓		✓	Closed
1540	Non-Extensive			✓		✓	Closed
1541	Non-Extensive	6.8		✓		✓	Closed
1542	Non-Extensive	6.8		✓		✓	Closed
1543	Non-Extensive	6.7		✓		✓	Closed
1544	Non-Extensive	6.8		✓		✓	Closed
1545	Non-Extensive			✓		✓	Closed
1546	Non-Extensive			✓		✓	Closed
1547	Non-Extensive	6.8		✓		✓	Closed
1548	Non-Extensive	6.7		✓		✓	Closed
1549	Non-Extensive	6.8		✓		✓	Closed

<u>1550</u>	Non-Extensive						Closed
<u>1551</u>	Non-Extensive			✓		✓	Closed
<u>1552</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1553</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1554</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1555</u>	Non-Extensive			✓		✓	Closed
<u>1556</u>	Non-Extensive			✓		✓	Closed
<u>1557</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1558</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1559</u>	Extensive	6.8		✓		✓	Closed
<u>1560</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1561</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1562</u>	Non-Extensive			✓		✓	Closed
<u>1563</u>	Non-Extensive			✓		✓	Closed
<u>1564</u>	Extensive	6.7.6		✓	✓		Closed
<u>1565</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1566</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1567</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1568</u>	Non-Extensive			✓		✓	Closed
<u>1569</u>	Non-Extensive			✓		✓	Closed
<u>1570</u>	Extensive	6.7.4		✓	✓		Closed
<u>1571</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1572</u>	Non-Extensive	6.7		✓		✓	Closed
<u>1573</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1574</u>	Non-Extensive			✓		✓	Closed
<u>1575</u>	Non-Extensive			✓		✓	Closed
<u>1576</u>	Non-Extensive	6.5		✓		✓	Closed
<u>1577</u>	Extensive	6.7		✓	✓	✘	Closed

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1578	Extensive	6.7.2.6					Closed
1579	Non-Extensive	6.8		✓		✓	Closed
1580	Non-Extensive	6.7		✓		✓	Closed
1581	Non-Extensive	6.8		✓		✓	Closed
1582	Non-Extensive			✓		✓	Closed
1583	Non-Extensive			✓		✓	Closed
1584	Non-Extensive	6.8		✓		✓	Closed
1585	Non-Extensive			✓		✓	Closed
1586	Non-Extensive			✓		✓	Closed
1587	Non-Extensive	6.8		✓		✓	Closed
1588	Non-Extensive	6.7		✓		✓	Closed
1589	Non-Extensive	6.8		✓		✓	Closed
1590	Extensive			✓	✓	✓	Closed
1591	Non-Extensive			✓		✓	Closed
1592	Extensive	6.8		✓	✓	*	Closed
1593	Non-Extensive	6.7		✓		✓	Closed
1594	Extensive	1.5.1		✓	✓	✓	Closed
1595	Extensive	1.6.1		✓	✓	✓	Closed
1596	Extensive	1.7.1		✓	✓	✓	Closed
1597	Extensive	1		✓	✓	*	Closed
1598	Extensive	2.2.7.1.1.1		✓		✓	Closed
1599	Extensive	2.2.7.1.2.1.1		✓	✓		Closed
1600	Extensive	2.2.7.1.2.1.9		✓	✓		Open
1601	Extensive	2.2.7.1.2.2.1		✓	✓		Closed
1602	Extensive	2.2.7.1.2.2.3.1		✓	✓		Closed
1603	Extensive	2.2.7.1.2.2.3.9		✓	✓		Closed
1604	Non-Extensive	2.2.7.1.3.1		✓		✓	Closed
1605	Extensive	2.2.7.1.3.2		✓	✓		Closed
1606	Extensive	2.2.7.2.2		✓	✓		Closed
1607	Non-Extensive	2.2.7.2.3.1		✓		✓	Closed
1608	Extensive	2.2.7.3.3.1		✓	✓		Closed

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<u>1609</u>	Extensive	2.2.7.3.2.3		✓	✓		Closed
<u>1610</u>	Extensive	2.2.7.3.2.5		✓	✓		Closed
<u>1611</u>	Extensive	2.2.7.3.3.3.1		✓	✓	*	Closed
<u>1612</u>	Extensive	2.2.7.3.3.5		✓	✓		Closed
<u>1613</u>	Extensive	2.2.7.3.5.1		✓	✓		Closed
<u>1614</u>	Extensive	2.6		✓	✓		Closed
<u>1615</u>	Extensive	3.2.2.8		✓	✓		Closed
<u>1616</u>	Extensive	3.2.2.8		✓	✓		Closed
<u>1617</u>	Extensive	3.2.3.2		✓	✓	✓	Closed
<u>1618</u>	Extensive	3.2.4.2.6		✓	✓		Closed
<u>1619</u>	Extensive	4		✓	✓		Closed
<u>1620</u>	Extensive	4.2.3		✓	✓		Closed
<u>1621</u>	Extensive	4.2.4		✓	✓		Closed
<u>1622</u>	Extensive	4.2.5		✓	✓		Closed
<u>1623</u>	Extensive	4.2.6		✓	✓		Closed
<u>1624</u>	Extensive	4.2.7		✓	✓		Closed
<u>1625</u>	Extensive	4.2.7		✓	✓		Closed
<u>1626</u>	Non-Extensive	5		✓		✓	Closed
<u>1627</u>	Extensive	6.2.2		✓	✓	*	Closed
<u>1628</u>	Extensive	6.3.2		✓	✓		Closed



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1629	Extensive	6.4.1		✓	✓		Closed
1630	Extensive	6.4.4.1		✓	✓		Closed
1631	Extensive	6.4.4.12		✓	✓	✓	Closed
1632	Extensive	6.4.4.13		✓	✓		Closed
1633	Extensive	Reference Information (new term)		✓			Closed
1634	Extensive	6.4.6.1		✓	✓		Closed
1635	Extensive	6.4.2		✓	✓		Closed
1636	Extensive	6.4.6.3		✓	✓		Closed
1637	Extensive	6.4.6.4		✓	✓		Closed
1638	Extensive	6.5.2		✓	✓		Closed
1639	Extensive	6.5.4.2		✓	✓		Closed
1640	Extensive	6.6		✓	✓	*	Closed
1641	Non-Extensive	6.7		✓	✓	*	Closed
1642	Extensive	6.7.2.3		✓	✓		Closed
1643	Extensive	6.2.6		✓	✓	*	Closed
1644	Non-Extensive	2.2.7		✓		✓	Closed
1645	Extensive	2.2.7.1.2.1.3		✓			Open
1646	Extensive	6.8.2.2		✓	✓		Closed
1647	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
1648	Extensive	6.8.3.5		✓	✓		Closed
1649	Extensive	2.2.7.1.3.5		✓	✓		Closed
1650	Extensive	2.2.7.4.2		✓			Open
1651	Extensive	2.2.7		✓	✓	*	Closed
1652	Non-Extensive	2.2.7.1		✓		✓	Closed
1653	Extensive	2.2.7.1.2.1.4		✓	✓	✓	Closed

<u>1654</u>	Extensive	2.2.7.1.2.1.8		✓	✓		Closed
<u>1655</u>	Extensive	2.2.7.1.2.1.9		✓	✓		Open
<u>1656</u>	Extensive	2.2.7.1.2.2.3.4		✓	✓		Open
<u>1657</u>	Extensive	2.2.7.1.3.4		✓	✓		Closed
<u>1658</u>	Extensive	2.2.7.1.2.2.2		✓	✓		Closed
<u>1659</u>	Non-Extensive	2.2.7.1.2.2.3.9		✓		✓	Closed
<u>1660</u>	Extensive	2.2.7.1.2.2.3		✓	✓		Closed
<u>1661</u>	Extensive	2.2.7.1.2.2.2.3		✓	✓		Closed
<u>1662</u>	Extensive	2.2.7.1.2.1.		✓	✓	✗	Closed
<u>1663</u>	Non-Extensive	2.2.7.1		✓		✓	Closed
<u>1664</u>	Non-Extensive	2.2.7.1		✓		✓	Closed
<u>1665</u>	Extensive	2.2.7.1.2.1.3		✓			Open
<u>1666</u>	Extensive	2.2.7.2.1		✓	✓		Open
<u>1667</u>	Extensive	2.2.7.1.2.1.8		✓	✓		Open
<u>1668</u>	Extensive	2.2.7.1.2.1.9		✓	✓		Closed
<u>1669</u>	Extensive	2.2.7.2.2.3.4		✓	✓		Closed
<u>1670</u>	Extensive	2.2.7.1.2.2.3.6		✓	✓		Closed
<u>1671</u>	Extensive	2.2.7.1.2.2.3		✓			Open
<u>1672</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Open
<u>1673</u>	Extensive	2.2.7.1.3.5		✓	✓		Closed
<u>1674</u>	Extensive	2.2.7.3.2		✓	✓		Closed
<u>1675</u>	Extensive	2.2.7.3.5.3		✓	✓		Closed
<u>1676</u>	Non-Extensive	2.2.7.4		✓		✓	Closed
<u>1677</u>	Extensive	2.2.7.4.2.1		✓	✓		Closed
<u>1678</u>	Extensive	6.8.2.2		✓	✓		Closed
<u>1679</u>	Extensive	6.8		✓		✓	Closed
<u>1680</u>	Extensive			✓	✓	✓	Closed
<u>1681</u>	Extensive			✓		✓	Closed
<u>1682</u>	Non-Extensive			✓		✓	Closed
<u>1683</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>1684</u>	Extensive	6.7.4		✓	✓		Closed

1685	Extensive	6.8.1.2		✓	✓		Closed
1686	Extensive	Directly Verified		✓	✓		Open
1687	Extensive	Electronic Ballot Printer (EBP)		✓			Open
1688	Extensive	6.7.4		✓	✓		Closed
1689	Extensive	6.8.1.2		✓	✓		Closed
1690	Extensive	6.8.3.1		✓		✓	Closed
1691	Extensive	Electronically-Assisted Ballot Marker (EBM)_a		✓	✓		Closed
1692	Extensive	Electronically-Assisted Ballot Marker (EBM)_b		✓	✓		Closed
1693	Extensive	6.8.3.3		✓	✓		Closed
1694	Extensive	6.8.3.4		✓		✓	Open
1695	Extensive	Electronic Voter Interface		✓			Open
1696	Extensive	Electronic Voting Machine		✓		✓	Closed
1697	Non-Extensive	Independent Testing Authority (ITA)		✓		✓	Closed
1698	Extensive	Spoiled Ballot		✓	✓	✗	Closed
1699	Extensive	6.8.4.1		✓	✓		Closed
1700	Extensive	Touch Screen Voting Machine		✓	✓	✗	Closed
1701	Extensive	1.6.8.4.3		✓		✓	Closed
1702	Non-Extensive	Voter Verified Audit Record		✓			Open
1703	Extensive	1.6.8.4.7		✓		✓	Closed
1704	Non-Extensive	Voting Equipment Operational Environment		✓			Open
1705	Extensive	1.6.8.5.3		✓		✓	Closed
1706	Non-Extensive	Voting Machine		✓			Open
1707	Extensive	Voting Officials		✓	✓	✗	Closed
1708	Extensive	1.6.8.5.5		✓		✓	Closed
1709	Non-Extensive	Voting System		✓		✓	Closed
1710	Extensive	6.8.6.2		✓	✓		Closed
1711	Extensive	6.8.6.7		✓	✓		Closed
1712	Extensive	6.8.6.5		✓	✓		Closed

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<u>1713</u>	Extensive	6.8.6.7		✓	✓		Closed
<u>1714</u>	Extensive	6.8.6.8		✓	✓		Closed
<u>1715</u>	Extensive	6.8.6.10.2		✓	✓		Closed
<u>1716</u>	Extensive	VVPAT-Ballot Box		✓	✓		Closed
<u>1717</u>	Extensive	6.8.7.2.1		✓	✓		Closed
<u>1718</u>	Non-Extensive	VVPAT-Printer		✓			Open
<u>1719</u>	Extensive	6.8.7.2.3		✓	✓		Closed
<u>1720</u>	Extensive	6.8.7.2.4		✓	✓		Closed
<u>1721</u>	Extensive	7		✓	✓		Closed
<u>1722</u>	Non-Extensive	8		✓		✓	Closed
<u>1723</u>	Extensive	correction code		✓			Closed
<u>1724</u>	Extensive	Open Primary		✓	✓		Closed
<u>1725</u>	Extensive	Straight Party Voting		✓	✓		Closed
<u>1726</u>	Extensive	1.8		✓	✓	*	Closed
<u>1727</u>	Extensive	A1B		✓			Open
<u>1728</u>	Extensive	A1C		✓			Closed



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1729	Extensive	2.2.7.1.1		✓		✓	Closed
1730	Extensive	A1C		✓			Closed
1731	Extensive	2.2.7.1.3		✓	✓		Closed
1732	Extensive	A1C		✓			Closed
1733	Extensive	A1D		✓			Open
1734	Extensive	A1D		✓			Open
1735	Extensive	A1D		✓			Open
1736	Extensive	2.2.7.2.2.6		✓			Open
1737	Non-Extensive	6.8		✓		✓	Closed
1738	Extensive	2.2.7.2.2.6		✓	✓		Closed
1739	Extensive	A1D		✓			Open
1740	Extensive	2.2.7.3.1		✓			Open
1741	Extensive	A1D		✓			Open
1742	Extensive	2.2.7.2		✓	✓		Closed
1743	Extensive	A1D		✓			Open
1744	Extensive	2.2.7.3.1		✓	✓		Closed
1745	Extensive	2.2.7.2		✓	✓		Closed
1746	Extensive	A1D		✓			Open
1747	Extensive	3.1		✓	✓	✓	Closed
1748	Extensive	1.5.4		✓	✓		Closed
1749	Extensive	6.7		✓	✓	✓	Closed
1750	Extensive	1.6.1		✓	✓		Closed
1751	Extensive	6.8		✓	✓	✓	Closed
1752	Extensive	1.6.1		✓	✓		Closed
1753	Extensive	6.8		✓	✓	*	Closed

<u>1754</u>	Extensive	1.6.2		✓	✓		Closed
<u>1755</u>	Extensive	.20.1.8		✓	✓		Closed
<u>1756</u>	Extensive	6.8.3		✓	✓		Closed
<u>1757</u>	Extensive	2.2.2		✓	✓		Closed
<u>1758</u>	Non-Extensive	6.8.3.5		✓	✓		Closed
<u>1760</u>	Extensive	2.2.2.2		✓	✓	✓	Closed
<u>1761</u>	Extensive	2.2.4.1		✓	✓	✓	Open
<u>1762</u>	Non-Extensive	2.2.5.1		✓		✓	Closed
<u>1763</u>	Extensive	2.2.5.2.3		✓		✓	Closed
<u>1764</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>1765</u>	Extensive	2.2.7.1		✓	✓	✓	Closed
<u>1766</u>	Extensive	2.2.7.2.1.2		✓	✓		Closed
<u>1767</u>	Extensive	2.2.7.2.1.6		✓	✓		Closed
<u>1768</u>	Extensive	A1D		✓			Open
<u>1769</u>	Non-Extensive	2.2.7.2.1.9		✓		✓	Closed
<u>1770</u>	Extensive	2.2.7.2.2.2.		✓	✓		Closed
<u>1771</u>	Extensive	2.2.7.2.2.3.1		✓	✓		Closed
<u>1772</u>	Extensive	2.2.7.2.2.3.4		✓	✓		Closed
<u>1773</u>	Extensive	A1D		✓			Open
<u>1774</u>	Extensive	2.2.7.2.2.3.5		✓	✓		Closed
<u>1775</u>	Extensive	2.2.7.2.2.3.6		✓	✓		Closed
<u>1776</u>	Extensive	A1D		✓			Open
<u>1777</u>	Extensive	2.2.7.2.2.3.7		✓	✓		Closed
<u>1778</u>	Extensive	A1D		✓			Open
<u>1779</u>	Extensive	2.2.7.2.2.3.8		✓	✓		Closed
<u>1780</u>	Extensive	2.2.7.2.2.3.9		✓	✓		Closed
<u>1781</u>	Extensive	2.2.7.2.2.6		✓	✓		Closed
<u>1782</u>	Extensive	A1D		✓			Open
<u>1783</u>	Extensive	2.2.7.3.2		✓	✓		Closed
<u>1784</u>	Extensive	2.2.7.4.1		✓	✓		Closed
<u>1785</u>	Extensive	4.2.5		✓	✓		Closed
<u>1786</u>	Extensive	A1D		✓			Open
<u>1787</u>	Non-	5.1		✓		✓	Closed

<u>1788</u>	Extensive	2.2.7.2.2	✓	✓		Closed
<u>1789</u>	Extensive	A1D	✓			Open
<u>1790</u>	Extensive	2.2.7.3.2.2	✓	✓		Closed
<u>1791</u>	Non-Extensive	2.2.7.3.2.2	✓		✓	Closed
<u>1792</u>	Extensive	2.2.7.3.3.3.1	✓	✓		Closed
<u>1793</u>	Non-Extensive	2.2.7.3.3.3.2	✓		✓	Closed
<u>1794</u>	Extensive	2.2.7.3.5.3	✓	✓		Closed
<u>1795</u>	Extensive	Voting Session Identifier (New term)	✓	✓		Closed
<u>1796</u>	Non-Extensive	2.2.7.4.1.1	✓		✓	Closed
<u>1797</u>	Extensive	2.2.7.4.1.2	✓	✓		Closed
<u>1798</u>	Extensive	2.2.7.4.1.3	✓	✓		Closed
<u>1799</u>	Extensive	A1D	✓			Open
<u>1800</u>	Extensive	2.2.7.4.2.1	✓	✓		Closed
<u>1801</u>	Non-Extensive	2.2.7.4.2.1.1	✓		✓	Closed
<u>1802</u>	Extensive	2.2.8.1	✓	✓		Closed
<u>1803</u>	Extensive	2.2.8.2	✓	✓		Closed
<u>1804</u>	Extensive	1	✓		✓	Closed
<u>1805</u>	Non-Extensive	2.2.10	✓		✓	Closed
<u>1806</u>	Extensive	2.3.1.3.1	✓	✓		Closed
<u>1807</u>	Extensive	2.3.4.1	✓	✓		Closed
<u>1808</u>	Extensive	2.3.5	✓	✓		Closed
<u>1809</u>	Extensive	2.4	✓	✓	*	Closed
<u>1810</u>	Extensive	A1D	✓			Open
<u>1811</u>	Extensive	2.4.1.2.1	✓	✓		Closed
<u>1812</u>	Extensive	2.4.1.3	✓	✓		Closed
<u>1813</u>	Extensive	2.4.2	✓	✓		Closed
<u>1814</u>	Extensive	2.4.2	✓	✓		Closed
<u>1815</u>	Extensive	2.4.3.3	✓	✓		Closed
<u>1816</u>	Extensive	1	✓		✓	Closed
<u>1817</u>	Extensive	2.5.1	✓	✓		Closed
<u>1818</u>	Extensive	2.5.3.1	✓	✓		Open
<u>1819</u>	Non-Extensive	2.5.3.1	✓		✓	Closed
<u>1820</u>	Extensive	1	✓		✓	Closed
<u>1821</u>	Extensive	3.2.1	✓	✓		Closed
<u>1822</u>	Non-Extensive	3.2.2.4	✓		✓	Closed
<u>1823</u>	Extensive	A1D	✓			Open

<u>1824</u>	Extensive	3.2.2.4	[REDACTED]	✓	✓		Closed
<u>1825</u>	Extensive	3.2.2.13	[REDACTED]	✓		✓	Closed
<u>1826</u>	Extensive	A1D	[REDACTED]	✓			Open
<u>1827</u>	Extensive	3.2.2.14	[REDACTED]	✓	✓		Closed
<u>1828</u>	Extensive	3.2.3.2	[REDACTED]	✓	✓		Closed
<u>1829</u>	Non-Extensive	3.2.4.3.2	[REDACTED]	✓		✓	Closed



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1830	Extensive	1		✓		✓	Closed
1831	Extensive	3.2.6.1.2		✓	✓		Closed
1832	Extensive	A1D		✓			Open
1833	Extensive	3.2.6.2.3		✓	✓		Closed
1834	Extensive	3.2.7.1		✓	✓		Closed
1835	Extensive	3.3.3		✓	✓		Closed
1836	Extensive	3.3.3		✓	✓		Closed
1837	Extensive	3.4.1		✓	✓		Closed
1838	Extensive	3.4.2		✓	✓		Closed
1839	Extensive	A1D		✓			Open
1840	Extensive	3.4.3		✓	✓		Closed
1841	Extensive	A1D		✓			Open
1842	Extensive	3.4.4.1		✓	✓		Closed
1843	Non-Extensive	4.2.2		✓		✓	Closed
1844	Extensive	1		✓		✓	Closed
1845	Extensive	4.2.3		✓	✓		Closed
1846	Extensive	4.3		✓	✓		Closed
1847	Extensive	A1E		✓	✓		Closed
1848	Extensive	5.2		✓	✓		Closed
1849	Extensive	6.2.2		✓	✓		Closed
1850	Extensive	6.4.1		✓	✓		Closed
1851	Extensive	A1E		✓	✓		Closed
1852	Extensive	6.4.6.2.1		✓	✓		Closed
1853	Extensive	6.4.6.3.4		✓	✓		Closed
1854	Extensive	6.7		✓	✓	✘	Closed
1855	Extensive	6.7.5		✓	✓		Closed

<u>1856</u>	Extensive	1.3		✓		✓	Closed
<u>1857</u>	Extensive	6.7.6		✓	✓		Closed
<u>1858</u>	Extensive	6.7.6.4		✓	✓		Closed
<u>1859</u>	Extensive	6.8.1.3		✓	✓		Closed
<u>1860</u>	Extensive	6.8.2.3		✓	✓		Closed
<u>1861</u>	Extensive	6.8.2.3.3		✓	✓		Closed
<u>1862</u>	Extensive	1.3		✓		✓	Closed
<u>1863</u>	Non-Extensive	6.8.3.1		✓		✓	Closed
<u>1864</u>	Non-Extensive	6.8.3.2		✓		✓	Closed
<u>1865</u>	Non-Extensive	6.8.3.2		✓		✓	Closed
<u>1866</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>1867</u>	Extensive	1.3		✓		✓	Closed
<u>1868</u>	Extensive	6.8.4.1		✓	✓		Closed
<u>1869</u>	Extensive	6.8.4.3		✓	✓		Closed
<u>1870</u>	Extensive	6.8.4.4		✓	✓	✓	Closed
<u>1871</u>	Non-Extensive	6.8.4.5		✓		✓	Closed
<u>1872</u>	Extensive	1.3.1.2		✓		✓	Closed
<u>1873</u>	Extensive	6.8.4.6		✓	✓	✓	Closed
<u>1874</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>1875</u>	Non-Extensive	6.8.4.7		✓		✓	Closed
<u>1876</u>	Extensive	6.8.5.1.1		✓	✓		Closed
<u>1877</u>	Extensive	6.8.5.2		✓	✓		Closed
<u>1878</u>	Extensive	A1D		✓			Open
<u>1879</u>	Extensive	6.8.5.3		✓	✓		Closed
<u>1880</u>	Extensive	6.8.5.4		✓	✓		Closed
<u>1881</u>	Non-Extensive	6.8.5.5		✓		✓	Closed
<u>1882</u>	Extensive	6.8.6.1		✓	✓		Closed
<u>1883</u>	Extensive	6.8.6.2		✓	✓		Closed
<u>1884</u>	Extensive	6.8.6.6		✓	✓		Closed
<u>1885</u>	Extensive	1.3.1.4		✓		✓	Closed

<u>1886</u>	Extensive	6.8.7.1		✓	✓		Closed
<u>1887</u>	Extensive	6.8.7.3		✓	✓		Closed
<u>1888</u>	Extensive	1.3.1.4		✓		✓	Closed
<u>1889</u>	Non-Extensive	A1C		✓			Closed
<u>1890</u>	Extensive	A1E		✓		✓	Closed
<u>1891</u>	Extensive	.20.2		✓	✓		Closed
<u>1892</u>	Extensive	.20.4.7.2		✓	✓		Closed
<u>1893</u>	Extensive	1.4		✓		✓	Closed
<u>1894</u>	Extensive	.20.4.7.3		✓	✓		Closed
<u>1895</u>	Extensive	.20.4.8		✓	✓		Closed
<u>1896</u>	Extensive	.20.5.4.2		✓		✓	Closed
<u>1897</u>	Extensive	.20.6.7		✓	✓	✓	Closed
<u>1898</u>	Extensive	1.8		✓		✓	Closed
<u>1899</u>	Extensive	2.2.7.2		✓			Open
<u>1900</u>	Extensive	1.8.1.1		✓		✓	Closed
<u>1901</u>	Extensive	1.8.1.2		✓		✓	Closed
<u>1902</u>	Extensive	1.8.2.2		✓		✓	Closed
<u>1903</u>	Extensive	1.8.2.6		✓		✓	Closed
<u>1904</u>	Extensive	1.8.1		✓		✓	Closed
<u>1905</u>	Non-Extensive	2.2		✓		✓	Closed
<u>1906</u>	Extensive	3		✓		✓	Closed
<u>1907</u>	Extensive	4		✓		✓	Closed
<u>1908</u>	Extensive	5		✓		✓	Closed
<u>1909</u>	Extensive	5		✓		✓	Closed
<u>1910</u>	Extensive	5		✓		✓	Closed
<u>1911</u>	Extensive	5		✓		✓	Closed
<u>1912</u>	Extensive	5		✓		✓	Closed
<u>1913</u>	Extensive	5		✓		✓	Closed
<u>1914</u>	Extensive	5		✓		✓	Closed
<u>1915</u>	Extensive	5		✓		✓	Closed
<u>1916</u>	Extensive	2.6		✓			Open
<u>1917</u>	Extensive	7		✓	✓		Closed
<u>1918</u>	Extensive	A2A		✓	✓		Closed
<u>1919</u>	Extensive	A2B		✓	✓		Closed
<u>1920</u>	Extensive	A2C		✓	✓		Closed
<u>1921</u>	Extensive	1		✓		✓	Closed

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<u>1922</u>	Extensive	1.1		✓		✓	Closed
<u>1923</u>	Extensive	2.2.7.3		✓			Open
<u>1924</u>	Extensive	2		✓		✓	Closed
<u>1925</u>	Extensive	2.2.7.2		✓		*	Open
<u>1926</u>	Non-Extensive			✓		✓	Closed
<u>1927</u>	Non-Extensive			✓		✓	Closed
<u>1928</u>	Non-Extensive	6.8		✓		✓	Closed
<u>1929</u>	Extensive	6.8		✓	✓		Closed



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1930	Extensive	6.7		✓	✓	✓	Closed
1931	Extensive			✓		✓	Closed
1932	Non-Extensive	6		✓		✓	Closed
1933	Extensive	6.7.4		✓	✓		Closed
1934	Extensive	6.8.1.2		✓	✓		Closed
1935	Extensive	6.8.3.1		✓	✓		Closed
1936	Extensive	6.8.3.3		✓	✓		Closed
1937	Extensive	6.8.3.4		✓	✓		Closed
1938	Extensive	6.8.4.1		✓	✓		Closed
1939	Extensive	6.8.4.3		✓	✓		Closed
1940	Extensive	6.8.4.7		✓	✓		Closed
1941	Extensive	6.7.4		✓	✓		Closed
1942	Extensive	6.8.1.2		✓	✓		Closed
1943	Extensive	6.8.3.1		✓	✓		Closed
1944	Extensive	6.8.3.3		✓	✓		Closed
1945	Extensive	6.8.3.4		✓	✓		Closed
1946	Extensive	6.8.4.1		✓	✓		Closed
1947	Extensive	6.8.4.3		✓	✓		Closed
1948	Extensive	6.8.4.7		✓	✓		Closed
1949	Extensive	6.8.5.3		✓	✓		Closed
1950	Extensive	6.8.5.5		✓	✓		Closed
1951	Extensive	6.8.6.2		✓	✓		Closed
1952	Extensive	6.8.6.3		✓	✓		Closed
1953	Extensive	6.8.6.5		✓	✓		Closed

<u>1954</u>	Extensive	6.8.6.7		✓	✓		Closed
<u>1955</u>	Extensive	6.8.6.8		✓	✓		Closed
<u>1956</u>	Extensive	6.8.6.10.2		✓	✓		Closed
<u>1957</u>	Extensive	6.8.6.11		✓	✓		Closed
<u>1958</u>	Extensive	6.8.7.2.1		✓	✓		Closed
<u>1959</u>	Extensive	6.8.7.2.3		✓	✓		Closed
<u>1960</u>	Extensive	6.8.7.2.4		✓	✓		Closed
<u>1961</u>	Non-Extensive	Live Ballot		✓			Open
<u>1962</u>	Non-Extensive	7		✓		✓	Closed
<u>1963</u>	Extensive	Interpret (a ballot)		✓	✓		Closed
<u>1964</u>	Non-Extensive	8		✓		✓	Closed
<u>1965</u>	Extensive	Live Auditing		✓	✓		Closed
<u>1966</u>	Extensive	A1A		✓	✓		Open
<u>1967</u>	Non-Extensive	A1A		✓	✓		Closed
<u>1968</u>	Non-Extensive	A1A		✓	✓		Closed
<u>1969</u>	Non-Extensive	A1A		✓	*	✓	Open
<u>1970</u>	Non-Extensive	A1B		✓		✓	Closed
<u>1971</u>	Extensive	A1C		✓			Closed
<u>1972</u>	Extensive	A1C		✓			Closed
<u>1973</u>	Extensive	A1C		✓			Closed
<u>1974</u>	Extensive	A1D		✓	✓		Closed
<u>1975</u>	Extensive	A1D		✓	✓		Closed
<u>1976</u>	Extensive	A1D		✓	✓		Closed
<u>1977</u>	Extensive	...		✓		✓	Closed
<u>1978</u>	Extensive	A1D		✓	✓		Closed
<u>1979</u>	Extensive	...		✓	✓		Closed
<u>1980</u>	Extensive	A1D		✓	✓		Closed
<u>1981</u>	Extensive	A1D		✓	✓		Closed
<u>1982</u>	Extensive	A1D		✓	✓		Closed
<u>1983</u>	Extensive	A1D		✓	✓		Closed
<u>1984</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1985</u>	Non-Extensive	...		✓		✓	Closed
<u>1986</u>	Extensive	A1D		✓	✓		Closed
<u>1987</u>	Extensive	A1D		✓	✓		Closed
<u>1988</u>	Extensive	A1D		✓	✓		Closed
<u>1989</u>	Extensive	A1D		✓	✓		Closed
<u>1990</u>	Non-	A1D		✓		✓	Closed

<u>1991</u>	Extensive	6		✓	✓		Closed
<u>1992</u>	Extensive	Voting session identifier (new term)		✓	✓		Closed
<u>1993</u>	Extensive	A1D		✓	✓		Closed
<u>1994</u>	Non-Extensive	A1D		✓		✓	Closed
<u>1995</u>	Extensive	A1D		✓	✓		Closed
<u>1996</u>	Extensive	A1D		✓	✓		Closed
<u>1997</u>	Extensive	A1D		✓	✓		Closed
<u>1998</u>	Extensive	A1D		✓	✓		Closed
<u>1999</u>	Extensive			✓	✓		Closed
<u>2000</u>	Extensive			✓	✓		Closed
<u>2001</u>	Extensive			✓	✓		Closed
<u>2002</u>	Extensive	A1D		✓	✓		Closed
<u>2003</u>	Extensive	A1D		✓	✓		Closed
<u>2004</u>	Extensive	A1D		✓	✓		Closed
<u>2005</u>	Extensive	A1D		✓	✓		Closed
<u>2006</u>	Extensive	A1D		✓	✓		Closed
<u>2007</u>	Extensive	A1E		✓	✓		Closed
<u>2008</u>	Extensive	A1E		✓	✓		Closed
<u>2009</u>	Extensive	A1E		✓	✓		Closed
<u>2010</u>	Extensive	6.8.6.12		✓	✓		Closed
<u>2011</u>	Non-Extensive	.20.1.3		✓			Closed
<u>2012</u>	Non-Extensive	.20.1.3		✓			Closed
<u>2013</u>	Extensive	.20.1.3		✓	✓		Closed
<u>2014</u>	Extensive	.20.1.3.1.2		✓	✓		Closed
<u>2015</u>	Extensive	.20.1.3.1.3		✓	✓		Closed
<u>2016</u>	Extensive	.20.1.3.1.4		✓	✓		Closed
<u>2017</u>	Extensive	.20.1.3.1.4		✓	✓		Closed
<u>2018</u>	Extensive	.20.1.4		✓	✓	✗	Closed
<u>2019</u>	Extensive	.20.1.8		✓	✓		Closed
<u>2020</u>	Non-Extensive	.20.1.8.1.1		✓		✓	Closed
<u>2021</u>	Extensive	.20.1.8.1.2		✓	✓		Closed
<u>2022</u>	Extensive	.20.1.8.2.2		✓	✓		Closed
<u>2023</u>	Non-Extensive	.20.1.8.2.6		✓		✓	Closed
<u>2024</u>	Extensive	.20.1.8.4		✓	✓		Closed
<u>2025</u>	Non-Extensive	2.2		✓		✓	Closed
<u>2026</u>	Extensive	3		✓	✓		Closed
<u>2027</u>	Non-Extensive	4		✓		✓	Closed
<u>2028</u>	Extensive	5		✓	✓		Closed
<u>2029</u>	Non-	5		✓		✓	Closed

Extensive									
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2030	Extensive	5		✓	✓		Closed
2031	Extensive	5		✓	✓		Closed
2032	Extensive	5		✓	✓		Closed
2033	Extensive	5		✓	✓		Closed
2034	Extensive	5		✓	✓		Closed
2035	Extensive	5		✓	✓		Closed
2036	Non-Extensive	2.6		✓		✓	Closed
2037	Non-Extensive	7		✓		✓	Closed
2038	Non-Extensive	A2A		✓		✓	Closed
2039	Non-Extensive	A2B		✓		✓	Closed
2040	Non-Extensive	A2C		✓		✓	Closed
2041	Extensive	1		✓	✓	*	Closed
2042	Non-Extensive	1.1		✓		✓	Closed
2043	Extensive	2.2.7.3		✓	✓		Closed
2044	Extensive	A2C		✓	✓	*	Closed
2045	Extensive	3.2.2.4		✓	✓		Closed
2046	Extensive	3.2.2.4		✓	✓		Closed
2047	Extensive	3.2.2.5		✓	✓		Closed
2048	Extensive	3.2.2.6		✓	✓		Closed
2049	Extensive	3.2.2.7		✓	✓		Closed
2050	Extensive	3.2.2.7		✓	✓		Closed
2051	Extensive	3.2.2.9		✓	✓		Closed
2052	Extensive	3.2.2.11		✓	✓		Closed
2053	Extensive	3.2.2.11		✓	✓		Closed
2054	Extensive	4		✓	✓		Closed
2055	Non-			✓		✓	Closed

<u>2056</u>	Extensive	3.4.3		✓	✓	✗	Closed
<u>2057</u>	Extensive			✓	✓	✗	Closed
<u>2058</u>	Non-Extensive			✓		✓	Closed
<u>2059</u>	Non-Extensive			✓		✓	Closed
<u>2062</u>	Extensive	3.4.3		✓	✓		Closed
<u>2063</u>	Extensive	3.4.3		✓	✓		Closed
<u>2064</u>	Non-Extensive			✓		✓	Closed
<u>2065</u>	Non-Extensive	3.4.3		✓		✓	Closed
<u>2066</u>	Non-Extensive			✓		✓	Closed
<u>2067</u>	Non-Extensive	3.4		✓		✓	Closed
<u>2068</u>	Extensive			✓	✓		Closed
<u>2069</u>	Extensive			✓	✓	✗	Closed
<u>2070</u>	Non-Extensive			✓		✓	Closed
<u>2071</u>	Extensive			✓	✓		Closed
<u>2072</u>	Extensive			✓	✓		Closed
<u>2073</u>	Extensive			✓	✓		Closed
<u>2074</u>	Non-Extensive	6.4.3		✓		✓	Closed
<u>2075</u>	Extensive			✓	✓	✗	Closed
<u>2076</u>	Non-Extensive			✓		✓	Closed
<u>2077</u>	Non-Extensive			✓		✓	Closed
<u>2078</u>	Extensive			✓		✓	Closed
<u>2079</u>	Non-Extensive			✓		✓	Closed
<u>2080</u>	Non-Extensive			✓		✓	Closed
<u>2081</u>	Extensive	3.2.1		✓	✓	✗	Closed
<u>2082</u>	Extensive	3.4.5		✓		✓	Closed
<u>2083</u>	Non-Extensive	.20.5		✓		✓	Closed
<u>2084</u>	Extensive	2.2.2		✓	✓	✗	Closed
<u>2085</u>	Non-Extensive	2.2.4.2		✓		✓	Closed
<u>2086</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2087</u>	Non-Extensive			✓		✓	Closed
<u>2088</u>	Non-Extensive			✓		✓	Closed
<u>2089</u>	Non-Extensive			✓		✓	Closed

<u>2090</u>	Non-Extensive	3.4.5		✓		✓	Closed
<u>2091</u>	Non-Extensive			✓		✓	Closed
<u>2092</u>	Extensive			✓	✓	✗	Closed
<u>2093</u>	Non-Extensive			✓		✓	Closed
<u>2094</u>	Extensive			✓	✓	✗	Closed
<u>2095</u>	Extensive			✓		✓	Closed
<u>2096</u>	Non-Extensive			✓		✓	Closed
<u>2097</u>	Non-Extensive			✓		✓	Closed
<u>2098</u>	Non-Extensive			✓		✓	Closed
<u>2099</u>	Non-Extensive			✓		✓	Closed
<u>2100</u>	Non-Extensive			✓		✓	Closed
<u>2101</u>	Extensive			✓	✓	✗	Closed
<u>2102</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2103</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2104</u>	Non-Extensive			✓		✓	Closed
<u>2105</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2106</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2107</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2108</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2109</u>	Non-Extensive			✓		✓	Closed
<u>2110</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2111</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2112</u>	Non-Extensive	6.7		✓		✓	Closed
<u>2113</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2114</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2115</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2116</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2117</u>	Non-Extensive	6.8		✓		✓	Closed

<u>2118</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2119</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2120</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2121</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2122</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2123</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2124</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2125</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2126</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2127</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2128</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2129</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2130</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2131</u>	Non-Extensive	6.8		✓	✓	Closed



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2132	Non-Extensive	6.8		✓		✓	Closed
2133	Non-Extensive	6.8		✓		✓	Closed
2134	Non-Extensive	6.8		✓		✓	Closed
2135	Non-Extensive	6.8		✓		✓	Closed
2136	Non-Extensive	6.8		✓		✓	Closed
2138	Non-Extensive	6.8		✓		✓	Closed
2139	Extensive	2.2.7.1.3		✓	✓		Closed
2140	Extensive	2.2.7.2		✓	✓		Closed
2141	Extensive	2.2.7.2.2.1		✓	✓		Closed
2142	Non-Extensive	2.2.7.2.2.6		✓		✓	Closed
2143	Extensive	...		✓		✓	Closed
2144	Extensive	1.1		✓	✓		Closed
2145	Non-Extensive	2.2		✓		✓	Closed
2146	Extensive	1.1		✓		✓	Closed
2147	Extensive	2.2		✓	✓		Closed
2148	Non-Extensive			✓		✓	Closed
2149	Non-Extensive			✓		✓	Closed
2150	Non-Extensive	6.8		✓		✓	Closed
2151	Extensive	6.8.2.2		✓	✓		Closed
2152	Non-Extensive			✓		✓	Closed
2153	Extensive	6.8.4		✓	✓		Closed
2154	Extensive	6.8.5		✓	✓		Closed
2155	Extensive	2.2.7.2.2.6		✓	✓		Closed
2156	Non-Extensive	6.8.7		✓		✓	Closed

<u>2157</u>	Non-Extensive	6.8.7		✓		✓	Closed
<u>2158</u>	Non-Extensive			✓		✓	Closed
<u>2159</u>	Extensive	1.6.1		✓		✓	Closed
<u>2160</u>	Extensive	1.7.1		✓	✓		Closed
<u>2161</u>	Non-Extensive	3.2.3.1		✓		✓	Closed
<u>2162</u>	Extensive	3.2.4.3.2		✓	✓		Closed
<u>2163</u>	Extensive	3.2.4.3.2		✓	✓		Closed
<u>2164</u>	Extensive	3.2.4.3.3		✓	✓		Closed
<u>2165</u>	Extensive	3.2.6.2.2		✓	✓		Closed
<u>2166</u>	Non-Extensive	3.2.6.2.2		✓		✓	Closed
<u>2167</u>	Non-Extensive	3.2.8		✓		✓	Closed
<u>2168</u>	Extensive	3.4.4		✓	✓		Closed
<u>2169</u>	Extensive	4.2.2		✓	✓		Closed
<u>2170</u>	Extensive	4.2.2		✓	✓		Closed
<u>2171</u>	Extensive	4.4.2		✓	✓		Closed
<u>2172</u>	Extensive	4.4.3		✓	✓		Closed
<u>2173</u>	Non-Extensive	4.4.4		✓		✓	Closed
<u>2174</u>	Non-Extensive	5.2.6		✓		✗	Closed
<u>2175</u>	Non-Extensive	6.2.2		✓		✓	Closed
<u>2176</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2177</u>	Extensive	2.2.7		✓	✓	✗	Closed
<u>2178</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2179</u>	Non-Extensive			✓		✓	Closed
<u>2180</u>	Non-Extensive	6.7.2.1.1		✓		✓	Closed
<u>2181</u>	Non-Extensive	6.7		✓		✓	Closed
<u>2182</u>	Non-Extensive	6		✓		✓	Closed
<u>2183</u>	Extensive	2		✓		✓	Open
<u>2184</u>	Extensive	6.7		✓	✓		Closed
<u>2185</u>	Extensive	6.7		✓	✓	✗	Closed
<u>2186</u>	Extensive			✓		✓	Closed
<u>2187</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2188</u>	Non-Extensive	2.2.7		✓		✗	Closed
<u>2189</u>	Non-Extensive	2.2.7		✓		✗	Closed

<u>2190</u>	Non-Extensive			✓	✓	Closed
<u>2191</u>	Non-Extensive	2.2.7		✓	✓	Closed
<u>2192</u>	Non-Extensive			✓	✓	Closed
<u>2193</u>	Extensive	2.2.7		✓	✓	Closed
<u>2194</u>	Extensive	2.2.7		✓	✓	Closed
<u>2195</u>	Extensive	2.2.7		✓	✓	Closed
<u>2196</u>	Non-Extensive			✓	✓	Closed
<u>2197</u>	Non-Extensive			✓	✓	Closed
<u>2198</u>	Non-Extensive			✓	✓	Closed
<u>2199</u>	Non-Extensive			✓	✓	Closed
<u>2200</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2201</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2202</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2203</u>	Extensive	.20.2.1.3		✓	✓	Closed
<u>2204</u>	Non-Extensive			✓	✓	Closed
<u>2205</u>	Non-Extensive			✓	✓	Closed
<u>2206</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2207</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2208</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2209</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2210</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2211</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2212</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2213</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2214</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2215</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2216</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2217</u>	Non-Extensive	6.8		✓	✓	Closed
<u>2218</u>	Non-	6.8		✓	✓	Closed

<u>2219</u>	Extensive Non-Extensive	6.8		✓		✓	Closed
<u>2220</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2221</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2222</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2223</u>	Non-Extensive	16.8		✓		✓	Closed
<u>2224</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2225</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2226</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2227</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2228</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2229</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2230</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2231</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2232</u>	Non-Extensive	6.8		✓		✓	Closed



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2233	Non-Extensive	6.8		✓		✓	Closed
2234	Non-Extensive	6.8		✓		✓	Closed
2235	Non-Extensive	6.8		✓		✓	Closed
2236	Non-Extensive	6.8		✓		✓	Closed
2237	Non-Extensive	6.8		✓		✓	Closed
2238	Non-Extensive	6.8		✓		✓	Closed
2239	Non-Extensive	6.8		✓		✓	Closed
2240	Non-Extensive	6.8		✓		✓	Closed
2241	Non-Extensive	6.8		✓		✓	Closed
2242	Non-Extensive	6.8		✓		✓	Closed
2243	Non-Extensive	6.8		✓		✓	Closed
2244	Non-Extensive	6.8		✓		✓	Closed
2245	Non-Extensive	6.8		✓		✓	Closed
2246	Non-Extensive	6.8		✓		✓	Closed
2247	Non-Extensive	6.8		✓		✓	Closed
2248	Non-Extensive	6.8		✓		✓	Closed
2249	Non-Extensive	6.8		✓		✓	Closed
2250	Non-Extensive	6.8		✓		✓	Closed
2251	Non-Extensive	6.8		✓		✓	Closed
2252	Non-Extensive	6.8		✓		✓	Closed
2253	Non-	6.8		✓		✓	Closed

<u>2254</u>	Extensive Non-Extensive	6.8		✓		✓	Closed
<u>2255</u>	Non-Extensive			✓		✓	Closed
<u>2256</u>	Non-Extensive	2.2.7.1		✓		✓	Closed
<u>2259</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2260</u>	Extensive	2.2.7		✓		✓	Closed
<u>2261</u>	Extensive			✓		✓	Closed
<u>2262</u>	Extensive	6.8		✓		✓	Closed
<u>2263</u>	Extensive			✓		✓	Closed
<u>2264</u>	Extensive			✓		✓	Closed
<u>2265</u>	Non-Extensive			✓		✓	Closed
<u>2266</u>	Non-Extensive			✓		✓	Closed
<u>2267</u>	Non-Extensive			✓		✓	Closed
<u>2268</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2269</u>	Non-Extensive			✓		✓	Closed
<u>2270</u>	Non-Extensive			✓		✓	Closed
<u>2271</u>	Extensive			✓	✓	✗	Closed
<u>2272</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2273</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2274</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2275</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2276</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2277</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2278</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2279</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2280</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2281</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2282</u>	Extensive	6.8		✓		✓	Closed
<u>2283</u>	Extensive	6.8		✓	✓		Closed

<u>2284</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2287</u>	Non-Extensive			✓		✓	Closed
<u>2288</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2289</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2290</u>	Extensive	2.2.7		✓	✓	✗	Open
<u>2291</u>	Extensive	2.2.7		✓	✓	✗	Closed
<u>2292</u>	Extensive	2.2.7		✓	✓		Closed
<u>2293</u>	Extensive	2.2.7		✓	✓		Closed
<u>2294</u>	Extensive	6		✓	✓	✗	Closed
<u>2295</u>	Non-Extensive	6		✓	✓	✗	Closed
<u>2296</u>	Extensive	6		✓	✓	✗	Closed
<u>2297</u>	Extensive	Alternative Language Voting Station (ALVS)		✓	✓		Closed
<u>2298</u>	Extensive	.20.2		✓	✓	✓	Closed
<u>2299</u>	Extensive	2.2.7.1.1		✓	✓		Closed
<u>2300</u>	Extensive	2.2.7.1.2		✓			Open
<u>2301</u>	Extensive	2.2.7.1.2.1.1		✓	✓		Closed
<u>2302</u>	Extensive	2.2.7.1.2.1.4		✓	✓		Closed
<u>2303</u>	Extensive	2.2.7.1.2.1.6		✓		✓	Closed
<u>2304</u>	Non-Extensive	2.2.7.1.2.2.1		✓		✓	Closed
<u>2305</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
<u>2306</u>	Extensive	2.2.7.1.3.1		✓	✓		Closed
<u>2307</u>	Extensive	2.2.7.1.5.2		✓	✓		Open
<u>2308</u>	Extensive	2.2.7.2.2.2		✓			Open
<u>2309</u>	Extensive	2.2.7.2.2.2.1		✓	✓		Closed
<u>2310</u>	Extensive	2.2.7.3.1		✓	✓		Closed
<u>2311</u>	Extensive	2.2.7.3.4.6		✓	✓		Closed
<u>2312</u>	Extensive	2.2.7.3.5.1		✓	✓		Closed
<u>2313</u>	Extensive	2.2.7.5.4.2		✓			Open
<u>2314</u>	Extensive	2.4.2		✓	✓		Closed
<u>2315</u>	Extensive	1.5.1		✓	✓		Closed
<u>2316</u>	Extensive	2.4.2		✓	✓		Closed
<u>2317</u>	Extensive	2.4.2		✓	✓	✓	Closed
<u>2318</u>	Extensive	1.5.2		✓	✓		Closed
<u>2319</u>	Non-	2.4.2		✓		✓	Closed

<u>2320</u>	Extensive	1.5.5		✓		✓	Closed
<u>2321</u>	Extensive	2.4.3.3		✓		✓	Closed
<u>2322</u>	Extensive	2.2		✓		✓	Closed
<u>2323</u>	Extensive	2.4.3.3		✓		✓	Closed
<u>2324</u>	Extensive	2.2.7.3.5		✓	✓		Closed
<u>2325</u>	Extensive	6.4.4.11		✓	✓		Closed
<u>2326</u>	Non-Extensive	6.4.4.13		✓	✓		Closed
<u>2327</u>	Non-Extensive	2.2.7.5.1		✓		✓	Closed
<u>2328</u>	Extensive	6.4.4.14		✓	✓		Closed
<u>2329</u>	Extensive	6.4.5.5.3		✓	✓		Closed
<u>2330</u>	Extensive	6.4.6.2		✓	✓		Closed
<u>2331</u>	Extensive	6.4.6.2.1		✓	✓		Closed
<u>2332</u>	Extensive	6.4.6.3.1		✓	✓		Closed
<u>2333</u>	Extensive	6.4.6.3.2		✓	✓		Closed
<u>2334</u>	Extensive	6.4.6.3.4		✓	✓		Closed
<u>2335</u>	Non-Extensive	6.5.2		✓	✓		Closed
<u>2336</u>	Extensive	2.2.7.2.2		✓			Open



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2337	Extensive	6.7.2.1		✓	✓		Closed
2338	Extensive	2.2.7.3.2.5		✓	✓		Closed
2339	Extensive	6.8		✓	✓		Closed
2340	Extensive	2.2.7.3.2.2		✓	✓		Closed
2341	Extensive	6.8.2		✓		✓	Closed
2342	Extensive	6.8.3.1		✓	✓		Closed
2343	Extensive	2.2.7.4.6		✓	✓		Closed
2344	Non-Extensive	6.8.3.2		✓		✓	Closed
2345	Extensive	2.2.7.5.1		✓	✓		Closed
2346	Extensive	2.2.7.4.2.1		✓	✓		Closed
2347	Extensive	6.8.3.3		✓	✓	✗	Closed
2348	Extensive	6.8.4.1		✓	✓		Closed
2349	Extensive	3.2.1		✓		✓	Closed
2350	Extensive	6.8.4.3		✓	✓		Closed
2351	Extensive	6.4.4.8		✓	✓	✓	Closed
2352	Non-Extensive	6.4.4.15		✓	✓	✗	Closed
2353	Extensive	6.8.4.4		✓	✓		Closed
2354	Extensive	6.8.5.3		✓	✓		Closed
2355	Extensive	6.4.6.3.4		✓	✓	✗	Closed
2356	Extensive	6.8.6.3.2		✓	✓		Closed
2357	Extensive	6.8.6.6.4		✓	✓		Closed
2358	Extensive	6.8.6.7		✓	✓		Closed
2359	Extensive	6.8.7.3		✓	✓		Closed
2360	Extensive	A1D		✓	✓	✗	Closed
2361	Extensive	A1D		✓	✓	✗	Closed
2362	Extensive	A1D		✓	✓	✗	Closed
2363	Extensive	A1D		✓	✓	✓	Closed

<u>2364</u>	Extensive	A1D		✓	✓	*	Closed
<u>2365</u>	Extensive	A1D		✓	✓	*	Closed
<u>2366</u>	Extensive	A1D		✓	✓	*	Closed
<u>2367</u>	Extensive	4.2.1		✓	✓		Closed
<u>2368</u>	Extensive	6.5.2		✓	✓	*	Closed
<u>2370</u>	Extensive	6.6.1		✓	✓	*	Closed
<u>2371</u>	Extensive	6.7.2.1.1		✓	✓		Closed
<u>2372</u>	Extensive	6.7.2.2		✓	✓		Closed
<u>2373</u>	Extensive	6.7.2.7		✓	✓		Closed
<u>2374</u>	Extensive	6.8.2.3.1		✓	✓		Closed
<u>2375</u>	Extensive	6.8.4.1		✓	✓		Closed
<u>2376</u>	Extensive	6.8.4.2		✓	✓		Closed
<u>2377</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>2378</u>	Non-Extensive	6.8.6.2		✓		✓	Closed
<u>2379</u>	Extensive	6.8.4.1		✓	✓		Closed
<u>2380</u>	Extensive	6.8.4.2		✓	✓		Closed
<u>2381</u>	Non-Extensive	6.8.4.7		✓		✓	Closed
<u>2382</u>	Extensive	6.8.5.3		✓	✓		Closed
<u>2383</u>	Extensive	6.8.6.5		✓	✓		Closed
<u>2384</u>	Non-Extensive	6.8.6.6.2		✓		✓	Closed
<u>2385</u>	Extensive	2.2.7		✓		✓	Closed
<u>2386</u>	Extensive	2		✓		✓	Closed
<u>2387</u>	Extensive	2.2.7		✓	✓	*	Open
<u>2388</u>	Extensive	2.2.7.2		✓	✓		Closed
<u>2389</u>	Extensive	2.2.7.2		✓	✓		Closed
<u>2390</u>	Extensive	2.2.7.2		✓			Open
<u>2391</u>	Non-Extensive	6.8.3.1		✓	✓		Closed
<u>2392</u>	Non-Extensive	6.8.3.2		✓		✓	Closed
<u>2393</u>	Non-Extensive	6.8.3.3		✓		✓	Closed
<u>2394</u>	Extensive	6.8.3.4		✓	✓		Closed
<u>2395</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>2396</u>	Extensive	6.8.4.1		✓	✓	✓	Closed

<u>2397</u>	Non-Extensive	6.8.4.2		✓	✓	✓	Closed
<u>2398</u>	Non-Extensive	6.8.5.1.1		✓		✓	Closed
<u>2399</u>	Non-Extensive	6.8.5.2		✓		✓	Closed
<u>2400</u>	Extensive	6.8.5.3		✓	✓		Closed
<u>2401</u>	Extensive	6.8.5.4		✓	✓		Closed
<u>2402</u>	Extensive	6.8.5.5		✓	✓		Closed
<u>2403</u>	Non-Extensive			✓		✓	Closed
<u>2404</u>	Extensive	6.8.6.6.1		✓	✓		Closed
<u>2405</u>	Extensive	6.8.6.8		✓	✓		Closed
<u>2406</u>	Extensive	6.8.6.10.3		✓	✓		Closed
<u>2407</u>	Extensive	6.8.7.2.2		✓	✓		Closed
<u>2408</u>	Extensive	6.8.7.2.5		✓	✓		Closed
<u>2409</u>	Extensive	6.8.7.5		✓	✓		Closed
<u>2410</u>	Non-Extensive			✓		✓	Closed
<u>2411</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2412</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2413</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2414</u>	Extensive	6.8		✓		✓	Closed
<u>2415</u>	Extensive	6.8		✓		✓	Closed
<u>2416</u>	Extensive	.20.2.1.3		✓		✓	Closed
<u>2417</u>	Non-Extensive	.20.2.1.3		✓		✓	Closed
<u>2418</u>	Non-Extensive	6.7		✓		✓	Closed
<u>2419</u>	Non-Extensive	6.6		✓		✓	Closed
<u>2420</u>	Extensive			✓		✓	Closed
<u>2422</u>	Non-Extensive			✓		✓	Closed
<u>2423</u>	Extensive			✓		✓	Closed
<u>2424</u>	Non-Extensive			✓		✓	Closed
<u>2428</u>	Extensive	1.6		✓		✓	Closed
<u>2429</u>	Extensive	1.5.2		✓	✓	*	Closed
<u>2430</u>	Extensive	1.7.4		✓	✓	*	Closed
<u>2431</u>	Non-Extensive			✓		✓	Closed
				✓	✓	*	

<u>2432</u>	Extensive	2.2.7					Closed
<u>2433</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2434</u>	Extensive	1.4		✓	✓	✓	Closed
<u>2435</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2436</u>	Extensive	2.2.7.1.2.1.3		✓	✓		Closed
<u>2437</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
<u>2438</u>	Extensive	2.2.7.1.3.5		✓			Open
<u>2439</u>	Non-Extensive			✓		✓	Closed
<u>2440</u>	Extensive	2.2.7.1.3.4		✓	✓		Closed
<u>2441</u>	Extensive			✓		✓	Closed



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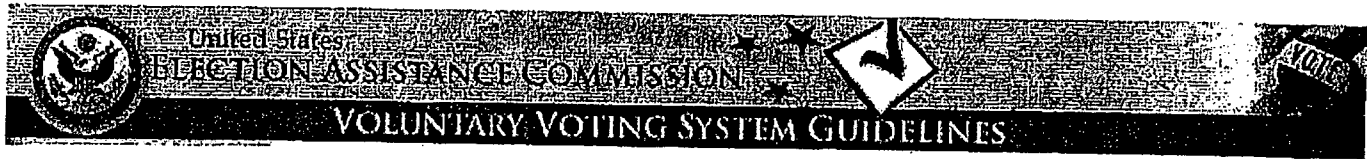
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2442	Extensive	2.2.7.1.7		✓	✓		Closed
2443	Extensive	2.2.7.1.7		✓	✓		Closed
2444	Extensive	2.2.7.3.2.5		✓	✓		Closed
2445	Extensive	2.2.7.3.2		✓	✓		Closed
2446	Extensive	2.2.7.1		✓	✓	*	Closed
2447	Extensive	2.2.7.3.2.1		✓	✓		Closed
2448	Non-Extensive			✓		✓	Closed
2449	Extensive	2.2.7.3.5		✓	✓		Closed
2450	Extensive	2.2.7.4.1		✓			Open
2451	Extensive	2.2.7.5.2		✓	✓		Closed
2452	Extensive	2.2.7.4.2.1		✓	✓		Closed
2453	Extensive	2.4.1.2.1		✓	✓		Closed
2454	Extensive	2.4.3		✓	✓		Closed
2455	Non-Extensive	6.6		✓	✓	*	Closed
2456	Extensive	6.6		✓	✓	*	Closed
2457	Extensive	6.6		✓	✓	*	Closed
2458	Extensive	A1A		✓			Open
2459	Extensive	A1C		✓			Closed
2460	Extensive	A1C		✓			Closed
2461	Extensive	A1D		✓	✓		Closed
2462	Non-Extensive			✓		✓	Closed
2463	Extensive			✓		✓	Closed
2464	Non-Extensive			✓		✓	Closed
2465	Non-Extensive			✓		✓	Closed
2466	Non-Extensive			✓		✓	Closed
2467	Non-Extensive			✓		✓	Closed
2468	Non-Extensive	6.7		✓		✓	Closed

<u>2469</u>	Non-Extensive						Closed
<u>2470</u>	Non-Extensive			✓		✓	Closed
<u>2471</u>	Extensive			✓	✓	✓	Closed
<u>2472</u>	Extensive			✓		✓	Closed
<u>2473</u>	Extensive	5.1.3		✓	✓		Closed
<u>2474</u>	Extensive	5.2.6		✓	✓		Closed
<u>2475</u>	Extensive	5.1.3		✓	✓		Closed
<u>2476</u>	Extensive	5.2.6		✓	✓		Closed
<u>2477</u>	Non-Extensive	1.5.4		✓		✗	Closed
<u>2478</u>	Extensive	6.7		✓	✓		Closed
<u>2479</u>	Non-Extensive	6.7		✓		✓	Closed
<u>2480</u>	Extensive	6.7		✓	✓		Closed
<u>2481</u>	Extensive	6.7		✓	✓		Closed
<u>2482</u>	Extensive	6.7		✓	✓		Closed
<u>2483</u>	Extensive	6.7		✓	✓		Closed
<u>2484</u>	Extensive	6.7		✓	✓		Closed
<u>2485</u>	Extensive	6.7.6.4		✓	✓		Closed
<u>2486</u>	Extensive	6.7		✓	✓		Closed
<u>2487</u>	Extensive	6.7.2.1.1		✓	✓		Closed
<u>2488</u>	Extensive	6.7.2.1.1		✓	✓		Closed
<u>2489</u>	Extensive	6.7.2.2		✓	✓		Closed
<u>2490</u>	Extensive	6.7.3.2		✓	✓		Closed
<u>2491</u>	Extensive	6.7.3.3		✓	✓		Closed
<u>2492</u>	Non-Extensive	6.7.2.7		✓	✓	✗	Closed
<u>2493</u>	Non-Extensive			✓		✓	Closed
<u>2494</u>	Extensive			✓		✓	Closed
<u>2495</u>	Extensive			✓		✓	Closed
<u>2496</u>	Non-Extensive			✓		✓	Closed
<u>2497</u>	Extensive			✓	✓	✗	Closed
<u>2498</u>	Extensive			✓		✓	Closed
<u>2499</u>	Extensive			✓	✓	✗	Closed
<u>2500</u>	Non-Extensive			✓		✓	Closed
<u>2501</u>	Extensive			✓	✓	✗	Closed
<u>2502</u>	Non-Extensive			✓		✓	Closed
<u>2503</u>	Extensive	2.2.7.1.1.2		✓		✓	Closed
<u>2504</u>	Extensive	2.2.7.2.2.6		✓	✓		Closed
<u>2505</u>	Extensive	2.2.7.2		✓	✓	✗	Closed
				✓		✓	

<u>2506</u>	Extensive	6.8					Closed
<u>2507</u>	Extensive			✓	✓	*	Closed
<u>2508</u>	Extensive			✓	✓	*	Closed
<u>2509</u>	Non-Extensive			✓		✓	Closed
<u>2510</u>	Extensive			✓	✓	*	Closed
<u>2511</u>	Extensive			✓	✓	✓	Closed
<u>2512</u>	Non-Extensive			✓		✓	Closed
<u>2513</u>	Extensive	1.8		✓	✓		Closed
<u>2514</u>	Extensive	2.2.7.1.1.2		✓		✓	Closed
<u>2515</u>	Extensive	2.2.7.1.2.2.3.1		✓	✓		Closed
<u>2516</u>	Extensive	2.2.7.1.2		✓			Open
<u>2517</u>	Extensive	2.2.7.1.2.1.1		✓	✓		Closed
<u>2518</u>	Non-Extensive	2.2.7.1.2.2.1		✓		✓	Closed
<u>2519</u>	Non-Extensive	2.2.7.2.3.1		✓		✓	Closed
<u>2520</u>	Non-Extensive	2.2.7.3.1		✓		✓	Closed
<u>2521</u>	Extensive	2.2.7.3		✓	✓		Closed
<u>2522</u>	Extensive	2.2.7.3.3.1		✓	✓		Open
<u>2523</u>	Extensive	2.2.7.3.3.3.1		✓	✓		Open
<u>2524</u>	Extensive	2.2.7.4.1		✓	✓		Closed
<u>2525</u>	Extensive	2.2.7.4.2.1		✓	✓		Open
<u>2526</u>	Extensive	2.2.7.4.2.1.1		✓	✓		Closed
<u>2527</u>	Non-Extensive	2.2.7		✓		✓	Closed
<u>2528</u>	Non-Extensive			✓		✓	Closed
<u>2529</u>	Extensive	2.2.7.1.3.1		✓	✓		Closed
<u>2530</u>	Extensive	3.2.1		✓	✓		Closed
<u>2531</u>	Non-Extensive	3.2.2		✓		✓	Closed
<u>2532</u>	Extensive	4.4.2		✓	✓		Closed
<u>2533</u>	Extensive	6.5.4.3		✓	✓		Closed
<u>2534</u>	Extensive	6.5.4.3		✓	✓		Closed
<u>2535</u>	Extensive	6.6		✓	✓	✓	Closed
<u>2536</u>	Extensive	6.8.1.2		✓	✓		Closed
				✓	✓	*	

<u>2537</u>	Extensive	6.8.4.1				Closed
<u>2538</u>	Non-Extensive	6.8.4.3		✓		✓ Closed
<u>2539</u>	Non-Extensive	6.8.4.4		✓		✓ Closed
<u>2540</u>	Extensive	6.8.4.5		✓	✓	Closed
<u>2541</u>	Extensive	6.8.5.3		✓	✓	Closed



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2542	Extensive	A1A		✓		✓	Open
2543	Extensive	audit trail		✓	✓		Open
2544	Extensive	A1C		✓			Closed
2545	Extensive	A1D		✓	✓		Closed
2546	Non-Extensive			✓		✓	Closed
2547	Extensive			✓	✓		Closed
2548	Non-Extensive			✓		✓	Closed
2549	Extensive			✓	✓		Closed
2550	Non-Extensive			✓		✓	Closed
2551	Extensive	3.2.4.2		✓	✓		Closed
2552	Extensive	3.2.4.2.3		✓	✓		Closed
2553	Extensive			✓		✓	Closed
2554	Extensive	6.7		✓	✓		Closed
2555	Extensive	6.7.2		✓	✓		Closed
2556	Extensive	6.7.2.2		✓	✓		Closed
2557	Extensive	6.7.2.6		✓	✓		Closed
2558	Extensive	6.7.3.1		✓	✓		Closed
2559	Extensive	6.7.3.2		✓	✓		Closed
2560	Extensive	6.7.3.4		✓	✓		Closed
2561	Extensive	6.7.4		✓	✓		Closed
2562	Extensive	6.7.7		✓	✓		Closed
2563	Extensive	6.7.10.2		✓	✓		Closed
2564	Extensive			✓	✓		Closed
2565	Extensive			✓		✓	Closed
2566	Non-Extensive			✓		✓	Closed
2567	Non-Extensive			✓		✓	Closed
2568	Non-Extensive			✓		✓	Closed
2569	Non-			✓		✓	Closed

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<u>2570</u>	Extensive Extensive			✓		✓	Closed
<u>2571</u>	Non- Extensive	6.8		✓		✓	Closed
<u>2572</u>	Non- Extensive			✓		✓	Closed
<u>2573</u>	Non- Extensive			✓		✓	Closed
<u>2574</u>	Non- Extensive			✓		✓	Closed
<u>2575</u>	Non- Extensive			✓		✓	Closed
<u>2576</u>	Non- Extensive			✓		✓	Closed
<u>2577</u>	Non- Extensive			✓		✓	Closed
<u>2578</u>	Non- Extensive			✓		✓	Closed
<u>2579</u>	Non- Extensive			✓		✓	Closed
<u>2580</u>	Non- Extensive			✓		✓	Closed
<u>2581</u>	Non- Extensive			✓		✓	Closed
<u>2582</u>	Non- Extensive			✓		✓	Closed
<u>2583</u>	Non- Extensive			✓		✓	Closed
<u>2584</u>	Non- Extensive			✓		✓	Closed
<u>2585</u>	Non- Extensive			✓		✓	Closed
<u>2586</u>	Non- Extensive			✓		✓	Closed
<u>2587</u>	Non- Extensive	2.2.7		✓		✓	Closed
<u>2588</u>	Extensive	2.2.7		✓	✓		Closed
<u>2589</u>	Extensive	2.2.7.1.2.1.3		✓	✓		Closed
<u>2590</u>	Extensive	6.8.2.2		✓	✓	✓	Closed
<u>2591</u>	Non- Extensive	2.2.7.1.2.2.6		✓			Open
<u>2592</u>	Non- Extensive	6.8.3.5		✓	✓		Closed
<u>2593</u>	Extensive	2.2.7.1.2.1.3		✓		✓	Closed
<u>2594</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
<u>2595</u>	Extensive	2.2.7.1.2.1.3		✓	✓		Closed
<u>2596</u>	Non- Extensive	6.8.2.2		✓	✓		Closed

<u>2597</u>	Extensive	2.2.7.1.2.2.6		✓			Open
<u>2598</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>2599</u>	Extensive	2.2.7.1.3.5		✓			Open
<u>2600</u>	Extensive	2.2.7.4.2.1		✓	✓		Closed
<u>2601</u>	Extensive	2.2.7.1.2.1.3		✓	✓		Closed
<u>2602</u>	Extensive	2.2.7.1.2.2.3.4		✓	✓		Closed
<u>2603</u>	Extensive	2.2.7.1.2.2.3.9		✓	✓		Closed
<u>2604</u>	Extensive	2.2.7.1.3.4		✓	✓		Closed
<u>2605</u>	Extensive	2.2.7.1		✓		*	Open
<u>2606</u>	Extensive			✓	✓		Closed
<u>2607</u>	Non-Extensive			✓	✓	✓	Closed
<u>2608</u>	Extensive	2.2.7.1.2.2.3.8		✓			Open
<u>2609</u>	Non-Extensive			✓		✓	Closed
<u>2610</u>	Non-Extensive			✓		✓	Closed
<u>2611</u>	Non-Extensive	...		✓		✓	Closed
<u>2612</u>	Non-Extensive	6.8		✓		✓	Closed
<u>2613</u>	Non-Extensive			✓		✓	Closed
<u>2614</u>	Non-Extensive			✓		✓	Closed
<u>2615</u>	Non-Extensive			✓		✓	Closed
<u>2616</u>	Non-Extensive			✓		✓	Closed
<u>2617</u>	Non-Extensive	2.2.7.1		✓		✓	Closed
<u>2618</u>	Non-Extensive			✓		✓	Closed
<u>2619</u>	Non-Extensive			✓		✓	Closed
<u>2621</u>	Non-Extensive			✓		✓	Closed
<u>2622</u>	Non-Extensive			✓		✓	Closed
<u>2623</u>	Non-Extensive			✓		✓	Closed
<u>2624</u>	Non-Extensive			✓		✓	Closed
<u>2625</u>	Non-Extensive			✓		✓	Closed

<u>2626</u>	Non-Extensive					Closed
<u>2627</u>	Non-Extensive			✓	✓	Closed
<u>2628</u>	Non-Extensive			✓	✓	Closed
<u>2629</u>	Non-Extensive			✓	✓	Closed
<u>2630</u>	Non-Extensive	...		✓	✓	Closed
<u>2631</u>	Extensive	2.2.7		✓	✓	Open
<u>2632</u>	Extensive	2.2.7.1		✓	✓	Closed
<u>2633</u>	Non-Extensive	2.2.7		✓	✓	Closed
<u>2634</u>	Non-Extensive	2.2.7.1		✓	✓	Closed
<u>2635</u>	Non-Extensive	2.2.7.4		✓	✓	Closed
<u>2636</u>	Non-Extensive	2.2.7		✓	✓	Closed
<u>2637</u>	Non-Extensive			✓	✓	Closed
<u>2638</u>	Non-Extensive			✓	✓	Closed
<u>2639</u>	Non-Extensive			✓	✓	Closed
<u>2640</u>	Non-Extensive			✓	✓	Closed
<u>2641</u>	Extensive			✓	✓	Closed
<u>2642</u>	Non-Extensive			✓	✓	Closed



★ Tracking & Management System

View All Comment Recommendations

Record 2301 - 2380 of
2380

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[13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [22](#) [23](#) [24](#)

Lines per page

Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
2643	Non-Extensive	6		✓		✓	Closed
2644	Extensive	6.7		✓		✓	Closed
2645	Extensive	2.2.1		✓	✓	✓	Open
2646	Extensive	6.8		✓		✓	Closed
2647	Non-Extensive			✓		✓	Closed
2648	Non-Extensive			✓		✓	Closed
2649	Extensive	2.2.3.8		✓		✓	Closed
2650	Extensive			✓		✓	Closed
2651	Extensive	6.8		✓		✓	Closed
2652	Extensive	A1C		✓			Closed
2653	Extensive	6.8.2.2		✓	✓		Closed
2654	Non-Extensive			✓		✓	Closed
2655	Extensive	2.2.7.2.2.3.8		✓	✓		Closed
2656	Extensive			✓		✓	Closed
2657	Extensive			✓		✓	Closed
2658	Extensive	WPAT		✓	✓	✓	Closed
2659	Extensive	6.7		✓	✓		Closed
2660	Extensive			✓		✓	Closed
2661	Extensive			✓		✓	Closed
2662	Extensive			✓		✓	Closed
2663	Extensive			✓		✓	Closed
2664	Extensive			✓		✓	Closed
2665	Extensive	6.8		✓		✓	Closed
2666	Extensive	6.8		✓		✓	Closed
2667	Extensive			✓		✓	Closed
2668	Extensive			✓	✓		Closed
2669	Extensive			✓	✓		Closed

<u>2670</u>	Extensive			✓		✓	Closed
<u>2671</u>	Extensive			✓		✓	Closed
<u>2672</u>	Extensive			✓	✓		Closed
<u>2673</u>	Extensive			✓		✓	Closed
<u>2674</u>	Extensive			✓		✓	Closed
<u>2675</u>	Extensive			✓		✓	Closed
<u>2676</u>	Extensive			✓		✓	Closed
<u>2677</u>	Extensive	.20.1.3.1.4		✓		✓	Closed
<u>2678</u>	Extensive			✓		✓	Closed
<u>2679</u>	Extensive	6.7.2.1.1		✓	✓		Closed
<u>2680</u>	Extensive	3.4.3		✓	✓	✓	Closed
<u>2681</u>	Extensive	3.4.3		✓	✓	✓	Closed
<u>2682</u>	Extensive	.20.4.7.3		✓		✓	Closed
<u>2683</u>	Extensive	3.4.3		✓	✓	✓	Closed
<u>2684</u>	Extensive	4.1.1		✓		✓	Closed
<u>2685</u>	Extensive	.20.1.3.1.3		✓	✓		Closed
<u>2686</u>	Extensive	Firmware		✓	✓	✓	Closed
<u>2687</u>	Extensive	6.4.1		✓	✓		Closed
<u>2688</u>	Extensive	.20.1.4		✓		✓	Closed
<u>2689</u>	Extensive	.20.5.4.2		✓		✓	Closed
<u>2690</u>	Extensive	.20.5.4.2		✓		✓	Closed
<u>2691</u>	Extensive	A1C		✓			Closed
<u>2692</u>	Extensive	.20.1.3.1.4		✓		✓	Closed
<u>2693</u>	Extensive	.20.2.6.5		✓		✓	Closed
<u>2694</u>	Extensive	.20.6.4.2		✓		✓	Closed
<u>2695</u>	Extensive	2.3.2		✓	✓		Closed
<u>2696</u>	Extensive	.20.3.3.1		✓		✓	Closed
<u>2697</u>	Extensive	.20.6.6		✓		✓	Closed
<u>2698</u>	Extensive	.20.1.3.1		✓		✓	Closed
<u>2699</u>	Extensive	.20.1.8.2.6		✓		✓	Closed
<u>2700</u>	Extensive			✓		✓	Closed
<u>2701</u>	Extensive	2.3.4.1		✓		✓	Closed
<u>2702</u>	Extensive	.20.1.7.2.2		✓		✓	Closed
<u>2703</u>	Extensive	.20.1.8.2.3		✓	✓		Closed
<u>2704</u>	Extensive	.20.4.5		✓	✓		Closed
<u>2705</u>	Extensive	.20.1.8.2.6		✓	✓		Closed
<u>2706</u>	Extensive	6.8		✓	✓		Closed
<u>2707</u>	Extensive	6.8.5.1.1		✓	✓		Closed

018016

<u>2708</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>2709</u>	Extensive	6.4.4.2		✓	✓		Closed
<u>2710</u>	Extensive	4.2.2		✓	✓	✓	Closed
<u>2711</u>	Extensive	.20.7		✓	✓		Closed
<u>2712</u>	Extensive	A2B		✓	✓		Closed
<u>2713</u>	Extensive	6.5.5		✓	✓		Closed
<u>2714</u>	Extensive	.20.2.1.3		✓	✓		Closed
<u>2715</u>	Extensive	2.4.3.3		✓		✓	Closed
<u>2716</u>	Extensive	3.2.7.1		✓	✓		Closed
<u>2717</u>	Extensive			✓		✓	Closed
<u>2718</u>	Extensive	2.2.7		✓	✓		Closed
<u>2719</u>	Non-Extensive	A1C		✓			Closed
<u>2720</u>	Extensive	A1C		✓			Closed
<u>2721</u>	Extensive	4.2.4		✓		✓	Closed
<u>2738</u>	Extensive	6		✓		✓	Closed



"Bobbie Brinegar"

11/10/2005 02:38 PM

To cpaquette@eac.gov

cc

bcc

Subject RE: # of VVSG comments

Appreciate the information, Carol. Let me know if you need some help with data entry ;)

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

Sent: Thursday, November 10, 2005 2:32 PM

To: [REDACTED]

Subject: Re: # of VVSG comments

Bobbie -

We received in excess of 3000 comments by email and most of these in the final 2 days of the comment period. You do not see all these emails on the website as yet because they all have to be manually entered into the database. This is a very time consuming process when there are so many to handle. All comments received will be posted to the EAC website no later than mid-December. We have reviewed all these emails for content and they are being factored into the process of finalizing the VVSG for adoption by the Commission.

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

"Bobbie Brinegar" <[REDACTED]>

11/10/2005 02:15 PM

To "Carol Paquette" <cpaquette@eac.gov>

cc

Subject# of VVSG comments

Hi Carol. I hope all is well with you. VV is interested in the number of comments on the proposed guidelines that the EAC received via email etc... Who would I ask? You probably haven't analyzed them yet, but we would like to know the gross number—clearly we can see the 1,000 plus up on the web. In the end, will all of the acceptable comments be posted on the EAC site? Thanks very much, Bobbie

Bobbie Ann Brinegar
Senior Political Adviser
www.VerifiedVoting.org

018018



Phone: [Redacted]
Fax: [Redacted]



"Bobbie Brinegar"

<[REDACTED]>

11/10/2005 02:15 PM

To "Carol Paquette" <cpaquette@eac.gov>

cc

bcc

Subject # of VVSG comments

Hi Carol. I hope all is well with you. VV is interested in the number of comments on the proposed guidelines that the EAC received via email etc... Who would I ask? You probably haven't analyzed them yet, but we would like to know the gross number—clearly we can see the 1,000 plus up on the web. In the end, will all of the acceptable comments be posted on the EAC site? Thanks very much, Bobbie

Bobbie Ann Brinegar
Senior Political Adviser
www.VerifiedVoting.org

[REDACTED]

Phone:

Fax:

[REDACTED]

018020



"Cecilia Walsh"
<cwash@berkeley.edu>
12/01/2005 07:08 PM

To cpaquette@eac.gov
cc
bcc
Subject posting of ACCURATE VVSG Comment

Ms. Paquette,
Thank you very much for your voicemail today.

Could you please email me with instructions as to how to locate on the EAC website the posting the public Comment submitted on behalf of ACCURATE regarding the proposed 2205 VVSG?

Thanks and best regards,
Cecilia Walsh
Law Student Intern
Samuelson Law, Technology & Public Policy Clinic, UC Berkeley

013021



"Cecilia Walsh"
<cwash@berkeley.edu>
11/10/2005 07:54 PM

To cpaquette@eac.gov, ebrand@scog-auth1.gsa.gov,
[REDACTED]
cc
bcc
Subject VVSG Comments

Dear Ms. Paquette,
We submitted a public comment on September 30, 2005 on the proposed 2005 Voluntary Voting System Guidelines (2005 VVSG) on behalf of ACCURATE (A Center for Correct, Usable, Reliable And Transparent Elections), an NSF-funded group conducting research directed toward increasing the trustworthiness of voting systems.

We would like to request an update on the EAC's review of the public comments received and the status of the 2005 VVSG.

Thank you very much for your help!

Best regards,
Cecilia Walsh & Erica Brand
Law Student Interns, Samuelson Law, Technology & Public Policy Clinic,
UC Berkeley
Joseph Hall
School of Information Management & Systems, UC Berkeley

013022



08/23/2005 11:46 AM

To cpaquette@eac.gov
cc mking@kennesaw.edu
bcc
Subject Re: Fw: VVSG comments

Carol,
I checked the on-line comments and there were none from him.

Connor

----- Original message -----

I did see his email comments but he also asked about his comments submitted on-line. This is what I couldn't find.

Sent from my BlackBerry Wireless Handheld

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

From: choward
Sent: 08/23/2005 11:21 AM
To: Carol Paquette
Cc: mking@kennesaw.edu
Subject: Re: Fw: VVSG comments

Carol,

I found Fernando Morales' email. The subject is "VVSG Non-Compliant with HAVA". It contains a Word document as an attachment containing his comments.

Hope this helps,
Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

013023

----- Original Message -----
From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

----- Original Message -----
From: cpaquette@eac.gov
To: [REDACTED]
Cc: juliet.thompson@eac.gov
Sent: Monday, August 22, 2005 1:28 PM
Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

013024



08/23/2005 11:21 AM

To cpaquette@eac.gov
cc mking@kennesaw.edu
bcc
Subject Re: Fw: VVSG comments

Carol,

I found Fernando Morales' email. The subject is "VVSG Non-Compliant with HAVA". It contains a Word document as an attachment containing his comments.

Hope this helps,
Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

018025

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018026



"Connor Howard"
<vhoward@kennesaw.edu>
11/07/2005 11:47 AM

To cpaquette@eac.gov
cc nmortellito@eac.gov, "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: My org.'s comments on EAC Voluntary Voting
SystemGuidelines have not been posted yet

Carol,

Tell him to sort by the name field and look for the name Eugene Lee.
The comments were entered using this name.

Connor

>>> <cpaquette@eac.gov> 11/7/2005 9:31:21 AM >>>
Not sure what this guy's problem is. I know his comments are there
because
we've reviewed and discussed many of them. Can someone suggest how he
can
find his comments? Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202) 566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 11/07/2005 09:28 AM

Joyce Wilson/EAC/GOV
11/07/2005 09:23 AM

To
Carol A. Paquette/EAC/GOV@EAC
cc

Subject
Fw: My org.'s comments on EAC Voluntary Voting System Guidelines have
not
been posted yet

Carol, Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 11/07/2005 09:23 AM -----

"Eugene Lee" <elee@apalc.org>
11/06/2005 03:31 PM

To
HAVAinfo@eac.gov

018027

cc

Subject
My org.'s comments on EAC Voluntary Voting System Guidelines have not
been
posted yet

Dear EAC:

My organization's comments on the EAC voluntary voting system
guidelines
have not been posted on the EAC's website yet. I submitted the
attached
PDF
file on September 29, 2005. The PDF file is not posted on the website.
If
the EAC could please post the PDF file, that would be much
appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC
Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium
(NAPALC)
and the Asian Pacific American Legal Center of Southern California
(APALC),
I submit the joint comments of NAPALC and APALC on the proposed
Voluntary
Voting System Guidelines. The comments are attached to this email as a
PDF

013028

file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018029



"Connor Howard"
<vhoward@kennesaw.edu>
10/19/2005 10:18 AM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>,
amp1985@students.kennesaw.edu
bcc
Subject Vendor comments

Carol,
(This is a follow up to my message from last night. We have the Scytl
comments - they were posted on 9/9/2005.)

Of the vendor comment documents that you emailed to me:

We already have Hart Intercivic, Populex, Sequoia and Scytl.
We have Accupoll in a Hard copy format.
We do not have ES&S.

Thanks,
Connor

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

018030



"Connor Howard"
<vhoward@kennesaw.edu>
10/18/2005 02:33 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALCComments 9.29.05

Carol,

There is one earlier comment from Mr. Lee that was entered under the "general comments" classification on 9/19/2005 (reference number 729). However, to this point we have not seen these comments dated 9/29/2005. We will enter these immediately.

Thanks,
Connor

>>> <cpaquette@eac.gov> 10/18/2005 12:02:38 PM >>>
Connor -

Can you check on status of entering these comments? I spoke with this person on the phone last week and explained to him about the huge number of emails received and that the information from emails had to be hand--posted to the website - a very time consuming task. But he's back

again. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/18/2005 11:56 AM

Joyce Wilson/EAC/GOV
10/18/2005 11:41 AM

To
Carol A. Paquette/EAC/GOV@EAC
cc

Subject
Fw: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Carol, I'm sending this message from HAVAINfo mailbox to you first.
Please
forward if you are not the person to respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

018031

----- Forwarded by Joyce Wilson/EAC/GOV on 10/18/2005 11:41 AM -----

"Eugene Lee" <elee@apalc.org>
10/10/2005 12:53 PM

To
HAVAinfo@eac.gov
cc

Subject
FW: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Dear EAC:

On Sept. 29, APALC and NAPALC submitted joint comments on the EAC's proposed voluntary voting system guidelines. I am forwarding the email transmitting these comments. I do not see the comments posted on the EAC's website. Would someone at the EAC be able to check on whether these comments were posted and let me know when the comments have been posted?

Thanks very much,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC
Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium
(NAPALC)

013032

and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018030



"Connor Howard"
<vhoward@kennesaw.edu>
10/04/2005 03:19 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: Comments posting problem

Carol,

I have attached the proposed updated message for the web site. The updated text is in bold. I will call in a few minutes to get your feedback.

Thanks,
Connor

>>> <cpaquette@eac.gov> 10/4/2005 1:23:44 PM >>>
Merle, Connor -

The Commissioners decided today that they want you to "turn off" the capability for people to continue sending in comments. Please draft a message to the effect that the comment period ended on September 30 and no comments will be accepted after that date. Also need to say that comments received by that date will be available for public review while the Commission is considering what revisions might be made to the VVSG. For

the period while you're working on getting all the email, etc., comments posted, might be useful to mention that due to volume of comments received in the last days of the comment period people might not see their comments posted for a few days. Make sure that the couple of emails after 9/30 that I sent by mistake yesterday are not available for viewing. At that time, you can replace this statement with one that says that all comments are

posted. We will still have to capture all the comments received after the deadline, they just won't be approved for public view. I'll hold off forwarding any more of the email comments received after the 30th until

you tell me that all the timely comments have been entered. We will also be shutting down the VVSG email address. Would like to review message text before it's posted. Thanks!

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

018034

"Merle King" <mking@kennesaw.edu>
10/04/2005 10:10 AM

To
cpaquette@eac.gov
cc
"Connor Howard" <vhoward@kennesaw.edu>
Subject
Re: Fw: Comments posting problem

Carol - There is a 2000-character limit on inputting text directly into the comments field. What some folks have done is to enter an overview of their comments, then attach a document that contains the entire text.

Our observation has been that people who want to input more than 2000 characters are entering either a) aggregated comments and do not want to invest the time to split them out into individual comments or b) prepared marketing pieces or position papers that wander off topic.

If this person submitted their comments as an attached document, we will place it in the queue for decomposition.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 10/4/2005 9:37:59 AM >>>
I didn't think there was a size limitation on comments?

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/04/2005 09:36 AM

"AlKolwicz" <[REDACTED]>
10/04/2005 08:16 AM

To
votingsystemguidelines@eac.gov
cc

013035

Subject
Comments posting problem

There appears to be a problem with the posting to the database of my comment caused by the fact that my comment is greater than 2000 characters. As you can see, my comment is incomplete * see "GENERAL COMMENTS, Al Kolwicz, three items".

I have attached a folder containing 6 word files, each sized to fit the 2000 character limit.

Will you please correct the recent attempt to record my comment in the database by replacing the three files with the attached six files? As you

can see, the sequence of the files is significant.

Thank you for your assistance.

Al Kolwicz

CAMBER
Citizens for Accurate Mail Ballot Election Results



www.users.qwest.net/~alkolwicz
<http://coloradovoter.blogspot.com>

CAMBER is a dedicated group of volunteers who are working to ensure that every voter gets to vote once, every vote is counted once, and that every ballot is secure and anonymous.



CommentPeriodClosed-Message.doc

013036

The Voluntary Voting System Guidelines were developed under the Help America Vote Act of 2002 (HAVA) Section 202 mandate that the U.S. Election Assistance Commission (EAC) update the 2002 Voting System Standards to address increasingly complex voting system technology. They were designed for state and local election officials to help ensure that new voting systems function accurately and reliably.

The Guidelines are provided for a 90 day public comment period which officially began June 29, 2005 upon notice in the Federal Register. All comments must be received by EAC on or before 5:00 p.m. EDT on September 30, 2005. All comments will be posted on the EAC website. Comments may also be sent to votingsystemguidelines@eac.gov or by fax to Voting System Guidelines Comments at (202) 566-3127. Comments may also be mailed to Voting System Guidelines Comments, U.S. Election Assistance Commission, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

The Guidelines are also available in hard copy format or on CD-ROM. Call EAC at (866) 747-1471 or (202) 566-3100 to request a copy or for more information.

At the conclusion of the public comment period and after the consideration of comments received, EAC commissioners will vote to approve the Voluntary Voting System Guidelines. The final version will be made available to the public at that time.

The public comment period is now closed. No comments will be accepted after September 30, 2005. Comments received by that date will be available for public review while the Election Assistance Commission considers revisions to the Voluntary Voting System Guidelines.

Due to the volume of comments received in the closing days of the public comment period, it may be several days before all comments received can be posted for viewing.



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English Proficiency," there appears to be some language missing after the sentence, "HAVA Section 301(a)(4) reads in part:"

We respectfully request the EAC make this language available before the September 30, 2005 deadline for submitting comments to the proposed Voluntary Voting System Guidelines.

018038

Joyce Wilson/EAC/GOV
12/06/2005 09:20 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: Our comments not yet posted

Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

--- Forwarded by Joyce Wilson/EAC/GOV on 12/06/2005 09:20 AM ---



"Matt Bishop"
<bishop@cs.ucdavis.edu>

12/05/2005 01:13 PM

Please respond to
"Matt Bishop"
<bishop@cs.ucdavis.edu>

To HAVAINfo@eac.gov
cc
Subject Our comments not yet posted

Hello,

My name is Matt Bishop. I'm a professor in the Department of Computer Science at the University of California, Davis.

My students and I submitted an extensive set of comments on the proposed standards for electronic voting systems. We submitted it on Sept. 28.

As of now, it is not posted on the comments web site. I know your page says it may be some time until comments were posted. I had called in mid-October and was asked to be patient, but that if it was not posted I could get them to you again (just in case they were lost).

So, my question is: have you posted all the comments you received? If so, can you please post ours? I am attaching them (just in case). If not, do you have a date when you expect to finish?

I look forward to hearing from you!

Sincerely,

Matt Bishop



our-comments.pdf

013039

Joyce Wilson/EAC/GOV
11/07/2005 09:23 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Carol, Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 11/07/2005 09:23 AM -----



"Eugene Lee"
<elee@apalc.org>
11/06/2005 03:31 PM

To HAVAINfo@eac.gov
cc
Subject My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Dear EAC:

My organization's comments on the EAC voluntary voting system guidelines have not been posted on the EAC's website yet. I submitted the attached PDF file on September 29, 2005. The PDF file is not posted on the website. If the EAC could please post the PDF file, that would be much appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

013040

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment



NAPALC-APALC Comments on EAC Voluntary Voting System Guidelines 9.29.05.pdf

013041



"Merle King"
<mking@kennesaw.edu>
08/23/2005 10:30 AM

To choward@comcast.net, cpaquette@eac.gov
cc "Anthony Peel" <apeel@kennesaw.edu>, "Merle King"
<mking@kennesaw.edu>

bcc

Subject Re: Fw: VVSG comments

Carol - I have just walked through the posting of comments and confirmed with my guys at KSU that they are posting. I did see one potential problem with the directions... At the end of the input screen, it instructs the user to save their comments...but does not warn the user that unless they click on submit in the subsequent page, it will not upload them for posting. Could this be what happened with Morales?

Let me know if you want an additional instruction added to that line. Something like, "After saving all your comments, you must click on Submit on the following page to post your Comment."

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: cpaquette@eac.gov
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

013042

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018043



"Merle King"
 <mking@kennesaw.edu>
 08/23/2005 11:44 AM

To [REDACTED], cpaquette@eac.gov, "Merle King"
 <mking@kennesaw.edu>
 cc "Anthony Peel" <aapel@kennesaw.edu>

bcc

Subject Re: Fw: VVSG comments

Anthony - Could you mock up the added instruction and send to all as an html file so that we can get Carol's approval of the draft before going live?

Thanks,

Merle

Merle S. King
 http://science.kennesaw.edu/csis
 Chair, CSIS Department
 Kennesaw State University
 1000 Chastain Road, MB #1101
 Kennesaw, GA 30144-5591
 voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 11:37 AM >>>
 Yes, we need to add that line so people know exactly what they need to do. We don't want to assume that commenters will be knowledgeable about how to submit comments to a web application. Instructions should be precise, complete and very clearm (hanks!

 Sent from my BlackBerry Wireless Handheld

----- Original Message -----
 From: "Merle King" [mking@kennesaw.edu]
 Sent: 08/23/2005 10:30 AM
 To: [REDACTED]; cpaquette@eac.gov
 Cc: "Anthony Peel" <aapel@kennesaw.edu>; "Merle King" <mking@kennesaw.edu>
 Subject: Re: Fw: VVSG comments

Carol - I have just walked through the posting of comments and confirmed with my guys at KSU that they are posting. I did see one potential problem with the directions... At the end of the input screen, it instructs the user to save their comments...but does not warn the user that unless they click on submit in the subsequent page, it will not upload them for posting...Could this be what happened with Morales?

Let me know if you want an additional instruction added to that line. Something like, " After saving all your comments, you must click on Submit on the following page to post your Comment."

- Merle

Merle S. King
 http://science.kennesaw.edu/csis
 Chair, CSIS Department
 Kennesaw State University

013044

1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: cpaquette@eac.gov
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

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Please advice,

Fernando Morales

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

From: cpaquette@eac.gov
To: [REDACTED]
Cc: juliet.thompson@eac.gov
Sent: Monday, August 22, 2005 1:28 PM
Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

013045

Carol A. Paquette/EAC/GOV
12/12/2005 06:16 PM

To mkong@kennesaw.edu, vhoward@kennesaw.edu
cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov@EAC,
Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc

Subject Fw: VVSG web changes

Merle, Connor -

We would like to have the following changes made to VVSG webpage, ready to post early afternoon tomorrow - after Commissioners have taken a vote. You can coordinate with Jeannie Layson or Bryan Whitener if there are any questions or clarifications needed. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 12/12/2005 06:13 PM -----

Bryan Whitener/EAC/GOV
12/12/2005 04:23 PM

To Carol A. Paquette/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
Subject VVSG web changes

#1

(Changes to words on the home page box; move center column box to the top)

OLD

View the Proposed Voluntary Voting System Guidelines
Deadline for Comments is Sept 30

NEW

EAC Votes to Adopt 2005 Voluntary Voting System Guidelines

#####

#2

(Words to insert before introduction on VVSG page)

On December 13, 2005 the U.S. Election Assistance Commission voted to adopt the 2005 Voluntary Voting System Guidelines. The final version of this document will soon be posted. Until that time, the Proposed Voluntary Voting System Guidelines remains available for viewing.

#3

Links to three items will be added

- Press Release
- Overview
- Overview of Volume I

013046

Carol A. Paquette/EAC/GOV
12/12/2005 08:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, juliet.thompson@eac.gov@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc

Subject talking points to introduce tomorrow's VVSG discussion

Tom -

Here are some remarks for your consideration. There's no pride of authorship or fine wording here - just trying to get a few thoughts down that you might find helpful. Have left a copy of the 4 bar graphs summarizing the numbers of comments by sections of the VVSG on your chair.

1. Total number of comments received: 5670
2. We appreciate all the effort the general public, election officials, advocacy groups, academia, test labs, and vendors put into reviewing the VVSG and providing their comments. We have read and considered every comment received.
3. We were unable to deal with many of the more complex comments which relate to on-going TGDC and NIST activities for the next iteration of the VVSG. These comments will be carried over into that longer term effort.
4. Many comments dealt with procedural and election management concerns and these will be forwarded for consideration by the EAC/NSED Management Guidelines Working Group that recently got underway.
5. EAC established 3 comment review groups comprised of EAC and NIST staff: Core Requirements, Human Factors, and Security. Other NIST personnel and subject matter experts were consulted as needed on specific topics.
6. Comment review groups prepared issue papers and recommendations for consideration and policy guidance from the Commissioners. There have been extensive, in-depth Commission discussions of the VVSG - beginning in early November and continuing through last Friday afternoon. For the past few weeks nearly half of the Commission has been engaged in this effort!
7. There has been a great deal of effort on the part of many dedicated people to reach this milestone - beginning in July 2004 with NIST and the TGDC. They have continued their work for the next iteration of the VVSG, which we envision will be an on-going process to keep up with evolving technology and public expectations.

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

01804^{PM}



choward@ [REDACTED]
08/23/2005 10:20 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: Fw: VVSG comments

Carol,

I will take a look and see if I can find his message. I'll let you know as soon as I finish going through them all.

Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
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Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: [REDACTED]

018048

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

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

018049



"Anthony Peel"
<aapeel@kennesaw.edu>
08/23/2005 12:24 PM

To choward@██████████ cpaquette@eac.gov, "Merle King"
<mking@kennesaw.edu>
cc "Ken Honea" <khonea@kennesaw.edu>

bcc

Subject Re: Fw: VVSG comments

Attached are some jpg screen shots with the added language. Let me know what you think and if any additional language needs to be added.

The following is the text that was added:
"Once you have saved your comments click END SESSION to be taken to the review screen. From there you will have to click SUBMIT COMMENTS for your comments to be recorded. "

Thanks
Anthony Peel

Anthony Peel
Senior Project Coordinator, Center for Election Systems
Computer Science & Information Systems Department
Kennesaw State University
1000 Chastain Road, MB #5700
Kennesaw, GA 30144-5591
voice: 770-423-6900; fax: 770-423-6905
<http://elections.kennesaw.edu/>

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message immediately and are hereby notified that any disclosure, copying or distribution of this message, or the taking of any action based on it, is strictly prohibited.

>>> Merle King 8/23/2005 11:44:57 AM >>>
Anthony - Could you mock up the added instruction and send to all as an html file so that we can get Carol's approval of the draft before going live?

Thanks,

Merle

Merle S. King
<http://science.kennesaw.edu/csiss>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 11:37 AM >>>
Yes, we need to add that line so people know exactly what they need to do. We don't want to assume that commenters will be knowledgeable about how to submit comments to a web application. Instructions should be precise, complete and very clearm (hanks!

013050

Sent from my BlackBerry Wireless Handheld

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

From: "Merle King" [mking@kennesaw.edu]
Sent: 08/23/2005 10:30 AM
To: choward@[REDACTED]; cpaquette@eac.gov
Cc: "Anthony Peel" <apeel@kennesaw.edu>; "Merle King"
<mking@kennesaw.edu>
Subject: Re: Fw: VVSG comments

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Let me know if you want an additional instruction added to that line. Something like, "After saving all your comments, you must click on Submit on the following page to post your Comment."

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
Connor -

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Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: cpaquette@eac.gov
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct

013051

submission
was not posted and why one day later the Jeff Donald direct submission
was posted on August 1, 2005. Is the direct submission software
sensitive to who file it? or blocked because contain key words in the
argument?

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have
just
recently gotten a contract in place with Kennesaw University for
assistance in managing and reviewing the VVSG comments. All the email
comments have been forwarded to them to enter into the database that
can
be viewed from the website. We anticipate having all comments received
by other means than direct website submission to be posted within the
next week. Thank you for your patience.

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



preview.jpg



sectionform.jpg



generalform.jpg



glossaryform.jpg

018052



"Merle King"
<mking@kennesaw.edu>
10/04/2005 10:10 AM

To cpaquette@eac.gov
cc "Connor Howard" <vhoward@kennesaw.edu>

bcc

Subject Re: Fw: Comments posting problem

Carol - There is a 2000-character limit on inputting text directly into the comments field. What some folks have done is to enter an overview of their comments, then attach a document that contains the entire text.

Our observation has been that people who want to input more than 2000 characters are entering either a) aggregated comments and do not want to invest the time to split them out into individual comments or b) prepared marketing pieces or position papers that wander off topic.

If this person submitted their comments as an attached document, we will place it in the queue for decomposition..

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 10/4/2005 9:37:59 AM >>>
I didn't think there was a size limitation on comments?

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/04/2005 09:36 AM -----

"AlKolwicz" <[REDACTED]>
10/04/2005 08:16 AM

To
votingsystemguidelines@eac.gov
cc

Subject
Comments posting problem

There appears to be a problem with the posting to the database of my comment caused by the fact that my comment is greater than 2000 characters. As you can see, my comment is incomplete * see "GENERAL COMMENTS, Al Kolwicz, three items".

I have attached a folder containing 6 word files, each sized to fit the

018053

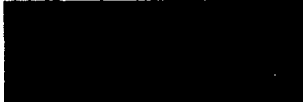
2000 character limit.

Will you please correct the recent attempt to record my comment in the database by replacing the three files with the attached six files? As you can see, the sequence of the files is significant.

Thank you for your assistance.

Al Kolwicz

CAMBER
Citizens for Accurate Mail Ballot Election Results



www.users.qwest.net/~alkolwicz
<http://coloradovoter.blogspot.com>

CAMBER is a dedicated group of volunteers who are working to ensure that every voter gets to vote once, every vote is counted once, and that every ballot is secure and anonymous.

018054.

Carol A. Paquette/EAC/GOV
12/06/2005 06:03 PM

To jwilson@eac.gov@EAC
cc
bcc
Subject Re: Fw: Our comments not yet posted

Joyce -

Will do. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV

Joyce Wilson/EAC/GOV
12/06/2005 09:20 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: Our comments not yet posted

Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 12/06/2005 09:20 AM -----



"Matt Bishop"
<bishop@cs.ucdavis.edu>
12/05/2005 01:13 PM

To HAVAINfo@eac.gov
cc
Subject Our comments not yet posted

Please respond to
"Matt Bishop"
<bishop@cs.ucdavis.edu>

Hello,

My name is Matt Bishop. I'm a professor in the Department of Computer Science at the University of California, Davis.

My students and I submitted an extensive set of comments on the proposed standards for electronic voting systems. We submitted it on Sept. 28.

As of now, it is not posted on the comments web site. I know your page says it may be some time until comments were posted. I had called in mid-October and was asked to be patient, but that if it was not posted I could get them to you again (just in case they were lost).

018055

So, my question is: have you posted all the comments you received? If so, can you please post ours? I am attaching them (just in case). If not, do you have a date when you expect to finish?

I look forward to hearing from you!

Sincerely,

Matt Bishop



our-comments.pdf

018056

Carol A. Paquette/EAC/GOV
10/27/2005 04:21 PM

To Joyce Wilson/EAC/GOV
cc
bcc
Subject Re: Fw: Election Reform

Joyce -

This is just a general comment, not pertaining to the Guidelines document. Suggest you forward this one to Jeannie.

If you do receive comments on the Voting Ssystem Guidelines, you can forward them to me. We may eventually decide to toss these, but in the meantime we're keeping a file of comments received after the September 30 deadline. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV

Joyce Wilson/EAC/GOV
10/27/2005 11:09 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: Election Reform

Carol, Below is a public comment. What do you want me to do with any comments I get in the future?

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 10/27/2005 11:09 AM -----



"Robert Rutkowski"

<[REDACTED]>

10/25/2005 12:26 PM

To HAVAInfo@eac.gov
cc comments@whitehouse.gov
Subject Election Reform

Gracia M. Hillman
Chair
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Telephone: (202) 566-3100
Toll Free: (866) 747-1471
Fax: (202) 566-3127

018057

E-mail Address: HAVAINFO@eac.gov

Ref: Election Reform: The Time Is Now/The Urgent Need To Improve Our Election Infrastructure

Dear Chair:

Five years after the unprecedented crisis of the 2000 presidential election—and one year after an election that barely escaped the same fate—our election system remains imperiled. Unless urgent reforms are adopted at the state level, the problems in our election infrastructure could very well lead to significant national consequences in the 2006 midterm elections.

Unfortunately, national attention to the issue of election reform has been sorely lacking. Despite the passage of the Help America Vote Act (HAVA) in 2002, public opinion polls show that Americans' confidence in our election system is at an historic low. Policymakers and the media often focus on the issue only in the days preceding major elections—months after state and county election administrators have made the critical decisions that will determine how the system will perform on Election Day.

A analysis of recent electoral research finds that one year before the 2006 midterm elections, more than 90 million registered voters are exposed to serious electoral deficiencies, including low-quality voter registration databases, inadequate safeguards for purging voters from the rolls, and insufficiently tested voting machines.

I commend to you the following report:

Election Reform: The Time Is Now/The Urgent Need To Improve Our Election Infrastructure

<http://www.americanprogress.org/atf/cf/{E9245FE4-9A2B-43C7-A521-5D6FF2E06E03}/ELECTORAL%20REFORM.PDF>

I hope you will take the time to review these important findings and give this report the weight it deserves.

Thank you for the opportunity to bring this report to your attention.

Mindful of the enormous responsibilities which stand before you, I am,

Yours sincerely,
Robert E. Rutkowski

cc:
House Democratic Leadership
President George W. Bush..

[REDACTED]
P/F: [REDACTED]
[REDACTED]

013058

Carol A. Paquette/EAC/GOV
10/18/2005 11:56 AM

To Joyce Wilson/EAC/GOV
cc
bcc
Subject Re: Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Joyce -

I'll handle this one. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV

Joyce Wilson/EAC/GOV
10/18/2005 11:41 AM



To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Carol, I'm sending this message from HAVAInfo mailbox to you first. Please forward if you are not the person to respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

--- Forwarded by Joyce Wilson/EAC/GOV on 10/18/2005 11:41 AM ----



"Eugene Lee"
<elee@apalc.org>
10/10/2005 12:53 PM

To HAVAInfo@eac.gov
cc
Subject FW: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Dear EAC:

On Sept. 29, APALC and NAPALC submitted joint comments on the EAC's proposed voluntary voting system guidelines. I am forwarding the email transmitting these comments. I do not see the comments posted on the EAC's website. Would someone at the EAC be able to check on whether these comments were posted and let me know when the comments have been posted?

Thanks very much,
Eugene Lee

018059

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment



NAPALC-APALC Comments on EAC Voluntary Voting System Guidelines 9.29.05.pdf

018050

Carol A. Paquette/EAC/GOV
09/04/2005 07:53 PM

To [REDACTED]
cc
bcc
Subject Fw: format for VVSG comments

Had a typo in your address.

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

----- Forwarded by Carol A. Paquette/EAC/GOV on 09/04/2005 07:52 PM -----

Carol A. Paquette/EAC/GOV
09/04/2005 01:12 PM

To [REDACTED]
cc
Subject format for VVSG comments

Joe -

Apologize for not responding sooner. There has been a lot of travel in the past two months and I've overlooked some emails. The VVSG comment section on the EAC webpage provides information on how to provide comments. We prefer that you use the electronic form on the website, but you can also respond by email or snail mail or FAX. All the information is there. The deadline is 9/30.

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

013061

Carol A. Paquette/EAC/GOV
08/22/2005 01:28 PM

To [REDACTED]
cc juliet.thompson@eac.gov@EAC
bcc
Subject VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

013062

Carol A. Paquette/EAC/GOV
08/23/2005 11:42 AM

To "Fernando Morales" <[REDACTED]>
cc "Juliet E. Thompson" <juliet.thompson@eac.gov>
bcc
Subject Re: VVSG comments

Be sure that you click on the Submit button when your ready to send them. We noted that there is no warning given that if you don't click on Submitn your comments will not be recorded. We are going to add this warning so it is more clear what you need to do. Thank you

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 10:42 AM
To: Carol Paquette
Cc: Juliet E. Thompson" <juliet.thompson@eac.gov>
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, I will re-submitted today.

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

From: cpaquette@eac.gov
To: [Fernando Morales](#)
Cc: [Juliet E. Thompson](#)
Sent: Tuesday, August 23, 2005 9:12 AM
Subject: Re: VVSG comments

Mr. Morales -

There is no filtering or blocking being done on comments. However, I reviewed all the comments we have received yesterday afternoon and there were no comments from you in the on-line database. I am out of office in meetings for the next 3 days but willcheck to see if there is a problem with that application. Thank you for bringing this to our attention.

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

013953

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018064

Carol A. Paquette/EAC/GOV
09/27/2005 06:08 PM

To elee@apalc.org
cc
bcc
Subject missing text in Voluntary Voting System Guidelines

Mr. Lee -

Have received your email concerning missing text under the heading of "2.2.7.2 Limited English Proficiency" after the sentence "HAVA SECTION 301(a)(4) reads in part".

I have reviewed the Guidelines text on our webpage and it is all there. Is there anything I can do to clarify this topic?

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

013065

Carol A. Paquette/EAC/GOV
09/27/2005 06:01 PM

To "Connor Howard"
<vhoward@kennesaw.edu>@GSAEXTERNAL
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Email from Eugene Lee - Asian Pacific American Legal
Center

Connor -

I looked at the VVSG on the webpage and all the text seems to be there. I'll respond to this person to see where the disconnect is. Good to meet you today. Glad you were able to make the trip!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Connor Howard" <vhoward@kennesaw.edu>



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English Proficiency," there appears to be some language missing after the sentence, "HAVA Section 301(a)(4) reads in part:"

We respectfully request the EAC make this language available before the September 30, 2005 deadline for submitting comments to the proposed Voluntary Voting System Guidelines.

018066

Carol A. Paquette/EAC/GOV
09/19/2005 04:52 PM

To "Connor Howard"
<vhoward@kennesaw.edu>@GSAEXTERNAL
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Email from Eugene Lee - Asian Pacific American Legal
Center

Connor -

Will check this out. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Connor Howard" <vhoward@kennesaw.edu>



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we
received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English
Proficiency," there appears to be some language missing after the
sentence, "HAVA Section 301(a)(4) reads in part:"

We respectfully request the EAC make this language available before the
September 30, 2005 deadline for submitting comments to the proposed
Voluntary Voting System Guidelines.

018067

Carol A. Paquette/EAC/GOV
08/24/2005 04:08 PM

To "choward" <choward@[REDACTED]>
cc
bcc
Subject Re: Fernando Morales email submitted

Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: choward
Sent: 08/24/2005 03:58 PM
To: mking@kennesaw.edu
Cc: Carol Paquette; apeel@kennesaw.edu; khonea@kennesaw.edu
Subject: Fernando Morales email submitted

Merle,

The email submission from Fernando Morales has been posted to the web site.

Connor

018068



"Eugene Lee"
<elee@apalc.org>
11/08/2005 09:33 PM

To nmortellito@eac.gov
cc cpaquette@eac.gov
bcc
Subject RE: My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Dear Ms. Mortellito,

Thank you much for letting me know.

Regards,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Tuesday, November 08, 2005 6:07 AM
To: elee@apalc.org
Cc: cpaquette@eac.gov
Subject: Re: My org.'s comments on EAC Voluntary Voting System Guidelines have not been posted yet

Dear Mr. Lee:

Please sort by the name field and look for the name Eugene Lee. The comments were entered using this name. You will be able to find them easily this way.

Regards,

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

018099

"Eugene Lee" <elee@apalc.org>

11/06/2005 03:31 PM

Dear EAC:

My organization's comments on the EAC voluntary voting system guidelines have not been posted on the EAC's website yet. I submitted the attached PDF file on September 29, 2005. The PDF file is not posted on the website. If the EAC could please post the PDF file, that would be much appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments 9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor

018070

Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018071



Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,
Suite 200
Washington, DC 20009
USA

Phone: 202-483-1140
Fax: 202-483-1248
<http://www.epic.org>
Email: coney@epic.org

Fax Cover Sheet

Send to: <i>US Election Assistance Commission</i>	From: Lillie Coney
Attention: <i>Julie Thompson</i>	Office Location 1718 Connecticut Avenue, NW
Office location: <i>Washington DC</i>	Date: <i>11/16/05</i>
Fax number: <i>202-566-3127</i>	Phone number: 202-483-1140 Ext. 111

- URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: **3**

Comments:

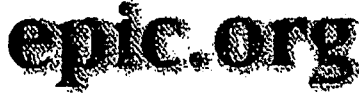
FOIA request



Organization

018072

ELECTRONIC PRIVACY INFORMATION CENTER



15 Dec

November 16, 2005

Fax 202-566-3127

Julie Thompson
FOIA Officer
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the performance of the agency contract awarded under no bid circumstances to Kennesaw State University. The documents sought include, but are not limited to information regarding:

- 1. Designation and certification of the agency's contracting officer; *None*
- 2. The docket manager for the Voluntary Voting System Guidelines (VVSG) comment process; *?*
- 3. The docket rules for the VVSG comment period and final standards promulgation; *?*
- 4. Contract performance reports, which includes the status of work under contract; *None*
- 5. Communications from those who submitted comments on the status of comments and the ease of electronic access to the web posted comments to the VVSG; *None*
- 6. Review of comments submitted for the VVSG; *None*
- 7. A copy of VVSG comments submitted to both the agency and the contractor *None*
- 8. The status of comments submitted, i.e. unread, read, categorized, assessment, and disposition; *?*
- 9. Communications between the EAC, TGDC, and contractor over changes to the VVSG based on comments submitted *?*
- 10. Increased cost above the initial award to Kennesaw State University of \$175,000; *None*
- 11. Documents on subcontracts or consultancies issues by Kennesaw State University under the EAC contract in question with Brit Williams, TEM Consulting, or Stephen Berger. *None*

This FOIA request includes notes, statements, memorandum, letters, compact disks, and e-mails regarding meetings and communications on the performance of the contract with Kennesaw State University.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, EPIC v. Department of Defense, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

018073

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,



Lillie Coney
Associate Director

018074



★ Tracking & Management System

View All Comment Recommendations

Record 1 - 100 of 2380

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Goto Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#)
[13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [22](#) [23](#) [24](#)

Lines per page

Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
259	Non-Extensive	Undervote	Rejected	✓	✓	✓	Closed
260	Non-Extensive	Phantom Vote	Rejected	✓		✓	Closed
261	Non-Extensive	Blank Ballot	Rejected	✓		✓	Closed
262	Extensive	3	Rejected - Redundant	✓	✓		Closed
263	Non-Extensive	6.8.1	Rejected - Redundant	✓		✓	Closed
264	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
265	Extensive		Rejected - Redundant	✓	✓	✓	Closed
266	Extensive	6.6	Carry Over	✓	✓	✗	Closed
267	Extensive	6.5.5	Carry Over	✓	✓	✗	Closed
268	Non-Extensive	Undervote	Rejected	✓		✓	Closed
269	Extensive	2.2.7.1.2.1.8	Rejected - Redundant	✓	✓		Closed
270	Extensive	2.2.7.1.2.1.9	Accept modified	✓	✓		Open
271	Extensive	2.2.7.1.3.4	Refer to EAC for resolution	✓			Open
272	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
273	Extensive	2.2.7.1.2.2.6	Other	✓			Open
274	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
275	Extensive	6.8.3.5	Rejected - Redundant	✓	✓		Closed
276	Extensive	6.8.4.3	Rejected	✓	✓		Closed
277	Extensive	6.8.4.7	Rejected - Redundant	✓	✓		Closed
278	Non-Extensive	6.8.4.7	Accept modified	✓		✓	Closed
279	Non-Extensive	6.8.4.7	Accept modified	✓		✓	Closed
280	Extensive	6.8	Carry Over	✓	✓	✗	Closed
281	Extensive	6.8.2.2	Rejected -	✓	✓		Closed

<u>282</u>	Extensive	6.8	Redundant Rejected - Redundant	✓	✓		Closed
<u>283</u>	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
<u>284</u>	Extensive	6.8.3.5	Rejected - Redundant	✓	✓		Closed
<u>285</u>	Extensive	6.8.4.3	Rejected - Redundant	✓	✓		Closed
<u>286</u>	Extensive	6.8.4.3	Rejected - Redundant	✓	✓		Closed
<u>287</u>	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>288</u>	Extensive	6.8.3.5	Rejected	✓	✓		Closed
<u>289</u>	Non- Extensive	6.8.2.2	Rejected - Redundant	✓		✓	Closed
<u>290</u>	Non- Extensive	6.8	Rejected	✓		✓	Closed
<u>291</u>	Extensive	2.2.8.2	Carry Over	✓	✓		Closed
<u>321</u>	Non- Extensive	3.22.1	Rejected	✓		✓	Closed
<u>322</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>323</u>	Extensive	2.2.7.1	Refer to EAC for resolution	✓		✓	Closed
<u>324</u>	Non- Extensive	0.0.0	Rejected	✓		✓	Closed
<u>327</u>	Non- Extensive	123	Rejected	✓		✓	Closed
<u>328</u>	Non- Extensive	2	Rejected	✓		✓	Closed
<u>329</u>	Non- Extensive	3.22.1	Rejected	✓		✓	Closed
<u>330</u>	Extensive	2.2.7.4	Rejected - Redundant	✓	✓		Closed
<u>332</u>	Non- Extensive	5.1	Accept as written	✓		✓	Closed
<u>333</u>	Extensive	6.4.4.7	Rejected	✓	✓		Closed
<u>334</u>	Extensive	6.5.4.2	Carry Over	✓	✓		Closed
<u>335</u>	Extensive	6.6.1	Carry Over	✓	✓	✘	Closed
<u>336</u>	Non- Extensive	1	Rejected	✓		✓	Closed
<u>337</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>338</u>	Non- Extensive	TEST	Rejected	✓		✓	Closed
<u>339</u>	Extensive	A1C	Other	✓			Closed
<u>340</u>	Extensive	2.2.7.4	Refer to EAC for resolution	✓			Open
<u>341</u>	Extensive	A1C	Other	✓			Closed
<u>342</u>	Extensive	A1C	Other	✓			Closed
<u>343</u>	Extensive	2.2.7.4.1.1	Rejected - Redundant	✓	✓		Closed

344	Extensive	2.2.7.4.1.2	Rejected - Redundant	✓	✓		Closed
345	Extensive	2.2.7.3.5	Rejected	✓	✓		Closed
346	Non-Extensive	A1B	Accept modified	✓			Closed
347	Extensive	A1B	Other	✓			Closed
348	Extensive	A1D	Rejected	✓	✓		Closed
349	Non-Extensive		Accept as written	✓		✓	Closed
350	Non-Extensive		Rejected - Redundant	✓		✓	Closed
351	Non-Extensive		Accept as written	✓		✓	Closed
352	Non-Extensive		Accept as written	✓		✓	Closed
353	Non-Extensive		Accept as written	✓		✓	Closed
354	Non-Extensive	A1D	Accept modified	✓		✓	Closed
356	Non-Extensive	6.8	Rejected	✓		✓	Closed
357	Non-Extensive	VVPAT	Accept modified	✓			Open
358	Extensive		Accept modified	✓	✓	✗	Closed
359	Extensive	6.8	Rejected	✓	✓	✗	Closed
360	Extensive	6.8.1.3	Rejected - Redundant	✓	✓		Closed
361	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
362	Non-Extensive	6.8.2.3	Rejected	✓		✓	Closed
363	Extensive	6.8.3.2	Rejected	✓		✓	Closed
364	Extensive	6.8.4.2	Rejected - Redundant	✓	✓	✗	Closed
365	Extensive	6.8.4.3	Rejected - Redundant	✓	✓		Closed
366	Extensive	6.8.4.5	Rejected	✓	✓		Closed
367	Extensive	6.8.4.7	Rejected	✓	✓		Closed
368	Extensive	6.8.5.4	Rejected - Redundant	✓	✓		Closed
369	Non-Extensive	Voting area	Rejected	✓		✗	Closed
370	Extensive	6.8.6.10.3	Carry Over	✓	✓		Closed
371	Extensive	6.8.7.2.2	Rejected - Redundant	✓	✓		Closed
372	Extensive	6.8.7.2.7	Rejected - Redundant	✓	✓		Closed
373	Extensive	6.4.4.11	Rejected	✓	✓		Closed
374	Extensive	6.4.4.11	Rejected - Redundant	✓	✓	✗	Closed
375	Extensive	2.2.7	Carry Over	✓	✓		Closed

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<u>376</u>	Extensive	2.2.7	Rejected - Redundant				Closed
<u>377</u>	Extensive	Voter Verification	Carry Over	✓		✓	Closed
<u>378</u>	Non-Extensive	Voter Verification	Rejected	✓		✓	Closed
<u>379</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>380</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>381</u>	Extensive	2.2.7.1.2.2.3.8	Other	✓			Open
<u>382</u>	Extensive	6.4.4.12	Rejected	✓		✓	Closed
<u>383</u>	Extensive	6.5.4.2	Rejected - Redundant	✓		✓	Closed
<u>384</u>	Non-Extensive	6.6.1	Rejected - Redundant	✓		✓	Closed
<u>385</u>	Non-Extensive	A1C	Rejected - Redundant	✓		✓	Closed
<u>386</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>387</u>	Non-Extensive	6	Rejected - Redundant	✓		✓	Closed
<u>388</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>389</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>390</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>391</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed



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Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
392	Extensive		Rejected	✓		✓	Closed
393	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
394	Non-Extensive		Rejected - Redundant	✓		✓	Closed
395	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
396	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
397	Non-Extensive		Rejected - Redundant	✓		✓	Closed
398	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
399	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
400	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
401	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
402	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
403	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
404	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
405	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
406	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
407	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
408	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
409	Non-Extensive		Rejected - Redundant	✓		✓	Closed
410	Non-Extensive		Accept as written	✓		✓	Closed
411	Non-Extensive		Rejected - Redundant	✓		✓	Closed
412	Non-Extensive		Rejected	✓		✓	Closed

413	Non-Extensive	A1C	Carry Over	✓			Closed
414	Extensive		Rejected	✓		✓	Closed
415	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
416	Non-Extensive		Rejected	✓		✓	Closed
417	Non-Extensive		Rejected - Redundant	✓		✓	Closed
418	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
419	Non-Extensive		Rejected	✓		✓	Closed
420	Non-Extensive		Rejected - Redundant	✓		✓	Closed
421	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
422	Non-Extensive	6	Rejected - Redundant	✓		✓	Closed
423	Non-Extensive		Rejected	✓		✓	Closed
424	Non-Extensive		Rejected - Redundant	✓		✓	Closed
425	Extensive	6.4.4	Other	✓	✓		Closed
426	Non-Extensive	6.4.2	Other	✓		✓	Closed
427	Non-Extensive		Rejected - Redundant	✓		✓	Closed
428	Non-Extensive		Rejected	✓		✓	Closed
429	Non-Extensive		Rejected	✓		✓	Closed
430	Non-Extensive		Rejected	✓		✓	Closed
431	Non-Extensive		Rejected	✓		✓	Closed
432	Non-Extensive	Attestation	Accept as written	✓		✓	Closed
433	Extensive		Rejected	✓		✓	Closed
434	Extensive	2.1.1	Rejected - Redundant	✓		✓	Closed
435	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
436	Non-Extensive		Rejected	✓		✓	Closed
437	Extensive	2.2.7.2.1.2	Rejected	✓	✓		Closed
438	Extensive	2.7.2.2.2.2	Rejected	✓	✓		Closed
439	Extensive	2.7.2.2.3.1	Other	✓			Open
440	Extensive	2.2.7.2.2.3.9	Other	✓			Open
441	Extensive	2.2.7.2.2.7	Rejected	✓	✓		Closed
442	Extensive	2.2.7.1.4	Carry Over	✓	✓		Closed
443	Extensive	2.2.7.1.7	Carry Over	✓	✓		Closed

444	Extensive		Rejected				Closed
445	Extensive		Rejected	✓		✓	Closed
446	Non-Extensive	2	Rejected - Redundant	✓		✓	Closed
447	Non-Extensive		Rejected - Redundant	✓		✓	Closed
448	Non-Extensive		Rejected - Redundant	✓		✓	Closed
449	Non-Extensive		Rejected - Redundant	✓		✓	Closed
450	Extensive		Rejected	✓		✓	Closed
451	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
452	Non-Extensive		Rejected	✓		✓	Closed
453	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
454	Non-Extensive		Rejected - Redundant	✓		✓	Closed
455	Non-Extensive		Rejected	✓		✓	Closed
458	Non-Extensive	...	Rejected	✓		✓	Closed
459	Extensive	6.8.7.2.3	Rejected - Redundant	✓	✓		Closed
460	Non-Extensive	6.8.3	Accept modified	✓		✓	Closed
461	Extensive	6.8.3.5	Rejected	✓	✓		Closed
462	Extensive	6.8.6.2	Rejected - Redundant	✓	✓		Closed
463	Extensive	6.8.6.5	Other	✓		✓	Closed
464	Extensive	6.8.7.2.2	Rejected - Redundant	✓	✓		Closed
465	Extensive	6.8.7.2.3	Accept modified	✓	✓		Closed
466	Extensive	A1D	Carry Over	✓	✓		Closed
467	Non-Extensive	A1D	Carry Over	✓		✓	Closed
468	Non-Extensive	A1D	Rejected - Redundant	✓		✓	Closed
469	Non-Extensive	A1D	Rejected - Redundant	✓		✓	Closed
470	Non-Extensive	A1D	Carry Over	✓		✓	Closed
471	Non-Extensive	A1D	Rejected - Redundant	✓		✓	Closed
472	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
473	Non-Extensive	A1D	Carry Over	✓		✓	Closed
474	Extensive	.20.1.6	Carry Over	✓	✓		Closed
475	Extensive	6.8.6.6.1	Carry Over	✓		✓	Closed
476	Extensive	A1D	Other	✓	013031	✗	Closed

<u>477</u>	Extensive	A1D	Rejected	✓	✓	✗	Closed
<u>478</u>	Extensive		Rejected - Redundant	✓	✓	✗	Closed
<u>479</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>480</u>	Extensive	6.8	Rejected	✓		✓	Closed
<u>481</u>	Extensive	6.8	Rejected	✓		✓	Closed
<u>482</u>	Non-Extensive	6.8	Rejected	✓		✗	Closed
<u>483</u>	Non-Extensive	6.8	Rejected	✓		✗	Closed
<u>484</u>	Non-Extensive	6.8	Rejected	✓		✗	Closed
<u>485</u>	Non-Extensive	6.8	Rejected	✓		✗	Closed
<u>486</u>	Non-Extensive		Rejected	✓		✗	Closed
<u>487</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>488</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>489</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>490</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>491</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>492</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>493</u>	Non-Extensive		Rejected	✓		✓	Closed



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Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
494	Extensive		Rejected	✓	✓		Closed
495	Extensive		Rejected	✓		✓	Closed
496	Extensive		Rejected	✓		✓	Closed
497	Non-Extensive		Rejected - Redundant	✓		✓	Closed
498	Non-Extensive	6.8.1	Rejected - Redundant	✓		✓	Closed
502	Extensive	6.8.1.1	Rejected	✓	✓		Closed
503	Non-Extensive	6.8.1.2	Rejected	✓		✓	Closed
504	Non-Extensive	6.8.1.3	Rejected	✓		✓	Closed
505	Extensive	6.8.1	Carry Over	✓	✓		Closed
506	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
507	Non-Extensive		Rejected	✓		✓	Closed
508	Extensive	2.2.7.2	Rejected - Redundant	✓	✓		Closed
509	Non-Extensive	2.2.7.1.2.1.3	Other	✓		✓	Closed
510	Non-Extensive	6.8.2.2	Rejected	✓	✓		Closed
511	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
512	Extensive	6.8.3.5	Other	✓		✓	Closed
513	Extensive	6.8.3.5	Other	✓		✓	Closed
514	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓	✓		Closed
515	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
516	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
517	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
518	Extensive	2.2.7.4.2.1	Rejected	✓	✓		Closed
519	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
520	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓	✓		Closed

<u>521</u>	Extensive	2.2.7.1.2.2.3.4	Rejected - Redundant	✓	✓		Closed
<u>522</u>	Extensive	2.2.7.1.2.2.3.8	Rejected - Redundant	✓	✓		Closed
<u>523</u>	Extensive	2.2.7.1.2.2.3.9	Rejected	✓	✓		Closed
<u>524</u>	Extensive	2.2.7.1.3.4	Rejected - Redundant	✓	✓		Closed
<u>525</u>	Extensive	2.2.7.1	Carry Over	✓	✓	*	Closed
<u>526</u>	Extensive	Acceptance Testing	Rejected - Redundant	✓	✓		Closed
<u>527</u>	Non-Extensive	Voting System	Accept as written	✓		✓	Closed
<u>528</u>	Non-Extensive	1.5.1	Rejected - Redundant	✓		✓	Closed
<u>529</u>	Non-Extensive	1.5.1	Accept as written	✓		✓	Closed
<u>530</u>	Non-Extensive	Accessibility	Accept as written	✓		✓	Closed
<u>531</u>	Non-Extensive	Accreditation	Accept as written	✓		✓	Closed
<u>532</u>	Non-Extensive	Adequate Security	Accept as written	✓		✓	Closed
<u>533</u>	Extensive	Paper-based Voting System	Refer to EAC for resolution	✓			Open
<u>534</u>	Extensive	Direct Record Electronic Voting System	Accept as written	✓		✓	Closed
<u>535</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>536</u>	Non-Extensive	2.2.7.4.1.2	Rejected	✓		✓	Closed
<u>537</u>	Extensive	1.5.1	Rejected	✓	✓	*	Closed
<u>538</u>	Extensive	Voter-Verified Paper Audit Trail (VVPAT)	Accept modified	✓	✓		Open
<u>539</u>	Non-Extensive	Alternative Language Voting Station (ALVS)	Accept as written	✓			Open
<u>540</u>	Non-Extensive	Ballot Instructions	Accept as written	✓		✓	Closed
<u>541</u>	Non-Extensive	Ballot Position	Accept as written	✓		✓	Closed
<u>542</u>	Non-Extensive	Ballot Set	Rejected	✓		✓	Closed
<u>543</u>	Non-Extensive	Ballot Image	Accept as written	✓		✓	Closed
<u>544</u>	Non-Extensive	Calibration	Accept as written	✓		✓	Closed
<u>545</u>	Non-Extensive	Challenged Ballot	Accept as written	✓		✓	Closed
<u>546</u>	Non-Extensive	Common Industry Format	Accept as written	✓		✓	Closed
<u>547</u>	Non-Extensive	Contest	Accept as written	✓		✓	Closed
<u>548</u>	Non-Extensive	Count	Accept as written	✓		✓	Closed

<u>549</u>	Non-Extensive	Tabulation	Accept as written	✓		✓	Closed
<u>550</u>	Non-Extensive	Cross Filing	Accept as written	✓		✓	Closed
<u>551</u>	Extensive	Cryptographic Key	Rejected	✓	✓	✗	Closed
<u>552</u>	Non-Extensive	Digital Signature	Accept as written	✓		✓	Closed
<u>553</u>	Non-Extensive	Electronic Voting Machine	Accept as written	✓		✓	Closed
<u>554</u>	Extensive		Rejected - Redundant	✓	✓		Closed
<u>555</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>556</u>	Extensive	1	Rejected - Redundant	✓		✓	Closed
<u>557</u>	Extensive	A1A	Rejected - Redundant	✓		✓	Closed
<u>558</u>	Extensive	...	Rejected - Redundant	✓		✓	Closed
<u>559</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>560</u>	Extensive	1	Rejected - Redundant	✓		✓	Closed
<u>561</u>	Extensive	1	Rejected - Redundant	✓		✓	Closed
<u>562</u>	Non-Extensive	**	Rejected - Redundant	✓		✓	Closed
<u>563</u>	Non-Extensive	Ergonomics	Accept as written	✓		✓	Closed
<u>564</u>	Non-Extensive	Human Factors	Accept as written	✓		✓	Closed
<u>565</u>	Non-Extensive	Type font	Accept as written	✓	✓	✓	Closed
<u>566</u>	Non-Extensive	Hash	Accept as written	✓		✓	Closed
<u>567</u>	Extensive	HAVA	Accept as written	✓	✓		Closed
<u>568</u>	Non-Extensive	Indirectly Verified	Accept as written	✓		✓	Closed
<u>569</u>	Non-Extensive	Implementation Conformance Statement	Accept as written	✓		✓	Closed
<u>570</u>	Non-Extensive	Optical Scan, Optical Scan System	Accept as written	✓		✗	Closed
<u>571</u>	Non-Extensive	Multi-seat Contest	Accept as written	✓			Open
<u>572</u>	Non-Extensive	...	Rejected - Redundant	✓		✓	Closed
<u>573</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>574</u>	Non-Extensive		Accept modified	✓		✓	Closed
<u>575</u>	Non-Extensive	1	Accept as written	✓		✓	Closed

<u>576</u>	Non-Extensive	1	Accept as written	✓		✓	Closed
<u>577</u>	Non-Extensive	Overall glossary comment*	Rejected	✓		✓	Closed
<u>578</u>	Non-Extensive	Accessibility	Accept modified	✓		✓	Closed
<u>579</u>	Non-Extensive	Audit Trail	Accept as written	✓		✓	Closed
<u>580</u>	Non-Extensive	Ballot Configuration	Rejected	✓		✓	Closed
<u>581</u>	Non-Extensive	Ballot Counter	Rejected	✓		✓	Closed
<u>582</u>	Non-Extensive	Ballot Format	Accept modified	✓		✓	Closed
<u>583</u>	Non-Extensive	Ballot Measures	Rejected	✓		✓	Closed
<u>584</u>	Extensive	Ballot Preparation	Refer to EAC for resolution	✓	✓		Open
<u>585</u>	Non-Extensive	Ballot Position	Rejected - Redundant	✓		✓	Closed
<u>586</u>	Extensive	Candidate	Refer to EAC for resolution	✓	✓		Open
<u>587</u>	Extensive	Candidate Register	Refer to EAC for resolution	✓	✓		Open
<u>588</u>	Non-Extensive	Canvass	Accept as written	✓		✓	Closed
<u>589</u>	Extensive	Cast Ballot	Accept modified	✓	✓		Closed
<u>590</u>	Extensive	Central Counting	Rejected	✓	✓		Closed
<u>591</u>	Non-Extensive	Challenged Ballot	Accept as written	✓		✓	Closed
<u>592</u>	Non-Extensive	Closed Primary	Rejected	✓		✓	Closed
<u>593</u>	Non-Extensive	Common Industry Format	Accept modified	✓		✓	Closed
<u>594</u>	Non-Extensive	Contest	Accept as written	✓		✓	Closed
<u>595</u>	Non-Extensive	Counted Ballot	Rejected	✓		✓	Closed
<u>596</u>	Extensive	Cumulative Voting	Other	✓		✓	Closed



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597	Non-Extensive	Disability	Accept as written	✓		✓	Closed
598	Non-Extensive	Early Voting	Accept as written	✓		✓	Closed
599	Non-Extensive	Election Management System	Accept modified	✓		✓	Closed
600	Non-Extensive	E-Voting	Accept as written	✓		✓	Closed
601	Extensive	Mechanical Lever Voting Machine	Other	✓			Open
602	Non-Extensive	Open Primary	Accept modified	✓			Open
603	Non-Extensive	Primary Presidential Delegation Nomination	Carry Over	✓		*	Closed
604	Non-Extensive	Provisional Ballot	Carry Over	✓		*	Closed
605	Non-Extensive	Record	Accept modified	✓			Open
606	Non-Extensive	Risk Assesment	Accept as written	✓	✓		Closed
607	Non-Extensive	Runoff Election	Accept as written	✓			Closed
608	Extensive	Spoiled Ballot	Rejected	✓	✓	*	Closed
609	Extensive	Touch Screen Voting Machine	Rejected	✓	✓	✓	Closed
610	Non-Extensive	Traceability	Rejected - Redundant	✓	✓	✓	Closed
611	Non-Extensive	Undervote	Accept modified	✓		*	Closed
612	Non-Extensive	Voter Verified Audit Record	Accept modified	✓			Open
613	Non-Extensive	Voter Officials	Rejected - Redundant	✓		✓	Closed
614	Non-Extensive	A1B	Rejected	✓		✓	Closed
615	Non-Extensive	A1C	Rejected	✓			Closed
616	Extensive	A1C	Accept modified	✓		✓	Closed
617	Non-	A1C	Other	✓			Closed

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618	Extensive Non-Extensive	A1D	Accept modified	✓		✓	Closed
619	Non-Extensive	A1D	Accept modified	✓		✓	Closed
620	Non-Extensive	A1E	Accept as written	✓		✓	Closed
621	Non-Extensive	1	Rejected	✓		✓	Closed
622	Non-Extensive	2	Accept modified	✓		✓	Open
623	Extensive	2.2.7.1.3	Rejected	✓	✓		Closed
624	Non-Extensive	2.2.7.1.5	Rejected	✓		✗	Closed
625	Non-Extensive	2.2.7.5	Accept modified	✓		✓	Closed
626	Non-Extensive	2.3.3	Accept modified	✓		✓	Closed
627	Non-Extensive	2.4.1.2.1	Accept modified	✓		✓	Closed
628	Extensive	2.4.3.1	Rejected - Redundant	✓		✓	Closed
629	Non-Extensive	2.4.3.2.1	Accept modified	✓		✓	Closed
630	Non-Extensive	2.5.2	Accept modified	✓		✓	Closed
631	Non-Extensive	2.5.3	Accept modified	✓		✓	Closed
632	Non-Extensive	2.5.3.1	Accept modified	✓		✓	Closed
633	Non-Extensive	3	Rejected	✓		✓	Closed
634	Non-Extensive	3	Accept modified	✓		✓	Closed
635	Non-Extensive	3	Accept modified	✓		✓	Closed
636	Non-Extensive	3.2.4.2.3	Accept modified	✓		✓	Closed
637	Non-Extensive	3.2.4.2.4	Rejected	✓		✓	Closed
638	Non-Extensive	3.2.4.3.2	Accept modified	✓		✓	Closed
639	Extensive	3.2.5.2	Carry Over	✓	✓		Closed
640	Extensive	3.2.8	Carry Over	✓	✓		Closed
641	Non-Extensive	3.4.5	Accept as written	✓		✓	Closed
642	Non-Extensive	3.4.5	Accept as written	✓		✓	Closed
643	Extensive	3.2.3.1	Carry Over	✓	✓		Closed
644	Non-Extensive	4.1.2	Accept as written	✓		✓	Closed
645	Non-Extensive	4.2.7	Accept as written	✓		✓	Closed
				✓	018088	✓	

646	Non-Extensive	4.4.1	Accept modified				Closed
647	Non-Extensive	5.1.2	Accept modified	✓		✓	Closed
648	Non-Extensive	5.2.7	Accept modified	✓		✓	Closed
649	Non-Extensive	6	Accept modified	✓		✓	Closed
650	Non-Extensive	6.1	Accept modified	✓		✓	Closed
651	Non-Extensive	6.1.1	Rejected	✓		✓	Closed
652	Non-Extensive	6.1.2	Accept modified	✓		✓	Closed
653	Non-Extensive	6.1.3	Accept modified	✓		✓	Closed
654	Extensive	6.1.4	Accept modified	✓	✓		Closed
655	Non-Extensive	6.2	Rejected	✓		✓	Closed
656	Non-Extensive	6.2	Accept modified	✓		✓	Closed
657	Non-Extensive	6.4.1	Accept modified	✓	✓	✓	Closed
658	Non-Extensive	6.4.4.2	Accept modified	✓		✓	Closed
659	Extensive	6.4.5.5.6	Accept modified	✓	✓	✗	Closed
660	Non-Extensive	6.5	Accept modified	✓		✓	Closed
661	Non-Extensive	6.5.3	Accept modified	✓		✓	Closed
662	Non-Extensive	6.5.4.2	Accept modified	✓		✓	Closed
663	Extensive	6.5.4.3	Carry Over	✓	✓		Closed
664	Non-Extensive	6.5.4.3	Accept modified	✓		✓	Closed
665	Non-Extensive	6.7.2.1.1	Accept modified	✓		✓	Closed
666	Non-Extensive	6.7.4	Accept modified	✓		✓	Closed
667	Extensive	6.7.6.1	Rejected	✓	✓		Closed
668	Non-Extensive	6.8.4.3	Rejected	✓		✓	Closed
669	Non-Extensive	6.8.5.4	Rejected	✓		✓	Closed
670	Extensive	6.8.6.3.1	Rejected	✓	✓		Closed
671	Non-Extensive	6.8.3	Accept modified	✓		✓	Closed
672	Non-Extensive	7	Accept modified	✓		✓	Closed
673	Extensive	7.4	Rejected	✓	✓		Closed
674	Non-	8	Rejected	✓		✓	Closed

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<u>675</u>	Extensive Non- Extensive	A2B	Accept as written	✓	✓	Closed
<u>676</u>	Non- Extensive	A2C	Accept modified	✓	✓	Closed
<u>677</u>	Non- Extensive	A2C	Accept as written	✓	✓	Closed
<u>678</u>	Non- Extensive	A2A	Accept modified	✓	✓	Closed
<u>679</u>	Non- Extensive	A2A	Accept modified	✓	✓	Closed
<u>680</u>	Non- Extensive	A2A	Rejected	✓	✓	Closed
<u>681</u>	Non- Extensive	A2A	Rejected - Redundant	✓	✓	Closed
<u>682</u>	Non- Extensive	A2A	Accept as written	✓	✓	Closed
<u>683</u>	Non- Extensive	A2A	Accept modified	✓	✓	Closed
<u>684</u>	Non- Extensive	.20.1	Accept modified	✓	✓	Closed
<u>685</u>	Non- Extensive	.20.1	Accept modified	✓	✓	Closed
<u>686</u>	Non- Extensive	.20.1.1	Accept modified	✓	✓	Closed
<u>687</u>	Non- Extensive	1.3	Accept as written	✓	✓	Closed
<u>688</u>	Non- Extensive	1.3	Accept as written	✓	✓	Closed
<u>689</u>	Non- Extensive	1.3.1	Accept modified	✓	✓	Closed
<u>690</u>	Non- Extensive	1.3.1.1	Accept modified	✓	✓	Closed
<u>691</u>	Non- Extensive	1.3.1.2	Accept modified	✓	✓	Closed
<u>692</u>	Non- Extensive	.20.1.3.1.3	Accept modified	✓	✓	Closed
<u>693</u>	Non- Extensive	.20.1.3.1.4	Accept modified	✓	✓	Closed
<u>694</u>	Non- Extensive	1.3.1.4	Accept modified	✓	✓	Closed
<u>695</u>	Non- Extensive	2.1.6	Accept as written	✓	✓	Closed
<u>696</u>	Non- Extensive	2.1.7.1.1	Accept modified	✓	✓	Closed



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697	Non-Extensive	2.1.7.1.1	Accept modified	✓		✓	Open
698	Non-Extensive	.20.1.7.1.2	Accept modified	✓		✓	Closed
699	Non-Extensive	2.1.7.2.1	Accept modified	✓		✓	Closed
700	Non-Extensive	.20.1.8	Accept modified	✓		✓	Closed
701	Non-Extensive	2.1.8.1.1	Accept modified	✓		✓	Closed
702	Non-Extensive	.20.1.8	Accept modified	✓		✓	Closed
703	Non-Extensive	.20.1.8.4	Accept modified	✓		✓	Closed
704	Non-Extensive	2.2.2	Accept as written	✓		✓	Closed
705	Non-Extensive	2.2.3	Accept as written	✓		✓	Closed
706	Non-Extensive	2.6.5	Rejected - Redundant	✓		✓	Closed
707	Non-Extensive	2.2.10	Accept as written	✓		✓	Closed
708	Non-Extensive	.20.3.2.4	Accept as written	✓		✓	Closed
709	Non-Extensive	.20.4.6.4.2	Accept as written	✓		✓	Closed
710	Non-Extensive	4.6.4.2	Rejected	✓		✓	Closed
711	Extensive	4.6.6.2	Rejected	✓	✓		Closed
712	Non-Extensive	4.7.1	Accept as written	✓		✓	Closed
713	Non-Extensive	4.7.1	Accept as written	✓		✓	Closed
714	Non-Extensive	4.7.4	Accept modified	✓		✓	Closed
715	Non-Extensive	.20.5.4.1.2	Accept as written	✓		✓	Closed
716	Non-Extensive	5.4.2	Accept modified	✓		✓	Closed
719	Non-Extensive	.20.7	Rejected	✓		✓	Closed

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<u>720</u>	Non-Extensive	Operational Environment	Accept as written	✓		✓	Closed
<u>721</u>	Non-Extensive	Operations Procedures	Accept as written	✓		✓	Closed
<u>722</u>	Non-Extensive	Physical Configuration Audit (PCA)	Accept as written	✓		✓	Closed
<u>723</u>	Non-Extensive	Precision	Accept as written	✓		✓	Closed
<u>724</u>	Non-Extensive	Primary Presidential Delegation Nomination	Rejected - Redundant	✓		✗	Closed
<u>725</u>	Non-Extensive	Compliance Point	Accept as written	✓		✓	Closed
<u>726</u>	Non-Extensive	Risk Assessment	Accept as written	✓	✓	✓	Closed
<u>727</u>	Non-Extensive	6.8.3.2	Accept modified	✓		✓	Closed
<u>728</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>729</u>	Non-Extensive	A1C	Accept modified	✓		✓	Closed
<u>730</u>	Extensive	Manual Audit Capacity	Rejected	✓			Closed
<u>731</u>	Extensive	Manual Audit Capacity	Rejected - Redundant	✓			Closed
<u>732</u>	Extensive	Permanent Paper Record	Rejected	✓	✓		Closed
<u>733</u>	Extensive	Manual Audit Capacity	Rejected	✓			Closed
<u>734</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>735</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>736</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>737</u>	Non-Extensive	2	Rejected	✓		✓	Closed
<u>738</u>	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
<u>739</u>	Extensive	2.2.7.1.3.4	Rejected - Redundant	✓	✓		Closed
<u>740</u>	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
<u>741</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>742</u>	Non-Extensive	Configuration Status Accounting	Accept as written	✓		✓	Closed
<u>743</u>	Non-Extensive	See Below_1	Rejected - Redundant	✓		✓	Closed
<u>744</u>	Non-Extensive	See Below_2	Rejected - Redundant	✓		✓	Closed
<u>745</u>	Non-Extensive	See Below_3	Rejected - Redundant	✓		✓	Closed

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<u>746</u>	Non-Extensive	Ballot Measure	Rejected	✓		✓	Closed
<u>747</u>	Extensive	Challenged Ballot	Carry Over	✓		✓	Closed
<u>748</u>	Extensive	Open Primary	Rejected	✓	✓		Closed
<u>749</u>	Non-Extensive	Primary Election	Accept modified	✓			Open
<u>750</u>	Extensive	Referendum	Other	✓			Open
<u>751</u>	Extensive	Rolloff	Refer to EAC for resolution	✓	✓		Open
<u>752</u>	Non-Extensive	Spoiled Ballot	Rejected	✓		✗	Closed
<u>753</u>	Extensive	Straight Party Voting	Accept modified	✓	✓	✗	Closed
<u>754</u>	Extensive	Valid Vote	Refer to EAC for resolution	✓	✓	✓	Closed
<u>755</u>	Non-Extensive	Voted Ballot	Accept as written	✓		✓	Closed
<u>756</u>	Extensive	Voting Process	Refer to EAC for resolution	✓	✓	✓	Open
<u>757</u>	Extensive	Central Count Tabulation Process	Rejected	✓	✓		Closed
<u>758</u>	Non-Extensive	Precinct Based Tabulation Process	Rejected	✓			Closed
<u>759</u>	Extensive	Open Blanket Primary	Rejected	✓			Closed
<u>760</u>	Extensive	Rejected Ballot	Rejected	✓			Closed
<u>761</u>	Extensive	Pre-election Testing	Rejected	✓			Closed
<u>762</u>	Extensive	Election	Accept as written	✓			Open
<u>763</u>	Extensive	Ballot Proposal	Rejected	✓			Closed
<u>764</u>	Extensive	Blank Voted Ballot	Rejected	✓			Closed
<u>765</u>	Non-Extensive	Voter Verified Paper Ballot	Rejected	✓			Closed
<u>766</u>	Extensive	General Comment	Rejected	✓	✓	✓	Closed
<u>767</u>	Extensive	Absentee Ballot	Rejected	✓	✓	✓	Closed
<u>768</u>	Non-Extensive	Early Voting	Rejected - Redundant	✓		✓	Closed
<u>769</u>	Extensive	Provisional Ballot	Rejected	✓		✓	Closed
<u>770</u>	Extensive	Absentee Ballot	Rejected - Redundant	✓	✓	✓	Closed
<u>771</u>	Extensive	Ballot Measure	Rejected - Redundant	✓	✓		Closed
<u>772</u>	Extensive	Ballot Production	Accept as written	✓	✓		Closed
<u>773</u>	Extensive	Central Counting	Rejected - Redundant	✓	✓		Closed
<u>774</u>	Extensive	Closed Primary	Rejected - Redundant	✓			Closed
<u>775</u>	Extensive	Directly Verifiable	Rejected - Redundant	✓	✓		Closed
<u>776</u>	Extensive	DRE-VVPAT	Rejected - Redundant	✓			Closed

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<u>777</u>	Extensive	Early Voting	Rejected - Redundant				Open
<u>778</u>	Extensive	Marksense	Rejected - Redundant	✓			Closed
<u>779</u>	Extensive	Open Primary	Rejected - Redundant	✓	✓		Closed
<u>780</u>	Extensive	Paper Record	Rejected - Redundant	✓			Closed
<u>781</u>	Extensive	Partisan Office	Refer to EAC for resolution	✓			Open
<u>782</u>	Extensive	Residual Vote	Refer to EAC for resolution	✓	✓		Open
<u>783</u>	Extensive	Technical Data Package	Accept modified	✓	✓		Closed
<u>784</u>	Extensive	Voter [deleteVerified] Verifiable Audit Record	Rejected - Redundant	✓	✓		Closed
<u>787</u>	Extensive	Absentee Ballot	Other	✓	✓	✓	Closed
<u>788</u>	Non-Extensive	Ballot Measure	Accept modified	✓		✓	Closed
<u>789</u>	Non-Extensive	Ballot Production	Accept modified	✓		✓	Closed
<u>790</u>	Extensive	Central Counting	Rejected	✓	✓		Closed
<u>791</u>	Non-Extensive	Closed Primary	Accept modified	✓		✓	Closed
<u>792</u>	Extensive	Directly Verifiable	Rejected - Redundant	✓	✓		Closed
<u>793</u>	Non-Extensive	DRE-VVPAT	Accept modified	✓		✓	Closed
<u>794</u>	Non-Extensive	Early Voting	Accept modified	✓		✓	Closed
<u>795</u>	Extensive	Marksense	Rejected	✓			Closed
<u>796</u>	Non-Extensive	Open Primary	Accept as written	✓			Open
<u>797</u>	Extensive	Paper Record	Other	✓			Open
<u>798</u>	Non-Extensive	Partisan Office	Accept modified	✓	✓	✘	Closed
<u>799</u>	Non-Extensive	Technical Data Package	Accept modified	✓		✘	Closed
<u>800</u>	Extensive	Voter [deleteVerified] Verifiable Audit Record	Accept modified	✓	✓		Open

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806	Non-Extensive	Abandoned Ballot	Rejected	✓		✓	Closed
807	Extensive	Absentee Ballot	Rejected	✓	✓	✓	Closed
808	Extensive	Audit Trail	Other	✓	✓		Open
809	Extensive	Audit Trail for DRE	Rejected	✓	✓		Closed
810	Non-Extensive	Ballot	Rejected	✓		✓	Closed
811	Extensive	Ballot Configuration	Accept modified	✓	✓	✗	Open
812	Non-Extensive	Ballot Form	Rejected	✓		✓	Closed
813	Extensive	Ballot Format	Accept modified	✓	✓	✓	Closed
814	Extensive	Ballot Image	Refer to EAC for resolution	✓	✓		Open
815	Extensive	Ballot Instructions	Accept modified	✓	✓	✓	Closed
816	Extensive	Ballot Label	Rejected	✓	✗	✓	Closed
817	Extensive	Ballot Measure	Refer to EAC for resolution	✓	✓		Open
818	Extensive	Ballot Presentation	Rejected	✓			Closed
819	Extensive	Ballot Position	Accept modified	✓	✓	✓	Closed
820	Extensive	Audit, Audit Trail, Audit Trail for DRE	Rejected	✓			Closed
821	Non-Extensive	Absentee vote	Rejected - Redundant	✓		✓	Closed
822	Extensive	2.2.7.4	Rejected	✓	✓		Closed
823	Extensive	A1C	Other	✓		✓	Closed
824	Extensive	Central Counting	Rejected	✓	✓		Closed
825	Extensive	Directly Verifiable	Other	✓	✓		Closed
826	Extensive	Electronically-Assisted Ballot Marker (EBM)	Other	✓	✓	✓	Closed
827	Extensive	Marksense	Rejected	✓	✓		Closed
828	Non-Extensive	Optical Scan, Optical Scan System	Rejected - Redundant	✓		✗	Closed
829	Extensive	Touch Screen Voting Machine	Rejected - Redundant	✓	✓	✓	Closed

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<u>830</u>	Non-Extensive	Voting Machine	Rejected				Closed
<u>831</u>	Non-Extensive	VVPAT-Printer	Accept as written	✓		✓	Open
<u>832</u>	Extensive	Privacy	Rejected	✓	✓	✗	Closed
<u>833</u>	Extensive	Ballot Secrecy	Rejected	✓			Closed
<u>834</u>	Extensive	Procedure-Dependent, Procedure-Independent	Carry Over	✓	✓		Closed
<u>835</u>	Extensive	Paper Ballots	Rejected	✓			Closed
<u>836</u>	Extensive	Marksense	Rejected	✓			Closed
<u>837</u>	Extensive	Summary Paper Ballot (SPB)	Rejected	✓	✓		Closed
<u>838</u>	Extensive	Open Voting System	Carry Over	✓			Open
<u>839</u>	Extensive	Candidate Register	Rejected	✓	✓		Closed
<u>840</u>	Extensive	Canvass	Rejected	✓	✓	✓	Closed
<u>841</u>	Extensive	Cast Ballot, Ballot	Other	✓	✓		Closed
<u>842</u>	Extensive	Cast Vote Record	Accept modified	✓	✓		Closed
<u>843</u>	Extensive	Central Counting	Accept modified	✓	✓		Closed
<u>844</u>	Non-Extensive	Checksum	Accept modified	✓		✓	Closed
<u>845</u>	Extensive	Contest	Accept as written	✓	✓	✓	Closed
<u>846</u>	Non-Extensive	Count	Rejected	✓		✓	Closed
<u>847</u>	Extensive	Counted Ballot	Accept modified	✓	✓	✓	Closed
<u>848</u>	Non-Extensive	Abandoned Balot	Rejected	✓		✓	Closed
<u>849</u>	Non-Extensive	Accessibility	Accept modified	✓	✓	✓	Closed
<u>850</u>	Extensive	Anonymity	Refer to EAC for resolution	✓	✓	✓	Closed
<u>851</u>	Extensive	Audit Trail for DRE	Other	✓			Open
<u>852</u>	Extensive	Ballot Instructions	Accept modified	✓	✓		Closed
<u>853</u>	Non-Extensive	Ballot Measure	Accept modified	✓		✓	Closed
<u>854</u>	Extensive	Counted Ballot	Rejected	✓	✓	✓	Closed
<u>855</u>	Extensive	Covert Channel	Other	✓		✓	Closed
<u>856</u>	Extensive	Cryptography	Accept as written	✓		✓	Closed
<u>857</u>	Extensive	Cumulative Voting	Accept modified	✓	✓	✓	Closed
<u>858</u>	Extensive	Directly Verifiable	Rejected - Redundant	✓	✓		Closed
<u>859</u>	Extensive	DRE Display	Rejected	✓	✓	✓	Closed
<u>860</u>	Non-Extensive	E-Voting	Rejected	✓		✓	Closed

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<u>861</u>	Extensive	Election Markup Language (EML)	Accept modified				Closed
<u>862</u>	Extensive	Electronic Ballot Image (EBI)	Rejected	✓			Closed
<u>863</u>	Extensive	Electronic Ballot Printer (EBP)	Accept modified	✓			Open
<u>864</u>	Extensive	Electronic Vote Capture System (EVCS)	Accept modified	✓			Open
<u>865</u>	Non-Extensive	Electronic Voter Interface	Accept modified	✓		✓	Closed
<u>866</u>	Non-Extensive	Error Correction Code	Rejected	✓		✓	Closed
<u>867</u>	Non-Extensive	Firmware	Accept modified	✓		✓	Closed
<u>868</u>	Non-Extensive	Free Software	Carry Over	✓		✓	Closed
<u>869</u>	Non-Extensive	Hash	Rejected - Redundant	✓		✓	Closed
<u>870</u>	Extensive	Information Security	Rejected	✓	✓	✓	Closed
<u>871</u>	Extensive	Nonvolatile Memory	Accept modified	✓	✓		Closed
<u>872</u>	Non-Extensive	Open Voting System	Rejected	✓			Open
<u>873</u>	Extensive	Paper Record	Rejected	✓			Open
<u>874</u>	Non-Extensive	Privacy	Rejected - Redundant	✓		✓	Closed
<u>875</u>	Extensive	Ranked Order Voting	Refer to EAC for resolution	✓	✓		Open
<u>876</u>	Extensive	Reconstructed Electronic Ballot Image (REBI)	Rejected	✓		✓	Closed
<u>877</u>	Extensive	Security Analysis	Accept as written	✓	✓	✓	Closed
<u>878</u>	Non-Extensive	Security Audit	Rejected	✓		✓	Closed
<u>879</u>	Extensive	Standalone Ballot Verification Station	Rejected	✓	✓		Closed
<u>880</u>	Extensive	Summary Paper Ballot (SPB)	Rejected - Redundant	✓	✓		Closed
<u>881</u>	Extensive	Touch Screen Voting Machine	Rejected - Redundant	✓	✓	✓	Closed
<u>882</u>	Non-Extensive	Trojan Horse	Rejected	✓		✗	Closed
<u>883</u>	Extensive	Trusted Logic Voting (TLV)	Rejected	✓	✓		Closed
<u>884</u>	Non-Extensive	Trusted Entity	Rejected	✓		✗	Closed
<u>885</u>	Non-Extensive	Untrusted Person/Entity	Rejected	✓		✗	Closed
<u>886</u>	Non-Extensive	Voter Verified Paper Audit Trail (VVPAT)	Rejected	✓			Open
<u>887</u>	Non-Extensive	Voter Verified Paper Ballot (VVPB)	Rejected	✓			Closed

<u>888</u>	Non-Extensive	Voting Machine	Accept as written	✓			Open
<u>889</u>	Extensive	Residual Vote	Refer to EAC for resolution	✓	✓		Open
<u>890</u>	Extensive	Election Confidence	Rejected	✓		✓	Closed
<u>891</u>	Extensive	Direct Verification	Other	✓	✓		Closed
<u>892</u>	Extensive	Indirect Verification	Accept modified	✓	✓		Closed
<u>893</u>	Extensive	Margin of Error	Rejected	✓			Closed
<u>894</u>	Extensive	Margin of Victory	Rejected	✓			Closed
<u>895</u>	Extensive	Privacy	Accept modified	✓	✓	*	Closed
<u>896</u>	Extensive	Receipt	Carry Over	✓			Closed
<u>897</u>	Non-Extensive	Voter Verified	Accept modified	✓			Open
<u>898</u>	Non-Extensive	Voter Verified Audit Record	Accept modified	✓			Open
<u>899</u>	Non-Extensive	General Glossary Comment	Carry Over	✓		✓	Closed
<u>900</u>	Extensive	Data Accuracy	Accept modified	✓	✓		Open
<u>901</u>	Extensive	Data Accuracy_continued	Carry Over	✓	✓		Closed
<u>902</u>	Extensive	Data Integrity	Other	✓			Open
<u>903</u>	Extensive	Digital Signature	Accept modified	✓	✓	✓	Closed
<u>904</u>	Extensive	Direct Record Electronic (DRE) Voting System_a	Accept as written	✓		✓	Closed
<u>905</u>	Non-Extensive	Direct Record Electronic (DRE) Voting System_b	Accept modified	✓		✓	Closed

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Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
906	Extensive	DRE Display	Accept as written	✓	✓	✓	Closed
907	Non-Extensive	DRE-VVPAT	Accept modified	✓		✓	Open
908	Extensive	E-Voting	Rejected	✓		✓	Closed
909	Non-Extensive	Early Voting	Accept modified	✓		✓	Closed
910	Extensive	Election Databases	Other	✓			Open
911	Extensive	Election Definition	Other	✓			Open
912	Extensive	Electronic Voter Interface	Other	✓			Open
913	Non-Extensive	Electronic Vote Capture	Accept modified	✓		✓	Closed
914	Extensive	Electronic Vote Capture System (EVCS)	Other	✓			Open
915	Extensive	Electronic Vote Tabulation	Other	✓			Open
916	Non-Extensive	Electronic Voting	Rejected	✓			Open
917	Extensive	Electric Voting Machine	Rejected	✓		✓	Closed
918	Extensive	Data Accuracy	Rejected	✓	✓		Closed
919	Extensive	Directly Verifiable/Indirectly Verifiable	Rejected - Redundant	✓	✓		Closed
920	Extensive	E-Voting	Carry Over	✓		✓	Closed
921	Extensive	Valid Vote	Rejected	✓	✓	✓	Closed
922	Extensive	User Centered Design	Carry Over	✓	✓		Closed
923	Non-Extensive	Auditability	Accept modified	✓		✓	Closed
924	Non-Extensive	Accuracy for Voting Systems	Rejected	✓		✓	Closed
925	Non-Extensive	Adequate Security	Other	✓		✗	Open
926	Non-Extensive	Audio Ballot	Accept modified	✓		✓	Closed
927	Extensive	Audit Trail	Accept modified	✓	✓		Closed

<u>928</u>	Non-Extensive	Audit Trail for DRE	Rejected	✓		✓	Closed
<u>929</u>	Extensive	Ballot Counting Logic	Accept modified	✓	✓		Closed
<u>930</u>	Non-Extensive	Checksum	Accept modified	✓		✓	Closed
<u>931</u>	Extensive	Direct Record Electronic Voting System	Other	✓		✓	Closed
<u>932</u>	Extensive	Directly Verified / Directly Verifiable	Accept modified	✓	✓		Open
<u>933</u>	Non-Extensive	DRE Display	Rejected	✓		✓	Closed
<u>934</u>	Extensive	E-Voting	Accept modified	✓		✓	Closed
<u>935</u>	Extensive	Early Voting	Accept modified	✓		✓	Closed
<u>936</u>	Non-Extensive	Election Programming	Accept as written	✓		✓	Closed
<u>937</u>	Non-Extensive	Electronically-Assisted Ballot Market (EBM)	Accept modified	✓			Open
<u>938</u>	Extensive	Electronic Vote Capture System (EVCS)	Other	✓			Open
<u>939</u>	Extensive	Electronic Voter Interface	Other	✓			Open
<u>940</u>	Non-Extensive	Electronic Voting Machine	Rejected	✓		✓	Closed
<u>941</u>	Non-Extensive	Firmware	Accept modified	✓		✓	Closed
<u>942</u>	Non-Extensive	Hash	Rejected - Redundant	✓		✓	Closed
<u>943</u>	Non-Extensive	Paper Record	Other	✓			Open
<u>944</u>	Extensive	Polling Place and Precinct	Refer to EAC for resolution	✓	✓		Open
<u>945</u>	Extensive	Read Ballot	Rejected	✓			Open
<u>946</u>	Extensive	Second Chance Voting	Rejected	✓	✓		Closed
<u>947</u>	Extensive	Split Precinct	Rejected	✓	✓	✓	Closed
<u>948</u>	Non-Extensive	Spoiled Ballot	Rejected	✓		✓	Closed
<u>949</u>	Extensive	Touch Screen Voting Machine	Rejected	✓	✓	✓	Closed
<u>950</u>	Non-Extensive	Varification	Rejected	✓		✗	Closed
<u>951</u>	Extensive	Varification and Validation (V&V)	Rejected	✓	✓	✓	Closed
<u>953</u>	Extensive	Referendum	Other	✓			Open
<u>954</u>	Non-Extensive	Initiative	Rejected	✓		✗	Closed
<u>955</u>	Non-Extensive	Referral	Rejected	✓		✓	Closed

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956	Non-Extensive	Vote By Mail	Rejected	✓		✗	Closed
957	Non-Extensive	Straight Party Voting	Accept modified	✓		✗	Closed
958	Non-Extensive	Test Campaign	Accept as written	✓		✗	Closed
959	Non-Extensive	Traceability	Accept as written	✓	✓	✓	Closed
960	Non-Extensive	Usability Testing	Accept as written	✓			Open
961	Non-Extensive	Contest	Accept as written	✓		✓	Closed
962	Non-Extensive	Cast Vote Record	Rejected	✓			Open
963	Non-Extensive	1.51.1	Rejected - Redundant	✓		✓	Closed
964	Non-Extensive	8.7.1	Accept as written	✓		✓	Closed
965	Extensive	National Certification Testing	Refer to EAC for resolution	✓	✓		Open
966	Non-Extensive	.20.1.8.3	Accept as written	✓		✓	Closed
967	Non-Extensive	.20.1.8	Accept as written	✓		✓	Closed
968	Non-Extensive	.20.1.8.1.1	Accept as written	✓		✓	Closed
969	Non-Extensive	.20.1.8.2	Accept as written	✓		✓	Closed
970	Non-Extensive	.20.1.8.2.4	Accept as written	✓		✓	Closed
971	Non-Extensive	.20.4.2.2	Accept as written	✓		✓	Closed
972	Non-Extensive	.20.4.2.1	Accept as written	✓		✓	Closed
973	Non-Extensive	.20.1.8.2.6	Accept modified	✓		✓	Closed
974	Non-Extensive	.20.2.11.5	Accept modified	✓		✓	Closed
975	Non-Extensive	.20.4.7.2	Accept as written	✓		✓	Closed
976	Non-Extensive	.20.4.7.4	Accept modified	✓		✓	Closed
977	Non-Extensive	.20.6.4.1	Accept modified	✓		✗	Closed
978	Non-Extensive	A2B	Accept as written	✓		✓	Closed
979	Non-Extensive	A2A	Accept as written	✓		✓	Closed
980	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
981	Extensive		Rejected	✓	✓		Closed
982	Non-Extensive		Rejected	✓		✓	Closed
983	Non-		Rejected -	✓		✓	Closed

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	Extensive		Redundant				
<u>984</u>	Extensive	2.2.7.3	Other	✓			Open
<u>985</u>	Extensive	2.2.7.7	Rejected	✓		✓	Closed
<u>986</u>	Extensive		Rejected	✓		✓	Closed
<u>987</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>988</u>	Non-Extensive	2.2.4.2	Rejected - Redundant	✓		✓	Closed
<u>990</u>	Extensive	2.2.7.1.7	Rejected - Redundant	✓	✓		Closed
<u>991</u>	Extensive	2.2.7.1.7	Carry Over	✓	✓		Closed
<u>992</u>	Extensive	6.0.1.1.1	Rejected	✓		✓	Closed
<u>993</u>	Extensive	6.0.2.4.6	Rejected	✓	✓		Closed
<u>994</u>	Non-Extensive	A1C	Rejected	✓		✓	Closed
<u>995</u>	Extensive	2.2.7	Rejected	✓		✓	Closed
<u>996</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>997</u>	Extensive	2.2.7.2	Carry Over	✓		✓	Closed
<u>998</u>	Extensive	2.2.7.2	Carry Over	✓		✓	Closed
<u>999</u>	Extensive	2.2.7.2	Carry Over	✓		✓	Closed
<u>1000</u>	Extensive	2.2.7.2	Carry Over	✓		✓	Closed
<u>1001</u>	Extensive	2.2.7	Carry Over	✓		✓	Closed
<u>1002</u>	Extensive	2.2.7.2.1.2	Other	✓		✗	Open
<u>1003</u>	Extensive	2.2.7.1.2.1.2	Other	✓			Open
<u>1004</u>	Extensive	6.8.2.2.2	Rejected - Redundant	✓	✓		Closed
<u>1005</u>	Extensive	6.8.2.2.1	Rejected - Redundant	✓	✓		Closed
<u>1006</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1007</u>	Extensive	2.2.7.1.2.1.2	Other	✓			Open



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1008	Extensive	2.2.7.1.2.1.3	Other	✓			Open
1009	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
1010	Extensive	2.2.7.1.2.2.3.5	Rejected	✓	✓		Closed
1011	Extensive	2.2.7.1.2.2.3.6	Other	✓			Open
1012	Extensive	2.2.7.1.3.3	Rejected	✓	✓		Closed
1013	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1014	Extensive	Absentee Vote	Rejected	✓	<input type="checkbox"/>	✓	Closed
1015	Extensive	2.2.7.1.1.2	Refer to EAC for resolution	✓			Open
1016	Extensive	2.2.7.2.2.2.3.8	Refer to EAC for resolution	✓			Open
1017	Extensive	2.2.7.2.2.2.3.8	Refer to EAC for resolution	✓			Open
1018	Extensive	2.2.7.2.2.2.3.8	Carry Over	✓	✓		Closed
1019	Extensive	personal assistive device	Refer to EAC for resolution	✓	✓		Closed
1020	Extensive	2.2.7.2.2.2.6	Rejected - Redundant	✓	✓		Closed
1021	Extensive	2.2.7.2.2.2.6	Rejected	✓	✓		Closed
1022	Extensive	2.2.7.2.2.2.6	Refer to EAC for resolution	✓			Open
1023	Extensive	2.2.7.2.2.2.6	Accept modified	✓	✓		Open
1024	Extensive		Rejected - Redundant	✓	✓	*	Closed
1025	Extensive	2.2.7.4.1	Rejected - Redundant	✓	✓		Closed
1026	Extensive	2.2.7.5.1	Accept as written	✓	✓		Open
1027	Non-Extensive	2.2.7	Other	✓		*	Closed
1028	Extensive	2.2.7.2	Rejected - Redundant	✓	✓		Open
1029	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
1030	Extensive	6.8.4	Rejected - Redundant	✓	✓		Closed

<u>1031</u>	Extensive	6.8.5.1	Accept modified	✓	✓		Closed
<u>1032</u>	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
<u>1033</u>	Non-Extensive	6.7	Rejected - Redundant	✓	✓	✗	Closed
<u>1034</u>	Extensive	6.4	Rejected	✓	✓	✗	Closed
<u>1035</u>	Extensive	6.4.2	Carry Over	✓	✓	✗	Closed
<u>1036</u>	Extensive	6.8.3.2	Accept modified	✓		✓	Closed
<u>1037</u>	Extensive	6	Carry Over	✓	✓	✗	Closed
<u>1038</u>	Extensive	6.7	Accept modified	✓	✓	✗	Closed
<u>1039</u>	Extensive	1.7.2.2	Accept modified	✓	✓		Closed
<u>1040</u>	Extensive	permanent paper record	Rejected - Redundant	✓	✓	✗	Closed
<u>1041</u>	Extensive	manual audit capacity	Accept modified	✓		✗	Closed
<u>1042</u>	Non-Extensive	failure rate	Rejected	✓		✓	Closed
<u>1043</u>	Extensive	ballot marking device	Rejected	✓	✓	✗	Closed
<u>1044</u>	Non-Extensive	error rate	Rejected	✓		✓	Closed
<u>1045</u>	Non-Extensive		Other	✓		✓	Closed
<u>1046</u>	Extensive	Challenged Ballot	Rejected - Redundant	✓		✓	Closed
<u>1047</u>	Extensive		Accept modified	✓		✓	Closed
<u>1048</u>	Extensive		Accept modified	✓		✓	Closed
<u>1049</u>	Non-Extensive		Accept modified	✓		✓	Closed
<u>1050</u>	Non-Extensive		Accept modified	✓		✓	Closed
<u>1051</u>	Extensive		Refer to EAC for resolution	✓		✓	Closed
<u>1052</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1053</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1054</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1055</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1056</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1057</u>	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>1058</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1059</u>	Non-	6.8	Rejected -	✓		✓	Closed

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<u>1060</u>	Extensive Non-Extensive	6.8	Redundant Rejected - Redundant	✓		✓	Closed
<u>1061</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1062</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1063</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1064</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1065</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1066</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1067</u>	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
<u>1068</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1069</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1070</u>	Extensive	2.2.4.1	Carry Over	✓	✓		Closed
<u>1071</u>	Extensive	2.2.5.2.1	Carry Over	✓	✓		Closed
<u>1072</u>	Extensive	2.2.5.2.3	Carry Over	✓	✓		Closed
<u>1073</u>	Extensive	2.2.7.1.2	Refer to EAC for resolution	✓			Open
<u>1074</u>	Extensive	2.2.7.2.1.6	Other	✓			Open
<u>1075</u>	Extensive	2.2.7.2.2.6	Refer to EAC for resolution	✓			Open
<u>1076</u>	Extensive	2.2.7.4.2.1	Other	✓	✓		Closed
<u>1077</u>	Extensive	2.2.7.4.2.1.1	Rejected - Redundant	✓	✓		Closed
<u>1078</u>	Extensive	2.3.1.1.1	Carry Over	✓	✓		Closed
<u>1079</u>	Extensive	2.5.1	Carry Over	✓	✓		Closed
<u>1080</u>	Extensive	3.2.3.1	Carry Over	✓	✓		Closed
<u>1081</u>	Extensive	3.4.6	Carry Over	✓	✓		Closed
<u>1082</u>	Extensive	4.1	Carry Over	✓	✓		Closed
<u>1083</u>	Extensive	4.1.1	Rejected	✓	✓		Closed
<u>1084</u>	Extensive	4.1.1	Accept as written	✓	✓		Closed
<u>1085</u>	Extensive	4.1.2	Carry Over	✓	✓		Closed
<u>1086</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1087</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1088</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1089</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1090</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1091</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1092</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1093</u>	Extensive	4.2.4	Carry Over	✓	✓		Closed
<u>1094</u>	Extensive	4.2.4	Carry Over	✓	✓		Closed
<u>1095</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed

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<u>1096</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed
<u>1097</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed
<u>1098</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed
<u>1099</u>	Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1100</u>	Non-Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1101</u>	Extensive	4.2.7	Carry Over	✓	✓	*	Closed
<u>1102</u>	Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1103</u>	Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1104</u>	Extensive	4.4.2	Carry Over	✓	✓		Closed
<u>1105</u>	Extensive	6.2.2	Carry Over	✓	✓		Closed
<u>1106</u>	Extensive	6.2.2	Carry Over	✓	✓		Closed
<u>1107</u>	Extensive	6.4.4.6	Accept modified	✓	✓		Closed

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1108	Extensive	6.4.4.9	Rejected	✓	✓	✗	Closed
1109	Extensive	6.4.5.2	Rejected	✓	✓		Closed
1110	Extensive	6.4.6.2	Rejected	✓	✓		Closed
1111	Extensive	6.4.6.3.1	Accept as written	✓	✓		Closed
1112	Extensive	6.4.6.3.3	Rejected	✓	✓		Closed
1113	Extensive	6.4.6.3.4	Accept modified	✓	✓		Closed
1114	Extensive	6.7.2.1.3.1	Rejected - Redundant	✓	✓		Closed
1115	Extensive	6.7.5	Carry Over	✓	✓		Closed
1116	Extensive	6.7.5.2	Rejected - Redundant	✓	✓		Closed
1117	Extensive	6.8.1.3	Rejected - Redundant	✓	✓		Closed
1118	Non-Extensive	6.8.3.1	Rejected - Redundant	✓		✓	Closed
1119	Extensive	6.8.3.2	Accept modified	✓	✓		Closed
1120	Extensive	6.8.3.5	Rejected	✓	✓		Closed
1121	Extensive	6.8.4.3	Rejected	✓	✓		Closed
1122	Extensive	6.8.4.4	Accept modified	✓	✓		Closed
1123	Extensive	6.8.6.10.3	Accept as written	✓	✓		Closed
1124	Extensive	6.8.6.5	Carry Over	✓		✓	Closed
1125	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1126	Extensive	6.8.7.2	Accept modified	✓	✓		Closed
1127	Extensive	6.8.7.2.5	Rejected - Redundant	✓	✓		Closed
1128	Extensive	6.8.7.2.7	Accept modified	✓	✓		Closed
1129	Extensive	Electronic Vote Capture System	Accept as written	✓			Open
1130	Extensive	Nonvolatile Memory	Accept modified	✓	✓		Closed
1131	Extensive	Qualification Number	Refer to EAC for resolution	✓	✓		Open

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<u>1132</u>	Extensive	Validation	Accept modified	✓	✓	✗	Closed
<u>1133</u>	Extensive	Varification	Rejected	✓	✓	✗	Closed
<u>1134</u>	Extensive	Audit Trail for DRE	Accept as written	✓	✓		Closed
<u>1135</u>	Non-Extensive	Challenged Ballot	Rejected	✓		✓	Closed
<u>1137</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1138</u>	Extensive	A1C	Refer to EAC for resolution	✓			Closed
<u>1139</u>	Extensive	.20.7.2	Rejected	✓	✓		Closed
<u>1140</u>	Extensive	.20.5.4.2	Carry Over	✓	✓		Closed
<u>1141</u>	Extensive	.20.1.8.2.4	Accept as written	✓	✓		Closed
<u>1142</u>	Extensive	.20.1.3	Carry Over	✓	✓		Closed
<u>1143</u>	Extensive	.20.5.4.1	Accept modified	✓	✓		Closed
<u>1144</u>	Extensive	.20.5.4.1	Carry Over	✓	✓		Closed
<u>1145</u>	Extensive	.20.5.4.2	Carry Over	✓	✓		Closed
<u>1146</u>	Extensive	.20.5.4.2	Carry Over	✓	✓		Closed
<u>1147</u>	Extensive	.20.5.4.2	Carry Over	✓	✓		Closed
<u>1148</u>	Extensive	.20.5.4.2	Accept as written	✓	✓		Closed
<u>1149</u>	Extensive	.20.1.8.2.2	Rejected	✓	✓		Closed
<u>1150</u>	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>1151</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1152</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1153</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1154</u>	Extensive	A1C	Carry Over	✓		✓	Closed
<u>1155</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1156</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1157</u>	Extensive		Other	✓		✓	Closed
<u>1158</u>	Extensive		Other	✓		✓	Closed
<u>1159</u>	Non-Extensive	1.5	Rejected	✓		✓	Closed
<u>1160</u>	Non-Extensive	6.5.5	Rejected	✓		✓	Closed
<u>1161</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1162</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1163</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1164</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed

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<u>1165</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1166</u>	Extensive	2.2.7	Rejected	✓	✓		Closed
<u>1167</u>	Extensive	2.2.5.2.1	Carry Over	✓	✓		Closed
<u>1168</u>	Extensive	2.2.7	Rejected	✓	✓		Closed
<u>1169</u>	Extensive	6.8.2.1	Rejected	✓		✓	Closed
<u>1170</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1171</u>	Extensive		Rejected	✓		✓	Closed
<u>1172</u>	Extensive	2.2.7	Rejected	✓	✓		Closed
<u>1173</u>	Extensive	2.1.4	Other	✓			Open
<u>1174</u>	Extensive	2.2.7.4.2	Rejected - Redundant	✓			Open
<u>1175</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1176</u>	Extensive	6.8.1.2	Rejected - Redundant	✓	✓	✓	Closed
<u>1177</u>	Non-Extensive	6.8.1.2	Rejected - Redundant	✓		✓	Closed
<u>1178</u>	Extensive	2.2.7.4.2	Rejected	✓	✓		Closed
<u>1179</u>	Extensive	3.2.6.2.1	Carry Over	✓	✓		Closed
<u>1180</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1181</u>	Extensive		Rejected	✓		✓	Closed
<u>1182</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1183</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1184</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1185</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1186</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1187</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1188</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1189</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1190</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1191</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1192</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1193</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1194</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1195</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1196</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1197</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1198</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1199</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1200</u>	Extensive	A1D	Accept as written	✓	✓		Closed
<u>1201</u>	Non-Extensive	A1D	Rejected	✓		✓	Closed

<u>1202</u>	Extensive	A1D	Rejected - Redundant				Closed
<u>1203</u>	Extensive	6.8	Rejected - Redundant	✓	✓	✓	Closed
<u>1204</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1205</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1206</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1207</u>	Extensive	6.4.4.5	Accept modified	✓	✓		Closed
<u>1208</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed

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1209	Extensive	7	Carry Over	✓		✓	Closed
1210	Non-Extensive	A1D	Rejected	✓		✓	Closed
1211	Extensive		Rejected	✓		✓	Closed
1212	Non-Extensive	2.2.7	Accept as written	✓		✓	Open
1213	Non-Extensive	A2A	Rejected	✓		✓	Closed
1214	Non-Extensive		Rejected	✓		✓	Closed
1221	Non-Extensive	Precinct Count Voting System	Accept as written	✓			Open
1223	Extensive	Public Network Direct etc.	Accept modified	✓	✓		Closed
1224	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1225	Non-Extensive	Central Count Voting System	Accept as written	✓			Open
1226	Non-Extensive	A1D	Rejected - Redundant	✓		✓	Closed
1227	Extensive	2	Other	✓		✓	Closed
1228	Non-Extensive	2	Rejected	✓		✓	Closed
1229	Extensive	2.2.7.1.2	Carry Over	✓		✓	Closed
1230	Extensive	2.2.7.1.1.3	Rejected	✓	✓	✓	Closed
1231	Extensive	2.2.7.2.2.3.4	Other	✓	✓		Closed
1232	Extensive	2.2.7.2.2.3.8	Rejected - Redundant	✓	✓		Closed
1233	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1234	Extensive	2.2.7.7	Carry Over	✓	✓		Closed
1235	Extensive	2.2.7.3.1	Rejected - Redundant	✓	✓		Closed
1236	Extensive	2.2.7.4.1	Accept modified	✓			Open
1237	Extensive	6.8.5.4	Rejected - Redundant	✓	✓		Closed
1238	Extensive	6.8.2	Rejected - Redundant	✓	✓		Closed
1239	Extensive	6.8.5	Accept	✓			Closed

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<u>1240</u>	Extensive	6.8.7.2.1	modified Rejected	✓	✓	✓	Closed
<u>1241</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1242</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1243</u>	Extensive	6.8.7.3.4	Rejected	✓	✓		Closed
<u>1244</u>	Extensive	2.2.7.2.2.3.4	Rejected	✓		✓	Closed
<u>1245</u>	Extensive	6.8	Other	✓		✓	Closed
<u>1246</u>	Non- Extensive	A1D	Rejected	✓		✓	Closed
<u>1247</u>	Non- Extensive	6.8.	Rejected - Redundant	✓		✓	Closed
<u>1249</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1250</u>	Non- Extensive	6.8	Rejected	✓		✓	Closed
<u>1251</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1252</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1253</u>	Extensive	2.2.7	Carry Over	✓	✓		Closed
<u>1254</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1255</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>1256</u>	Non- Extensive	A1D	Rejected - Redundant	✓		✓	Closed
<u>1257</u>	Extensive	2.2.7	Other	✓	✓	✓	Closed
<u>1258</u>	Extensive	6.7	Rejected - Redundant	✓	✓	✗	Closed
<u>1259</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1260</u>	Extensive	6.8.5.4	Rejected	✓	✓		Closed
<u>1261</u>	Non- Extensive	4	Rejected - Redundant	✓		✓	Closed
<u>1262</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1263</u>	Extensive		Other	✓		✓	Closed
<u>1264</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1265</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>1266</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1267</u>	Extensive		Other	✓		✓	Closed
<u>1268</u>	Extensive	6.8	Rejected	✓		✓	Closed
<u>1269</u>	Extensive	6.8	Carry Over	✓		✓	Closed
<u>1270</u>	Extensive		Carry Over	✓		✓	Closed
<u>1271</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1272</u>	Extensive	6.8	Carry Over	✓		✓	Closed
<u>1273</u>	Non- Extensive	6.7	Rejected	✓		✓	Closed

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<u>1274</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1275</u>	Non-Extensive	8	Rejected - Redundant	✓		✓	Closed
<u>1276</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1277</u>	Extensive	6.7	Rejected	✓		✓	Closed
<u>1278</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1279</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1280</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1281</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1282</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1283</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1284</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1285</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1286</u>	Extensive	6.7	Carry Over	✓		✓	Closed
<u>1287</u>	Non-Extensive	A1D	Rejected - Redundant	✓		✓	Closed
<u>1288</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1289</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1290</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	✓	Closed
<u>1291</u>	Extensive	6.8.2.3.2	Rejected - Redundant	✓	✓		Closed
<u>1292</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1293</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1294</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1295</u>	Extensive		Rejected	✓		✓	Closed
<u>1296</u>	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>1297</u>	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
<u>1298</u>	Non-Extensive	A1C	Rejected	✓		✓	Closed
<u>1299</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1300</u>	Non-Extensive	6	Carry Over	✓		✓	Closed
<u>1301</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1302</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1303</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1304</u>	Extensive	A1D	Rejected - Redundant	✓		✓	Closed
<u>1305</u>	Non-		Other	✓		✓	Closed

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<u>1306</u>	Extensive Non- Extensive		Other	✓		✓	Closed
<u>1308</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>1309</u>	Non- Extensive	Catastrophic Failure	Rejected	✓			Open
<u>1310</u>	Non- Extensive	6.8.6	Rejected	✓		✓	Closed
<u>1311</u>	Non- Extensive	5	Rejected	✓		✓	Closed
<u>1312</u>	Extensive	Manual Audit Capacity	Refer to EAC for resolution	✓			Closed
<u>1313</u>	Non- Extensive	6	Rejected - Redundant	✓		✓	Closed
<u>1314</u>	Extensive	3.2.2.8	Carry Over	✓	✓	✓	Closed
<u>1315</u>	Extensive	6	Carry Over	✓	✓		Closed
<u>1316</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1317</u>	Extensive	.20.1.9	Rejected	✓		✓	Closed

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1318	Extensive	6	Rejected - Redundant	✓	✓		Closed
1319	Non-Extensive	3.2.1	Rejected	✓		✓	Closed
1320	Extensive	Blended/Dual systems	Carry Over	✓	✓		Closed
1321	Non-Extensive	6.8	Rejected	✓		✓	Closed
1322	Extensive		Other	✓		✓	Closed
1323	Extensive	6	Carry Over	✓	✓		Closed
1324	Non-Extensive	2.2	Rejected	✓		✓	Closed
1325	Extensive	6	Carry Over	✓	✓		Closed
1326	Extensive	6	Carry Over	✓	✓		Closed
1327	Extensive	6.8.6	Carry Over	✓	✓		Closed
1328	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1329	Extensive	1	Rejected - Redundant	✓		✓	Closed
1330	Non-Extensive	A1D	Rejected	✓		✓	Closed
1331	Non-Extensive	6	Rejected	✓		✓	Closed
1332	Non-Extensive		Rejected	✓		✓	Closed
1333	Extensive	6.6.4	Rejected	✓		✓	Closed
1334	Non-Extensive		Rejected	✓		✓	Closed
1335	Non-Extensive		Rejected	✓		✓	Closed
1336	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1337	Extensive	3.4	Carry Over	✓		✓	Closed
1338	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
1339	Non-Extensive	Vote By Mail:	Rejected	✓		✗	Closed
1340	Extensive	7.4	Rejected	✓	✓	✓	Closed
1341	Non-Extensive		Rejected - Redundant	✓		✓	Closed

<u>1342</u>	Extensive	1	Rejected	✓	✓	✓	Closed
<u>1343</u>	Non-Extensive	Vote By eMail	Rejected	✓		✓	Closed
<u>1344</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1345</u>	Extensive	1	Rejected	✓	✓	✓	Closed
<u>1346</u>	Extensive	Interpret (a ballot)	Rejected	✓	✓		Closed
<u>1347</u>	Extensive	Live Auditing	Rejected - Redundant	✓	✓		Closed
<u>1348</u>	Non-Extensive	6	Rejected	✓		✓	Closed
<u>1349</u>	Non-Extensive	5	Rejected	✓		✓	Closed
<u>1350</u>	Extensive		Rejected	✓		✓	Closed
<u>1351</u>	Non-Extensive	6	Rejected	✓		✓	Closed
<u>1352</u>	Extensive	Live Ballot	Other	✓			Open
<u>1353</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1354</u>	Non-Extensive	7	Rejected - Redundant	✓		✓	Closed
<u>1355</u>	Extensive		Rejected	✓		✓	Closed
<u>1356</u>	Non-Extensive	7	Rejected - Redundant	✓		✓	Closed
<u>1357</u>	Extensive	3	Rejected - Redundant	✓		✓	Closed
<u>1358</u>	Non-Extensive	1.1	Rejected	✓		✓	Closed
<u>1359</u>	Extensive	...	Rejected - Redundant	✓		✓	Closed
<u>1360</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1361</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1362</u>	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1363</u>	Non-Extensive	...	Rejected	✓		✓	Closed
<u>1364</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1365</u>	Extensive	7.4	Rejected	✓	✓	✓	Closed
<u>1366</u>	Extensive	...	Carry Over	✓		✓	Closed
<u>1367</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1368</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1369</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1370</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1372</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1373</u>	Extensive	6.8	Rejected -	✓		✓	Closed

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<u>1374</u>	Non-Extensive	6.8	Redundant Rejected - Redundant	✓		✓	Closed
<u>1375</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1376</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1377</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1378</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1379</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1380</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1381</u>	Extensive	2.2.7.1.2	Other	✓		✓	Open
<u>1382</u>	Extensive	2.2.7.1	Rejected - Redundant	✓		✓	Closed
<u>1383</u>	Extensive	2.2.7.1.4	Carry Over	✓		✓	Closed
<u>1384</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1385</u>	Extensive		Refer to EAC for resolution	✓	✓	✗	Open
<u>1386</u>	Extensive	1.8	Other	✓		✓	Closed
<u>1387</u>	Extensive		Rejected	✓		✓	Closed
<u>1388</u>	Extensive		Rejected	✓		✓	Closed
<u>1389</u>	Extensive	VVPAT	Accept modified	✓	✓		Closed
<u>1390</u>	Extensive	VVPB	Rejected	✓	✓		Closed
<u>1391</u>	Extensive	VVPR	Rejected	✓	✓		Closed
<u>1392</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>1393</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1394</u>	Extensive		Other	✓		✓	Closed
<u>1395</u>	Non-Extensive		Other	✓		✓	Closed
<u>1396</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1397</u>	Non-Extensive		Other	✓		✓	Closed
<u>1398</u>	Non-Extensive		Other	✓		✓	Closed
<u>1399</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1400</u>	Non-Extensive		Other	✓		✓	Closed
<u>1401</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1402</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1403</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed

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<u>1404</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1405</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1406</u>	Extensive		Rejected	✓		✓	Closed
<u>1407</u>	Non-Extensive		Other	✓		✓	Closed
<u>1408</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1409</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1410</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1411</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1412</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1413</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1414</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1415</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1416</u>	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
<u>1417</u>	Non-Extensive	3.2.4.2.1	Rejected - Redundant	✓		✓	Closed
<u>1418</u>	Extensive	2.2.7.1	Carry Over	✓	✓	✓	Closed



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1419	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1420	Non-Extensive		Rejected	✓		✓	Closed
1421	Extensive	2.2.7.1.2	Other	✓			Open
1422	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1423	Extensive	2.2.7.2.1.5	Rejected - Redundant	✓	✓		Closed
1424	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1425	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1426	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1427	Non-Extensive	2.2.7.2.4	Rejected	✓		✓	Closed
1428	Non-Extensive	2.2.7.2.1.9	Rejected	✓		✓	Closed
1429	Extensive	2.2.7.1.2.1.3	Rejected	✓	✓		Closed
1430	Extensive	2.2.7.2.2.2	Rejected - Redundant	✓	✓		Closed
1431	Non-Extensive	2.2.7.2.2.3	Rejected	✓		✓	Closed
1432	Extensive	2.2.7.2.2.2	Carry Over	✓	✓		Closed
1433	Extensive	2.2.7.1.2.2.3.9	Other	✓			Open
1434	Extensive	2.2.7.2.2.3.3	Carry Over	✓	✓		Closed
1435	Non-Extensive	2.2.7.2.2.3.7	Carry Over	✓		✓	Closed
1436	Non-Extensive	2.2.7.2.2.3.9	Rejected	✓		✓	Closed
1437	Extensive	2.2.7.1.2.2.2	Accept modified	✓	✓		Open
1438	Non-Extensive	2.2.7.2.2.6	Rejected	✓		✓	Closed
1439	Extensive	2.2.7.1.2.2.2.1	Rejected	✓	✓		Closed
1440	Extensive	2.2.7.3.2	Rejected	✓	✓		Closed
1441	Non-Extensive	2.2.7.4	Rejected	✓		✓	Closed
1442	Extensive	2.2.7.1.3	Rejected	✓			Closed

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<u>1443</u>	Extensive	2.2.7.1.2.2.3.4	Rejected - Redundant	✓	✓		Closed
<u>1444</u>	Extensive	2.2.7.7.2.1	Rejected	✓	✓		Closed
<u>1445</u>	Non-Extensive	6.7.2.1.3.1	Rejected	✓		✓	Closed
<u>1446</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>1447</u>	Non-Extensive	6.7.2.3	Rejected	✓		✓	Closed
<u>1448</u>	Extensive		Rejected	✓		✓	Closed
<u>1449</u>	Non-Extensive	6.7.5.1	Rejected	✓		✓	Closed
<u>1450</u>	Extensive		Rejected	✓		✓	Closed
<u>1451</u>	Extensive	6.8	Rejected	✓	✓	✓	Closed
<u>1452</u>	Non-Extensive	A1D	Rejected	✓		✓	Closed
<u>1453</u>	Extensive	6.7.2.1.3	Carry Over	✓	✓		Closed
<u>1454</u>	Extensive	6.7.2.1.3.1	Accept modified	✓	✓		Closed
<u>1455</u>	Extensive	6.7.6.4	Rejected	✓	✓		Closed
<u>1456</u>	Extensive	6.7.7.1	Carry Over	✓	✓		Closed
<u>1457</u>	Extensive	6.8.1.1	Rejected	✓	✓		Closed
<u>1458</u>	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
<u>1459</u>	Extensive	1.8	Other	✓		✓	Closed
<u>1460</u>	Extensive	6.8.1.3	Rejected - Redundant	✓	✓		Closed
<u>1461</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1462</u>	Extensive	6.8.4.7	Carry Over	✓	✓		Closed
<u>1463</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1464</u>	Extensive	6.8.5.4	Rejected - Redundant	✓	✓		Closed
<u>1465</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1466</u>	Extensive	6.8.6.2	Rejected	✓	✓		Closed
<u>1467</u>	Extensive	6.8.6.6.1	Carry Over	✓	✓		Closed
<u>1468</u>	Non-Extensive	6.6	Rejected - Redundant	✓		✓	Closed
<u>1469</u>	Non-Extensive	6.6	Rejected	✓		✓	Closed
<u>1470</u>	Extensive	6.8.6.7	Carry Over	✓	✓		Closed
<u>1471</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1472</u>	Extensive	6.8.6.8	Carry Over	✓	✓		Closed
<u>1473</u>	Extensive		Carry Over	✓	✓		Closed
<u>1474</u>	Extensive	6.8.7.2.7	Accept modified	✓	✓		Closed
<u>1475</u>	Non-Extensive	6.8.3.1	Rejected	✓		✓	Closed
<u>1476</u>	Non-		Rejected	✓		✓	Closed

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<u>1477</u>	Extensive Non-Extensive		Rejected	✓		✓	Closed
<u>1478</u>	Extensive		Carry Over	✓	✓		Closed
<u>1479</u>	Extensive	Voting area (new term)	Accept modified	✓	✓	✓	Closed
<u>1480</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1481</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>1482</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1483</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1484</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1485</u>	Extensive		Rejected	✓		✓	Closed
<u>1486</u>	Extensive	3.4	Carry Over	✓	✓		Closed
<u>1487</u>	Extensive		Other	✓		✓	Closed
<u>1488</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1489</u>	Non-Extensive	6.7	Rejected	✓		✓	Closed
<u>1490</u>	Extensive		Carry Over	✓		✓	Closed
<u>1491</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1492</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1493</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1494</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1495</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1496</u>	Non-Extensive	1.8.3	Rejected	✓		✓	Closed
<u>1497</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1498</u>	Extensive	6.8.7.5	Carry Over	✓	✓		Closed
<u>1499</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1500</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1501</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1502</u>	Extensive		Carry Over	✓	✓		Closed
<u>1503</u>	Non-Extensive		Other	✓		✓	Closed
<u>1504</u>	Extensive		Rejected	✓		✓	Closed
<u>1505</u>	Non-Extensive	6.5	Carry Over	✓		✓	Closed
<u>1506</u>	Non-Extensive		Rejected	✓		✓	Closed

<u>1507</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1508</u>	Extensive	6.5	Carry Over	✓		✓	Closed
<u>1509</u>	Extensive		Carry Over	✓		✓	Closed
<u>1510</u>	Extensive	6.5	Carry Over	✓		✓	Closed
<u>1511</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1512</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1513</u>	Extensive	6.5	Rejected	✓		✓	Closed
<u>1514</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1515</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1516</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1517</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>1518</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed



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1519	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
1520	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1521	Extensive		Rejected	✓		✓	Closed
1522	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1523	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1524	Extensive		Rejected - Redundant	✓		✓	Closed
1530	Extensive		Other	✓		✓	Closed
1536	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1537	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
1538	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1539	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1540	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1541	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1542	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1543	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
1544	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1545	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1546	Non-Extensive		Rejected - Redundant	✓		✓	Closed
1547	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1548	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
1549	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed

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<u>1550</u>	Non-Extensive		Rejected - Redundant				Closed
<u>1551</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1552</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1553</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1554</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1555</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1556</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1557</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1558</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1559</u>	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1560</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1561</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1562</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1563</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1564</u>	Extensive	6.7.6	Rejected	✓	✓		Closed
<u>1565</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1566</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1567</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1568</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1569</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1570</u>	Extensive	6.7.4	Rejected	✓	✓		Closed
<u>1571</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1572</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1573</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1574</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1575</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1576</u>	Non-Extensive	6.5	Rejected	✓		✓	Closed
<u>1577</u>	Extensive	6.7	Rejected	✓	✓	✗	Closed

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<u>1578</u>	Extensive	6.7.2.6	Rejected				Closed
<u>1579</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1580</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1581</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1582</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1583</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1584</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1585</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1586</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1587</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1588</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1589</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1590</u>	Extensive		Carry Over	✓	✓	✓	Closed
<u>1591</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>1592</u>	Extensive	6.8	Accept modified	✓	✓	✗	Closed
<u>1593</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>1594</u>	Extensive	1.5.1	Rejected	✓	✓	✓	Closed
<u>1595</u>	Extensive	1.6.1	Accept modified	✓	✓	✓	Closed
<u>1596</u>	Extensive	1.7.1	Rejected	✓	✓	✓	Closed
<u>1597</u>	Extensive	1	Carry Over	✓	✓	✗	Closed
<u>1598</u>	Extensive	2.2.7.1.1.1	Rejected	✓		✓	Closed
<u>1599</u>	Extensive	2.2.7.1.2.1.1	Rejected - Redundant	✓	✓		Closed
<u>1600</u>	Extensive	2.2.7.1.2.1.9	Accept modified	✓	✓		Open
<u>1601</u>	Extensive	2.2.7.1.2.2.1	Rejected - Redundant	✓	✓		Closed
<u>1602</u>	Extensive	2.2.7.1.2.2.3.1	Carry Over	✓	✓		Closed
<u>1603</u>	Extensive	2.2.7.1.2.2.3.9	Rejected - Redundant	✓	✓		Closed
<u>1604</u>	Non-Extensive	2.2.7.1.3.1	Rejected - Redundant	✓		✓	Closed
<u>1605</u>	Extensive	2.2.7.1.3.2	Rejected	✓	✓		Closed
<u>1606</u>	Extensive	2.2.7.2.2	Rejected - Redundant	✓	✓		Closed
<u>1607</u>	Non-Extensive	2.2.7.2.3.1	Rejected - Redundant	✓		✓	Closed
<u>1608</u>	Extensive	2.2.7.3.3.1	Rejected -	✓	✓		Closed

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			Redundant				
<u>1609</u>	Extensive	2.2.7.3.2.3	Rejected	✓	✓		Closed
<u>1610</u>	Extensive	2.2.7.3.2.5	Rejected	✓	✓		Closed
<u>1611</u>	Extensive	2.2.7.3.3.3.1	Rejected - Redundant	✓	✓	*	Closed
<u>1612</u>	Extensive	2.2.7.3.3.5	Rejected	✓	✓		Closed
<u>1613</u>	Extensive	2.2.7.3.5.1	Rejected - Redundant	✓	✓		Closed
<u>1614</u>	Extensive	2.6	Carry Over	✓	✓		Closed
<u>1615</u>	Extensive	3.2.2.8	Carry Over	✓	✓		Closed
<u>1616</u>	Extensive	3.2.2.8	Carry Over	✓	✓		Closed
<u>1617</u>	Extensive	3.2.3.2	Carry Over	✓	✓	✓	Closed
<u>1618</u>	Extensive	3.2.4.2.6	Carry Over	✓	✓		Closed
<u>1619</u>	Extensive	4	Carry Over	✓	✓		Closed
<u>1620</u>	Extensive	4.2.3	Carry Over	✓	✓		Closed
<u>1621</u>	Extensive	4.2.4	Carry Over	✓	✓		Closed
<u>1622</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed
<u>1623</u>	Extensive	4.2.6	Carry Over	✓	✓		Closed
<u>1624</u>	Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1625</u>	Extensive	4.2.7	Carry Over	✓	✓		Closed
<u>1626</u>	Non- Extensive	5	Rejected	✓		✓	Closed
<u>1627</u>	Extensive	6.2.2	Rejected - Redundant	✓	✓	*	Closed
<u>1628</u>	Extensive	6.3.2	Accept modified	✓	✓		Closed



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1629	Extensive	6.4.1	Carry Over	✓	✓		Closed
1630	Extensive	6.4.4.1	Accept modified	✓	✓		Closed
1631	Extensive	6.4.4.12	Rejected	✓	✓	✓	Closed
1632	Extensive	6.4.4.13	Rejected	✓	✓		Closed
1633	Extensive	Reference Information (new term)	Rejected	✓			Closed
1634	Extensive	6.4.6.1	Rejected	✓	✓		Closed
1635	Extensive	6.4.2	Rejected	✓	✓		Closed
1636	Extensive	6.4.6.3	Rejected - Redundant	✓	✓		Closed
1637	Extensive	6.4.6.4	Rejected	✓	✓		Closed
1638	Extensive	6.5.2	Rejected - Redundant	✓	✓		Closed
1639	Extensive	6.5.4.2	Rejected - Redundant	✓	✓		Closed
1640	Extensive	6.6	Rejected	✓	✓	✗	Closed
1641	Non-Extensive	6.7	Rejected	✓	✓	✗	Closed
1642	Extensive	6.7.2.3	Rejected	✓	✓		Closed
1643	Extensive	6.2.6	Rejected - Redundant	✓	✓	✗	Closed
1644	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
1645	Extensive	2.2.7.1.2.1.3	Refer to EAC for resolution	✓			Open
1646	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
1647	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
1648	Extensive	6.8.3.5	Rejected	✓	✓		Closed
1649	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
1650	Extensive	2.2.7.4.2	Other	✓			Open
1651	Extensive	2.2.7	Carry Over	✓	✓	✗	Closed
1652	Non-Extensive	2.2.7.1	Rejected	✓		✓	Closed
1653	Extensive	2.2.7.1.2.1.4	Other	✓	✓	✓	Closed

1654	Extensive	2.2.7.1.2.1.8	Rejected - Redundant	✓	✓		Closed
1655	Extensive	2.2.7.1.2.1.9	Accept modified	✓	✓		Open
1656	Extensive	2.2.7.1.2.2.3.4	Accept modified	✓	✓		Open
1657	Extensive	2.2.7.1.3.4	Rejected	✓	✓		Closed
1658	Extensive	2.2.7.1.2.2.2	Rejected	✓	✓		Closed
1659	Non-Extensive	2.2.7.1.2.2.3.9	Rejected	✓		✓	Closed
1660	Extensive	2.2.7.1.2.2.3	Rejected	✓	✓		Closed
1661	Extensive	2.2.7.1.2.2.2.3	Rejected	✓	✓		Closed
1662	Extensive	2.2.7.1.2.1.	Carry Over	✓	✓	✗	Closed
1663	Non-Extensive	2.2.7.1	Rejected	✓		✓	Closed
1664	Non-Extensive	2.2.7.1	Other	✓		✓	Closed
1665	Extensive	2.2.7.1.2.1.3	Refer to EAC for resolution	✓			Open
1666	Extensive	2.2.7.2.1	Accept modified	✓	✓		Open
1667	Extensive	2.2.7.1.2.1.8	Accept as written	✓	✓		Open
1668	Extensive	2.2.7.1.2.1.9	Rejected - Redundant	✓	✓		Closed
1669	Extensive	2.2.7.2.2.3.4	Rejected - Redundant	✓	✓		Closed
1670	Extensive	2.2.7.1.2.2.3.6	Rejected - Redundant	✓	✓		Closed
1671	Extensive	2.2.7.1.2.2.3	Other	✓			Open
1672	Extensive	2.2.7.1.2.2.6	Accept modified	✓	✓		Open
1673	Extensive	2.2.7.1.3.5	Rejected - Redundant	✓	✓		Closed
1674	Extensive	2.2.7.3.2	Rejected - Redundant	✓	✓		Closed
1675	Extensive	2.2.7.3.5.3	Carry Over	✓	✓		Closed
1676	Non-Extensive	2.2.7.4	Rejected	✓		✓	Closed
1677	Extensive	2.2.7.4.2.1	Rejected - Redundant	✓	✓		Closed
1678	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
1679	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1680	Extensive		Carry Over	✓	✓	✓	Closed
1681	Extensive		Rejected	✓		✓	Closed
1682	Non-Extensive		Rejected	✓		✓	Closed
1683	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
1684	Extensive	6.7.4	Rejected - Redundant	✓	✓		Closed

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<u>1685</u>	Extensive	6.8.1.2	Rejected - Redundant	✓	✓		Closed
<u>1686</u>	Extensive	Directly Verified	Accept modified	✓	✓		Open
<u>1687</u>	Extensive	Electronic Ballot Printer (EBP)	Rejected	✓			Open
<u>1688</u>	Extensive	6.7.4	Rejected - Redundant	✓	✓		Closed
<u>1689</u>	Extensive	6.8.1.2	Rejected - Redundant	✓	✓		Closed
<u>1690</u>	Extensive	6.8.3.1	Rejected - Redundant	✓		✓	Closed
<u>1691</u>	Extensive	Electronically-Assisted Ballot Marker (EBM)_a	Other	✓	✓		Closed
<u>1692</u>	Extensive	Electronically-Assisted Ballot Marker (EBM)_b	Other	✓	✓		Closed
<u>1693</u>	Extensive	6.8.3.3	Rejected - Redundant	✓	✓		Closed
<u>1694</u>	Extensive	6.8.3.4	Rejected - Redundant	✓		✓	Open
<u>1695</u>	Extensive	Electronic Voter Interface	Accept modified	✓			Open
<u>1696</u>	Extensive	Electronic Voting Machine	Accept as written	✓		✓	Closed
<u>1697</u>	Non-Extensive	Independent Testing Authority (ITA)	Rejected	✓		✓	Closed
<u>1698</u>	Extensive	Spoiled Ballot	Rejected	✓	✓	✗	Closed
<u>1699</u>	Extensive	6.8.4.1	Rejected	✓	✓		Closed
<u>1700</u>	Extensive	Touch Screen Voting Machine	Accept modified	✓	✓	✗	Closed
<u>1701</u>	Extensive	1.6.8.4.3	Rejected - Redundant	✓		✓	Closed
<u>1702</u>	Non-Extensive	Voter Verified Audit Record	Accept modified	✓			Open
<u>1703</u>	Extensive	1.6.8.4.7	Rejected - Redundant	✓		✓	Closed
<u>1704</u>	Non-Extensive	Voting Equipment Operational Environment	Accept modified	✓			Open
<u>1705</u>	Extensive	1.6.8.5.3	Other	✓		✓	Closed
<u>1706</u>	Non-Extensive	Voting Machine	Reject	✓			Open
<u>1707</u>	Extensive	Voting Officials	Rejected	✓	✓	✗	Closed
<u>1708</u>	Extensive	1.6.8.5.5	Rejected	✓		✓	Closed
<u>1709</u>	Non-Extensive	Voting System	Accept as written	✓		✓	Closed
<u>1710</u>	Extensive	6.8.6.2	Rejected - Redundant	✓	✓		Closed
<u>1711</u>	Extensive	6.8.6.7	Rejected - Redundant	✓	✓		Closed
<u>1712</u>	Extensive	6.8.6.5	Rejected - Redundant	✓	✓		Closed

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<u>1713</u>	Extensive	6.8.6.7	Rejected - Redundant	✓	✓		Closed
<u>1714</u>	Extensive	6.8.6.8	Rejected - Redundant	✓	✓		Closed
<u>1715</u>	Extensive	6.8.6.10.2	Rejected - Redundant	✓	✓		Closed
<u>1716</u>	Extensive	VVPAT-Ballot Box	Rejected - Redundant	✓	✓		Closed
<u>1717</u>	Extensive	6.8.7.2.1	Rejected - Redundant	✓	✓		Closed
<u>1718</u>	Non-Extensive	VVPAT-Printer	Reject	✓			Open
<u>1719</u>	Extensive	6.8.7.2.3	Rejected - Redundant	✓	✓		Closed
<u>1720</u>	Extensive	6.8.7.2.4	Rejected - Redundant	✓	✓		Closed
<u>1721</u>	Extensive	7	Rejected	✓	✓		Closed
<u>1722</u>	Non-Extensive	8	Rejected	✓		✓	Closed
<u>1723</u>	Extensive	correction code	Rejected - Redundant	✓			Closed
<u>1724</u>	Extensive	Open Primary	Accept as written	✓	✓		Closed
<u>1725</u>	Extensive	Straight Party Voting	Rejected - Redundant	✓	✓		Closed
<u>1726</u>	Extensive	1.8	Other	✓	✓	*	Closed
<u>1727</u>	Extensive	A1B	Rejected	✓			Open
<u>1728</u>	Extensive	A1C	Rejected	✓			Closed

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1729	Extensive	2.2.7.1.1	Refer to EAC for resolution	✓		✓	Closed
1730	Extensive	A1C	Rejected	✓			Closed
1731	Extensive	2.2.7.1.3	Carry Over	✓	✓		Closed
1732	Extensive	A1C	Rejected	✓			Closed
1733	Extensive	A1D	Rejected - Redundant	✓			Open
1734	Extensive	A1D	Rejected - Redundant	✓			Open
1735	Extensive	A1D	Rejected - Redundant	✓			Open
1736	Extensive	2.2.7.2.2.6	Refer to EAC for resolution	✓			Open
1737	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
1738	Extensive	2.2.7.2.2.6	Rejected - Redundant	✓	✓		Closed
1739	Extensive	A1D	Rejected - Redundant	✓			Open
1740	Extensive	2.2.7.3.1	Refer to EAC for resolution	✓			Open
1741	Extensive	A1D	Rejected - Redundant	✓			Open
1742	Extensive	2.2.7.2	Carry Over	✓	✓		Closed
1743	Extensive	A1D	Rejected - Redundant	✓			Open
1744	Extensive	2.2.7.3.1	Rejected - Redundant	✓	✓		Closed
1745	Extensive	2.2.7.2	Rejected	✓	✓		Closed
1746	Extensive	A1D	Rejected - Redundant	✓			Open
1747	Extensive	3.1	Rejected	✓	✓	✓	Closed
1748	Extensive	1.5.4	Accept as written	✓	✓		Closed
1749	Extensive	6.7	Rejected	✓	✓	✓	Closed
1750	Extensive	1.6.1	Carry Over	✓	✓		Closed
1751	Extensive	6.8	Rejected	✓	✓	✓	Closed
1752	Extensive	1.6.1	Carry Over	✓	✓		Closed
1753	Extensive	6.8	Carry Over	✓	✓	✗	Closed

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<u>1754</u>	Extensive	1.6.2	Carry Over	✓	✓		Closed
<u>1755</u>	Extensive	.20.1.8	Carry Over	✓	✓		Closed
<u>1756</u>	Extensive	6.8.3	Rejected - Redundant	✓	✓		Closed
<u>1757</u>	Extensive	2.2.2	Carry Over	✓	✓		Closed
<u>1758</u>	Non-Extensive	6.8.3.5	Rejected - Redundant	✓	✓		Closed
<u>1760</u>	Extensive	2.2.2.2	Carry Over	✓	✓	✓	Closed
<u>1761</u>	Extensive	2.2.4.1	Accept as written	✓	✓	✓	Open
<u>1762</u>	Non-Extensive	2.2.5.1	Accept modified	✓		✓	Closed
<u>1763</u>	Extensive	2.2.5.2.3	Other	✓		✓	Closed
<u>1764</u>	Non-Extensive	2.2.7	Accept modified	✓		✓	Closed
<u>1765</u>	Extensive	2.2.7.1	Rejected - Redundant	✓	✓	✓	Closed
<u>1766</u>	Extensive	2.2.7.2.1.2	Rejected - Redundant	✓	✓		Closed
<u>1767</u>	Extensive	2.2.7.2.1.6	Rejected - Redundant	✓	✓		Closed
<u>1768</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1769</u>	Non-Extensive	2.2.7.2.1.9	Rejected	✓		✓	Closed
<u>1770</u>	Extensive	2.2.7.2.2.2.	Rejected	✓	✓		Closed
<u>1771</u>	Extensive	2.2.7.2.2.3.1	Rejected	✓	✓		Closed
<u>1772</u>	Extensive	2.2.7.2.2.3.4	Rejected	✓	✓		Closed
<u>1773</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1774</u>	Extensive	2.2.7.2.2.3.5	Rejected	✓	✓		Closed
<u>1775</u>	Extensive	2.2.7.2.2.3.6	Carry Over	✓	✓		Closed
<u>1776</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1777</u>	Extensive	2.2.7.2.2.3.7	Carry Over	✓	✓		Closed
<u>1778</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1779</u>	Extensive	2.2.7.2.2.3.8	Rejected - Redundant	✓	✓		Closed
<u>1780</u>	Extensive	2.2.7.2.2.3.9	Rejected - Redundant	✓	✓		Closed
<u>1781</u>	Extensive	2.2.7.2.2.6	Rejected - Redundant	✓	✓		Closed
<u>1782</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1783</u>	Extensive	2.2.7.3.2	Rejected	✓	✓		Closed
<u>1784</u>	Extensive	2.2.7.4.1	Rejected - Redundant	✓	✓		Closed
<u>1785</u>	Extensive	4.2.5	Carry Over	✓	✓		Closed
<u>1786</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1787</u>	Non-	5.1	Accept	✓		✓	Closed

	Extensive		modified				
<u>1788</u>	Extensive	2.2.7.2.2	Rejected	✓	✓		Closed
<u>1789</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1790</u>	Extensive	2.2.7.3.2.2	Rejected	✓	✓		Closed
<u>1791</u>	Non-Extensive	2.2.7.3.2.2	Rejected	✓		✓	Closed
<u>1792</u>	Extensive	2.2.7.3.3.3.1	Rejected	✓	✓		Closed
<u>1793</u>	Non-Extensive	2.2.7.3.3.3.2	Rejected	✓		✓	Closed
<u>1794</u>	Extensive	2.2.7.3.5.3	Other	✓	✓		Closed
<u>1795</u>	Extensive	Voting Session Identifier (New term)	Rejected - Redundant	✓	✓		Closed
<u>1796</u>	Non-Extensive	2.2.7.4.1.1	Other	✓		✓	Closed
<u>1797</u>	Extensive	2.2.7.4.1.2	Rejected	✓	✓		Closed
<u>1798</u>	Extensive	2.2.7.4.1.3	Rejected - Redundant	✓	✓		Closed
<u>1799</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1800</u>	Extensive	2.2.7.4.2.1	Rejected	✓	✓		Closed
<u>1801</u>	Non-Extensive	2.2.7.4.2.1.1	Accept modified	✓		✓	Closed
<u>1802</u>	Extensive	2.2.8.1	Carry Over	✓	✓		Closed
<u>1803</u>	Extensive	2.2.8.2	Carry Over	✓	✓		Closed
<u>1804</u>	Extensive	1	Rejected - Redundant	✓		✓	Closed
<u>1805</u>	Non-Extensive	2.2.10	Rejected	✓		✓	Closed
<u>1806</u>	Extensive	2.3.1.3.1	Carry Over	✓	✓		Closed
<u>1807</u>	Extensive	2.3.4.1	Carry Over	✓	✓		Closed
<u>1808</u>	Extensive	2.3.5	Carry Over	✓	✓		Closed
<u>1809</u>	Extensive	2.4	Carry Over	✓	✓	✱	Closed
<u>1810</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1811</u>	Extensive	2.4.1.2.1	Carry Over	✓	✓		Closed
<u>1812</u>	Extensive	2.4.1.3	Carry Over	✓	✓		Closed
<u>1813</u>	Extensive	2.4.2	Carry Over	✓	✓		Closed
<u>1814</u>	Extensive	2.4.2	Carry Over	✓	✓		Closed
<u>1815</u>	Extensive	2.4.3.3	Carry Over	✓	✓		Closed
<u>1816</u>	Extensive	1	Carry Over	✓		✓	Closed
<u>1817</u>	Extensive	2.5.1	Carry Over	✓	✓		Closed
<u>1818</u>	Extensive	2.5.3.1	Accept as written	✓	✓		Open
<u>1819</u>	Non-Extensive	2.5.3.1	Rejected - Redundant	✓		✓	Closed
<u>1820</u>	Extensive	1	Carry Over	✓		✓	Closed
<u>1821</u>	Extensive	3.2.1	Carry Over	✓	✓		Closed
<u>1822</u>	Non-Extensive	3.2.2.4	Rejected - Redundant	✓		✓	Closed
<u>1823</u>	Extensive	A1D	Rejected -	✓			Open

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<u>1824</u>	Extensive	3.2.2.4	Redundant Carry Over	✓	✓		Closed
<u>1825</u>	Extensive	3.2.2.13	Carry Over	✓		✓	Closed
<u>1826</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1827</u>	Extensive	3.2.2.14	Carry Over	✓	✓		Closed
<u>1828</u>	Extensive	3.2.3.2	Carry Over	✓	✓		Closed
<u>1829</u>	Non- Extensive	3.2.4.3.2	Rejected - Redundant	✓		✓	Closed



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1830	Extensive	1	Rejected - Redundant	✓		✓	Closed
1831	Extensive	3.2.6.1.2	Accept modified	✓	✓		Closed
1832	Extensive	A1D	Rejected - Redundant	✓			Open
1833	Extensive	3.2.6.2.3	Carry Over	✓	✓		Closed
1834	Extensive	3.2.7.1	Rejected - Redundant	✓	✓		Closed
1835	Extensive	3.3.3	Carry Over	✓	✓		Closed
1836	Extensive	3.3.3	Carry Over	✓	✓		Closed
1837	Extensive	3.4.1	Carry Over	✓	✓		Closed
1838	Extensive	3.4.2	Carry Over	✓	✓		Closed
1839	Extensive	A1D	Rejected - Redundant	✓			Open
1840	Extensive	3.4.3	Carry Over	✓	✓		Closed
1841	Extensive	A1D	Rejected - Redundant	✓			Open
1842	Extensive	3.4.4.1	Carry Over	✓	✓		Closed
1843	Non-Extensive	4.2.2	Accept modified	✓		✓	Closed
1844	Extensive	1	Rejected - Redundant	✓		✓	Closed
1845	Extensive	4.2.3	Carry Over	✓	✓		Closed
1846	Extensive	4.3	Carry Over	✓	✓		Closed
1847	Extensive	A1E	Rejected - Redundant	✓	✓		Closed
1848	Extensive	5.2	Carry Over	✓	✓		Closed
1849	Extensive	6.2.2	Carry Over	✓	✓		Closed
1850	Extensive	6.4.1	Carry Over	✓	✓		Closed
1851	Extensive	A1E	Rejected - Redundant	✓	✓		Closed
1852	Extensive	6.4.6.2.1	Rejected - Redundant	✓	✓		Closed
1853	Extensive	6.4.6.3.4	Rejected - Redundant	✓	✓		Closed
1854	Extensive	6.7	Accept modified	✓	✓	✱	Closed
1855	Extensive	6.7.5	Rejected -	✓	✓		Closed

<u>1856</u>	Extensive	1.3	Redundant Rejected - Redundant	✓		✓	Closed
<u>1857</u>	Extensive	6.7.6	Accept modified	✓	✓		Closed
<u>1858</u>	Extensive	6.7.6.4	Rejected	✓	✓		Closed
<u>1859</u>	Extensive	6.8.1.3	Rejected - Redundant	✓	✓		Closed
<u>1860</u>	Extensive	6.8.2.3	Accept as written	✓	✓		Closed
<u>1861</u>	Extensive	6.8.2.3.3	Rejected - Redundant	✓	✓		Closed
<u>1862</u>	Extensive	1.3	Rejected - Redundant	✓		✓	Closed
<u>1863</u>	Non- Extensive	6.8.3.1	Rejected - Redundant	✓		✓	Closed
<u>1864</u>	Non- Extensive	6.8.3.2	Rejected - Redundant	✓		✓	Closed
<u>1865</u>	Non- Extensive	6.8.3.2	Rejected	✓		✓	Closed
<u>1866</u>	Extensive	6.8.3.5	Rejected	✓	✓		Closed
<u>1867</u>	Extensive	1.3	Carry Over	✓		✓	Closed
<u>1868</u>	Extensive	6.8.4.1	Rejected - Redundant	✓	✓		Closed
<u>1869</u>	Extensive	6.8.4.3	Rejected	✓	✓		Closed
<u>1870</u>	Extensive	6.8.4.4	Rejected - Redundant	✓	✓	✓	Closed
<u>1871</u>	Non- Extensive	6.8.4.5	Other	✓		✓	Closed
<u>1872</u>	Extensive	1.3.1.2	Rejected - Redundant	✓		✓	Closed
<u>1873</u>	Extensive	6.8.4.6	Rejected	✓	✓	✓	Closed
<u>1874</u>	Extensive	6.8.4.7	Accept modified	✓	✓		Closed
<u>1875</u>	Non- Extensive	6.8.4.7	Accept modified	✓		✓	Closed
<u>1876</u>	Extensive	6.8.5.1.1	Accept modified	✓	✓		Closed
<u>1877</u>	Extensive	6.8.5.2	Accept modified	✓	✓		Closed
<u>1878</u>	Extensive	A1D	Rejected - Redundant	✓			Open
<u>1879</u>	Extensive	6.8.5.3	Accept as written	✓	✓		Closed
<u>1880</u>	Extensive	6.8.5.4	Accept as written	✓	✓		Closed
<u>1881</u>	Non- Extensive	6.8.5.5	Rejected - Redundant	✓		✓	Closed
<u>1882</u>	Extensive	6.8.6.1	Accept modified	✓	✓		Closed
<u>1883</u>	Extensive	6.8.6.2	Carry Over	✓	✓		Closed
<u>1884</u>	Extensive	6.8.6.6	Rejected	✓	✓		Closed
<u>1885</u>	Extensive	1.3.1.4	Accept	✓		✓	Closed

<u>1886</u>	Extensive	6.8.7.1	modified Accept modified	✓	✓		Closed
<u>1887</u>	Extensive	6.8.7.3	Rejected - Redundant	✓	✓		Closed
<u>1888</u>	Extensive	1.3.1.4	Rejected - Redundant	✓		✓	Closed
<u>1889</u>	Non- Extensive	A1C	Other	✓			Closed
<u>1890</u>	Extensive	A1E	Accept modified	✓		✓	Closed
<u>1891</u>	Extensive	.20.2	Carry Over	✓	✓		Closed
<u>1892</u>	Extensive	.20.4.7.2	Rejected	✓	✓		Closed
<u>1893</u>	Extensive	1.4	Rejected - Redundant	✓		✓	Closed
<u>1894</u>	Extensive	.20.4.7.3	Carry Over	✓	✓		Closed
<u>1895</u>	Extensive	.20.4.8	Carry Over	✓	✓		Closed
<u>1896</u>	Extensive	.20.5.4.2	Carry Over	✓		✓	Closed
<u>1897</u>	Extensive	.20.6.7	Carry Over	✓	✓	✓	Closed
<u>1898</u>	Extensive	1.8	Other	✓		✓	Closed
<u>1899</u>	Extensive	2.2.7.2	Carry Over	✓			Open
<u>1900</u>	Extensive	1.8.1.1	Rejected - Redundant	✓		✓	Closed
<u>1901</u>	Extensive	1.8.1.2	Rejected	✓		✓	Closed
<u>1902</u>	Extensive	1.8.2.2	Rejected	✓		✓	Closed
<u>1903</u>	Extensive	1.8.2.6	Rejected - Redundant	✓		✓	Closed
<u>1904</u>	Extensive	1.8.1	Rejected - Redundant	✓		✓	Closed
<u>1905</u>	Non- Extensive	2.2	Rejected	✓		✓	Closed
<u>1906</u>	Extensive	3	Rejected - Redundant	✓		✓	Closed
<u>1907</u>	Extensive	4	Rejected - Redundant	✓		✓	Closed
<u>1908</u>	Extensive	5	Rejected - Redundant	✓		✓	Closed
<u>1909</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1910</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1911</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1912</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1913</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1914</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1915</u>	Extensive	5	Carry Over	✓		✓	Closed
<u>1916</u>	Extensive	2.6	Rejected - Redundant	✓			Open
<u>1917</u>	Extensive	7	Rejected	✓	✓		Closed
<u>1918</u>	Extensive	A2A	Rejected	✓	✓		Closed
<u>1919</u>	Extensive	A2B	Rejected	✓	✓		Closed
<u>1920</u>	Extensive	A2C	Rejected	✓	✓		Closed
<u>1921</u>	Extensive	1	Rejected -	✓		✓	Closed

<u>1922</u>	Extensive	1.1	Redundant Rejected - Redundant	✓		✓	Closed
<u>1923</u>	Extensive	2.2.7.3	Rejected - Redundant	✓			Open
<u>1924</u>	Extensive	2	Rejected - Redundant	✓		✓	Closed
<u>1925</u>	Extensive	2.2.7.2	Other	✓		✗	Open
<u>1926</u>	Non- Extensive		Carry Over	✓		✓	Closed
<u>1927</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>1928</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>1929</u>	Extensive	6.8	Accept modified	✓	✓		Closed

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1930	Extensive	6.7	Rejected - Redundant	✓	✓	✓	Closed
1931	Extensive		Rejected - Redundant	✓		✓	Closed
1932	Non-Extensive	6	Rejected - Redundant	✓		✓	Closed
1933	Extensive	6.7.4	Rejected - Redundant	✓	✓		Closed
1934	Extensive	6.8.1.2	Rejected - Redundant	✓	✓		Closed
1935	Extensive	6.8.3.1	Rejected - Redundant	✓	✓		Closed
1936	Extensive	6.8.3.3	Accept modified	✓	✓		Closed
1937	Extensive	6.8.3.4	Rejected - Redundant	✓	✓		Closed
1938	Extensive	6.8.4.1	Rejected - Redundant	✓	✓		Closed
1939	Extensive	6.8.4.3	Rejected - Redundant	✓	✓		Closed
1940	Extensive	6.8.4.7	Accept modified	✓	✓		Closed
1941	Extensive	6.7.4	Rejected	✓	✓		Closed
1942	Extensive	6.8.1.2	Accept as written	✓	✓		Closed
1943	Extensive	6.8.3.1	Rejected	✓	✓		Closed
1944	Extensive	6.8.3.3	Accept modified	✓	✓		Closed
1945	Extensive	6.8.3.4	Accept modified	✓	✓		Closed
1946	Extensive	6.8.4.1	Rejected	✓	✓		Closed
1947	Extensive	6.8.4.3	Rejected	✓	✓		Closed
1948	Extensive	6.8.4.7	Accept modified	✓	✓		Closed
1949	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
1950	Extensive	6.8.5.5	Carry Over	✓	✓		Closed
1951	Extensive	6.8.6.2	Rejected	✓	✓		Closed
1952	Extensive	6.8.6.3	Carry Over	✓	✓		Closed
1953	Extensive	6.8.6.5	Rejected	✓	✓		Closed

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<u>1954</u>	Extensive	6.8.6.7	Rejected	✓	✓		Closed
<u>1955</u>	Extensive	6.8.6.8	Carry Over	✓	✓		Closed
<u>1956</u>	Extensive	6.8.6.10.2	Rejected	✓	✓		Closed
<u>1957</u>	Extensive	6.8.6.11	Accept modified	✓	✓		Closed
<u>1958</u>	Extensive	6.8.7.2.1	Rejected	✓	✓		Closed
<u>1959</u>	Extensive	6.8.7.2.3	Rejected	✓	✓		Closed
<u>1960</u>	Extensive	6.8.7.2.4	Rejected	✓	✓		Closed
<u>1961</u>	Non-Extensive	Live Ballot	Rejected - Redundant	✓			Open
<u>1962</u>	Non-Extensive	7	Rejected	✓		✓	Closed
<u>1963</u>	Extensive	Interpret (a ballot)	Rejected - Redundant	✓	✓		Closed
<u>1964</u>	Non-Extensive	8	Rejected	✓		✓	Closed
<u>1965</u>	Extensive	Live Auditing	Carry Over	✓	✓		Closed
<u>1966</u>	Extensive	A1A	Refer to EAC for resolution	✓	✓		Open
<u>1967</u>	Non-Extensive	A1A	Accept modified	✓	✓		Closed
<u>1968</u>	Non-Extensive	A1A	Accept as written	✓	✓		Closed
<u>1969</u>	Non-Extensive	A1A	Accept modified	✓	*	✓	Open
<u>1970</u>	Non-Extensive	A1B	Rejected	✓		✓	Closed
<u>1971</u>	Extensive	A1C	Other	✓			Closed
<u>1972</u>	Extensive	A1C	Other	✓			Closed
<u>1973</u>	Extensive	A1C	Other	✓			Closed
<u>1974</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1975</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1976</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1977</u>	Extensive	...	Rejected	✓		✓	Closed
<u>1978</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1979</u>	Extensive	...	Carry Over	✓	✓		Closed
<u>1980</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1981</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1982</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1983</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1984</u>	Non-Extensive	A1D	Rejected	✓		✓	Closed
<u>1985</u>	Non-Extensive	...	Other	✓		✓	Closed
<u>1986</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1987</u>	Extensive	A1D	Rejected - Redundant	✓	✓		Closed
<u>1988</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1989</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1990</u>	Non-	A1D	Rejected	✓		✓	Closed

<u>1991</u>	Extensive		Carry Over	✓	✓		Closed
<u>1992</u>	Extensive	6	Rejected	✓	✓		Closed
		Voting session identifier (new term)					
<u>1993</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1994</u>	Non- Extensive	A1D	Accept as written	✓		✓	Closed
<u>1995</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1996</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>1997</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1998</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>1999</u>	Extensive		Carry Over	✓	✓		Closed
<u>2000</u>	Extensive		Carry Over	✓	✓		Closed
<u>2001</u>	Extensive		Carry Over	✓	✓		Closed
<u>2002</u>	Extensive	A1D	Accept modified	✓	✓		Closed
<u>2003</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>2004</u>	Extensive	A1D	Carry Over	✓	✓		Closed
<u>2005</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>2006</u>	Extensive	A1D	Rejected	✓	✓		Closed
<u>2007</u>	Extensive	A1E	Rejected	✓	✓		Closed
<u>2008</u>	Extensive	A1E	Rejected	✓	✓		Closed
<u>2009</u>	Extensive	A1E	Carry Over	✓	✓		Closed
<u>2010</u>	Extensive	6.8.6.12	Other	✓	✓		Closed
<u>2011</u>	Non- Extensive	.20.1.3	Rejected - Redundant	✓			Closed
<u>2012</u>	Non- Extensive	.20.1.3	Rejected - Redundant	✓			Closed
<u>2013</u>	Extensive	.20.1.3	Rejected	✓	✓		Closed
<u>2014</u>	Extensive	.20.1.3.1.2	Carry Over	✓	✓		Closed
<u>2015</u>	Extensive	.20.1.3.1.3	Carry Over	✓	✓		Closed
<u>2016</u>	Extensive	.20.1.3.1.4	Rejected	✓	✓		Closed
<u>2017</u>	Extensive	.20.1.3.1.4	Rejected	✓	✓		Closed
<u>2018</u>	Extensive	.20.1.4	Accept modified	✓	✓	✗	Closed
<u>2019</u>	Extensive	.20.1.8	Rejected	✓	✓		Closed
<u>2020</u>	Non- Extensive	.20.1.8.1.1	Rejected	✓		✓	Closed
<u>2021</u>	Extensive	.20.1.8.1.2	Carry Over	✓	✓		Closed
<u>2022</u>	Extensive	.20.1.8.2.2	Rejected	✓	✓		Closed
<u>2023</u>	Non- Extensive	.20.1.8.2.6	Accept modified	✓		✓	Closed
<u>2024</u>	Extensive	.20.1.8.4	Carry Over	✓	✓		Closed
<u>2025</u>	Non- Extensive	2.2	Rejected	✓		✓	Closed
<u>2026</u>	Extensive	3	Carry Over	✓	✓		Closed
<u>2027</u>	Non- Extensive	4	Rejected	✓		✓	Closed
<u>2028</u>	Extensive	5	Carry Over	✓	✓		Closed
<u>2029</u>	Non-	5	Rejected	✓		✓	Closed

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Extensive									
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2030	Extensive	5	Carry Over	✓	✓		Closed
2031	Extensive	5	Carry Over	✓	✓		Closed
2032	Extensive	5	Carry Over	✓	✓		Closed
2033	Extensive	5	Carry Over	✓	✓		Closed
2034	Extensive	5	Carry Over	✓	✓		Closed
2035	Extensive	5	Carry Over	✓	✓		Closed
2036	Non-Extensive	2.6	Rejected	✓		✓	Closed
2037	Non-Extensive	7	Rejected	✓		✓	Closed
2038	Non-Extensive	A2A	Accept as written	✓		✓	Closed
2039	Non-Extensive	A2B	Rejected	✓		✓	Closed
2040	Non-Extensive	A2C	Rejected	✓		✓	Closed
2041	Extensive	1	Rejected	✓	✓	✗	Closed
2042	Non-Extensive	1.1	Rejected	✓		✓	Closed
2043	Extensive	2.2.7.3	Carry Over	✓	✓		Closed
2044	Extensive	A2C	Carry Over	✓	✓	✗	Closed
2045	Extensive	3.2.2.4	Accept as written	✓	✓		Closed
2046	Extensive	3.2.2.4	Other	✓	✓		Closed
2047	Extensive	3.2.2.5	Accept as written	✓	✓		Closed
2048	Extensive	3.2.2.6	Other	✓	✓		Closed
2049	Extensive	3.2.2.7	Accept as written	✓	✓		Closed
2050	Extensive	3.2.2.7	Accept as written	✓	✓		Closed
2051	Extensive	3.2.2.9	Accept as written	✓	✓		Closed
2052	Extensive	3.2.2.11	Accept as written	✓	✓		Closed
2053	Extensive	3.2.2.11	Accept as written	✓	✓		Closed
2054	Extensive	4	Carry Over	✓	✓		Closed
2055	Non-		Rejected	✓		✓	Closed

<u>2056</u>	Extensive		Carry Over	✓	✓	✘	Closed
<u>2057</u>	Extensive	3.4.3	Carry Over	✓	✓	✘	Closed
<u>2058</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2059</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2062</u>	Extensive	3.4.3	Carry Over	✓	✓		Closed
<u>2063</u>	Extensive	3.4.3	Carry Over	✓	✓		Closed
<u>2064</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2065</u>	Non-Extensive	3.4.3	Rejected	✓		✓	Closed
<u>2066</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2067</u>	Non-Extensive	3.4	Rejected	✓		✓	Closed
<u>2068</u>	Extensive		Rejected	✓	✓		Closed
<u>2069</u>	Extensive		Carry Over	✓	✓	✘	Closed
<u>2070</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2071</u>	Extensive		Carry Over	✓	✓		Closed
<u>2072</u>	Extensive		Rejected - Redundant	✓	✓		Closed
<u>2073</u>	Extensive		Carry Over	✓	✓		Closed
<u>2074</u>	Non-Extensive	6.4.3	Rejected	✓		✓	Closed
<u>2075</u>	Extensive		Carry Over	✓	✓	✘	Closed
<u>2076</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2077</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2078</u>	Extensive		Carry Over	✓		✓	Closed
<u>2079</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2080</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2081</u>	Extensive	3.2.1	Carry Over	✓	✓	✘	Closed
<u>2082</u>	Extensive	3.4.5	Carry Over	✓		✓	Closed
<u>2083</u>	Non-Extensive	.20.5	Carry Over	✓		✓	Closed
<u>2084</u>	Extensive	2.2.2	Rejected	✓	✓	✘	Closed
<u>2085</u>	Non-Extensive	2.2.4.2	Rejected - Redundant	✓		✓	Closed
<u>2086</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2087</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2088</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2089</u>	Non-Extensive		Carry Over	✓		✓	Closed

<u>2090</u>	Non-Extensive	3.4.5	Rejected	✓		✓	Closed
<u>2091</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2092</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2093</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2094</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2095</u>	Extensive		Refer to EAC for resolution	✓		✓	Closed
<u>2096</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2097</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2098</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2099</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2100</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2101</u>	Extensive		Rejected - Redundant	✓	✓	✗	Closed
<u>2102</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2103</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2104</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2105</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2106</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2107</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2108</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2109</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2110</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2111</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2112</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>2113</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2114</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2115</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2116</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2117</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed

<u>2118</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2119</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2120</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2121</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2122</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2123</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2124</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2125</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2126</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2127</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2128</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2129</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2130</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2131</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed



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2132	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2133	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2134	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2135	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2136	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2138	Non-Extensive		Rejected	✓		✓	Closed
2139	Extensive	2.2.7.1.3	Carry Over	✓	✓		Closed
2140	Extensive	2.2.7.2	Rejected	✓	✓		Closed
2141	Extensive	2.2.7.2.2.1	Rejected - Redundant	✓	✓		Closed
2142	Non-Extensive	2.2.7.2.2.6	Rejected	✓		✓	Closed
2143	Extensive	...	Other	✓		✓	Closed
2144	Extensive	1.1	Rejected	✓	✓		Closed
2145	Non-Extensive	2.2	Rejected	✓		✓	Closed
2146	Extensive	1.1	Other	✓		✓	Closed
2147	Extensive	2.2	Rejected	✓	✓		Closed
2148	Non-Extensive		Rejected	✓		✓	Closed
2149	Non-Extensive		Rejected	✓		✓	Closed
2150	Non-Extensive	6.8	Rejected	✓		✓	Closed
2151	Extensive	6.8.2.2	Other	✓	✓		Closed
2152	Non-Extensive		Other	✓		✓	Closed
2153	Extensive	6.8.4	Accept modified	✓	✓		Closed
2154	Extensive	6.8.5	Accept modified	✓	✓		Closed
2155	Extensive	2.2.7.2.2.6	Rejected	✓	✓		Closed
2156	Non-Extensive	6.8.7	Accept modified	✓		✓	Closed

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<u>2157</u>	Non-Extensive	6.8.7	Rejected	✓		✓	Closed
<u>2158</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2159</u>	Extensive	1.6.1	Rejected	✓		✓	Closed
<u>2160</u>	Extensive	1.7.1	Other	✓	✓		Closed
<u>2161</u>	Non-Extensive	3.2.3.1	Rejected	✓		✓	Closed
<u>2162</u>	Extensive	3.2.4.3.2	Carry Over	✓	✓		Closed
<u>2163</u>	Extensive	3.2.4.3.2	Carry Over	✓	✓		Closed
<u>2164</u>	Extensive	3.2.4.3.3	Carry Over	✓	✓		Closed
<u>2165</u>	Extensive	3.2.6.2.2	Other	✓	✓		Closed
<u>2166</u>	Non-Extensive	3.2.6.2.2	Rejected	✓		✓	Closed
<u>2167</u>	Non-Extensive	3.2.8	Rejected	✓		✓	Closed
<u>2168</u>	Extensive	3.4.4	Carry Over	✓	✓		Closed
<u>2169</u>	Extensive	4.2.2	Carry Over	✓	✓		Closed
<u>2170</u>	Extensive	4.2.2	Carry Over	✓	✓		Closed
<u>2171</u>	Extensive	4.4.2	Carry Over	✓	✓		Closed
<u>2172</u>	Extensive	4.4.3	Carry Over	✓	✓		Closed
<u>2173</u>	Non-Extensive	4.4.4	Rejected	✓		✓	Closed
<u>2174</u>	Non-Extensive	5.2.6	Carry Over	✓		✗	Closed
<u>2175</u>	Non-Extensive	6.2.2	Other	✓		✓	Closed
<u>2176</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>2177</u>	Extensive	2.2.7	Rejected - Redundant	✓	✓	✗	Closed
<u>2178</u>	Non-Extensive	2.2.7	Rejected - Redundant	✓		✓	Closed
<u>2179</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2180</u>	Non-Extensive	6.7.2.1.1	Rejected	✓		✓	Closed
<u>2181</u>	Non-Extensive	6.7	Rejected	✓		✓	Closed
<u>2182</u>	Non-Extensive	6	Rejected	✓		✓	Closed
<u>2183</u>	Extensive	2	Refer to EAC for resolution	✓		✓	Open
<u>2184</u>	Extensive	6.7	Rejected	✓	✓		Closed
<u>2185</u>	Extensive	6.7	Carry Over	✓	✓	✗	Closed
<u>2186</u>	Extensive		Carry Over	✓		✓	Closed
<u>2187</u>	Non-Extensive	2.2.7	Other	✓		✓	Closed
<u>2188</u>	Non-Extensive	2.2.7	Carry Over	✓		✗	Closed
<u>2189</u>	Non-Extensive	2.2.7	Carry Over	✓		✗	Closed

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<u>2190</u>	Non-Extensive		Rejected - Redundant	✓	✓	Closed
<u>2191</u>	Non-Extensive	2.2.7	Rejected	✓	✓	Closed
<u>2192</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2193</u>	Extensive	2.2.7	Rejected	✓	✓	Closed
<u>2194</u>	Extensive	2.2.7	Carry Over	✓	✓	Closed
<u>2195</u>	Extensive	2.2.7	Carry Over	✓	✓	Closed
<u>2196</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2197</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2198</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2199</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2200</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2201</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2202</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2203</u>	Extensive	.20.2.1.3	Carry Over	✓	✓	Closed
<u>2204</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2205</u>	Non-Extensive		Rejected	✓	✓	Closed
<u>2206</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2207</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2208</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2209</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2210</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2211</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2212</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2213</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2214</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2215</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2216</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2217</u>	Non-Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2218</u>	Non-	6.8	Rejected -	✓	✓	Closed

<u>2219</u>	Extensive Non- Extensive	6.8	Redundant Rejected - Redundant	✓	✓	Closed
<u>2220</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2221</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2222</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2223</u>	Non- Extensive	1.6.8	Rejected - Redundant	✓	✓	Closed
<u>2224</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2225</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2226</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2227</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2228</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2229</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2230</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2231</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed
<u>2232</u>	Non- Extensive	6.8	Rejected - Redundant	✓	✓	Closed



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2233	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2234	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2235	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2236	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2237	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2238	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2239	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2240	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2241	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2242	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2243	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2244	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2245	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2246	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2247	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2248	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2249	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2250	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2251	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2252	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
2253	Non-	6.8	Rejected -	✓		✓	Closed

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<u>2254</u>	Extensive Non-Extensive	6.8	Redundant Rejected - Redundant	✓		✓	Closed
<u>2255</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2256</u>	Non-Extensive	2.2.7.1	Rejected - Redundant	✓		✓	Closed
<u>2259</u>	Non-Extensive	2.2.7	Rejected - Redundant	✓		✓	Closed
<u>2260</u>	Extensive	2.2.7	Other	✓		✓	Closed
<u>2261</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>2262</u>	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2263</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>2264</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>2265</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2266</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2267</u>	Non-Extensive		Other	✓		✓	Closed
<u>2268</u>	Non-Extensive	6.8	Rejected	✓		✓	Closed
<u>2269</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2270</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2271</u>	Extensive		Rejected	✓	✓	✗	Closed
<u>2272</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2273</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2274</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2275</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2276</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2277</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2278</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2279</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2280</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2281</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2282</u>	Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2283</u>	Extensive	6.8	Rejected -	✓	✓		Closed

<u>2284</u>	Non-Extensive	2.2.7	Redundant Rejected	✓		✓	Closed
<u>2287</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2288</u>	Non-Extensive	2.2.7	Other	✓		✓	Closed
<u>2289</u>	Non-Extensive	2.2.7	Other	✓		✓	Closed
<u>2290</u>	Extensive	2.2.7	Accept modified	✓	✓	✗	Open
<u>2291</u>	Extensive	2.2.7	Rejected - Redundant	✓	✓	✗	Closed
<u>2292</u>	Extensive	2.2.7	Rejected - Redundant	✓	✓		Closed
<u>2293</u>	Extensive	2.2.7	Rejected - Redundant	✓	✓		Closed
<u>2294</u>	Extensive	6	Rejected - Redundant	✓	✓	✗	Closed
<u>2295</u>	Non-Extensive	6	Rejected	✓	✓	✗	Closed
<u>2296</u>	Extensive	6	Rejected	✓	✓	✗	Closed
<u>2297</u>	Extensive	Alternative Language Voting Station (ALVS)	Rejected	✓	✓		Closed
<u>2298</u>	Extensive	.20.2	Other	✓	✓	✓	Closed
<u>2299</u>	Extensive	2.2.7.1.1	Rejected	✓	✓		Closed
<u>2300</u>	Extensive	2.2.7.1.2	Refer to EAC for resolution	✓			Open
<u>2301</u>	Extensive	2.2.7.1.2.1.1	Rejected	✓	✓		Closed
<u>2302</u>	Extensive	2.2.7.1.2.1.4	Rejected	✓	✓		Closed
<u>2303</u>	Extensive	2.2.7.1.2.1.6	Carry Over	✓		✓	Closed
<u>2304</u>	Non-Extensive	2.2.7.1.2.2.1	Rejected - Redundant	✓		✓	Closed
<u>2305</u>	Extensive	2.2.7.1.2.2.6	Carry Over	✓	✓		Closed
<u>2306</u>	Extensive	2.2.7.1.3.1	Rejected - Redundant	✓	✓		Closed
<u>2307</u>	Extensive	2.2.7.1.5.2	Accept modified	✓	✓		Open
<u>2308</u>	Extensive	2.2.7.2.2.2	Other	✓			Open
<u>2309</u>	Extensive	2.2.7.2.2.2.1	Rejected	✓	✓		Closed
<u>2310</u>	Extensive	2.2.7.3.1	Rejected - Redundant	✓	✓		Closed
<u>2311</u>	Extensive	2.2.7.3.4.6	Rejected - Redundant	✓	✓		Closed
<u>2312</u>	Extensive	2.2.7.3.5.1	Rejected	✓	✓		Closed
<u>2313</u>	Extensive	2.2.7.5.4.2	Other	✓			Open
<u>2314</u>	Extensive	2.4.2	Other	✓	✓		Closed
<u>2315</u>	Extensive	1.5.1	Rejected	✓	✓		Closed
<u>2316</u>	Extensive	2.4.2	Other	✓	✓		Closed
<u>2317</u>	Extensive	2.4.2	Carry Over	✓	✓	✓	Closed
<u>2318</u>	Extensive	1.5.2	Carry Over	✓	✓		Closed
<u>2319</u>	Non-	2.4.2	Rejected -	✓		✓	Closed

	Extensive		Redundant				
<u>2320</u>	Extensive	1.5.5	Rejected	✓		✓	Closed
<u>2321</u>	Extensive	2.4.3.3	Rejected	✓		✓	Closed
<u>2322</u>	Extensive	2.2	Rejected	✓		✓	Closed
<u>2323</u>	Extensive	2.4.3.3	Rejected	✓		✓	Closed
<u>2324</u>	Extensive	2.2.7.3.5	Rejected	✓	✓		Closed
<u>2325</u>	Extensive	6.4.4.11	Accept modified	✓	✓		Closed
<u>2326</u>	Non-Extensive	6.4.4.13	Rejected	✓	✓		Closed
<u>2327</u>	Non-Extensive	2.2.7.5.1	Accept modified	✓		✓	Closed
<u>2328</u>	Extensive	6.4.4.14	Accept modified	✓	✓		Closed
<u>2329</u>	Extensive	6.4.5.5.3	Rejected	✓	✓		Closed
<u>2330</u>	Extensive	6.4.6.2	Accept modified	✓	✓		Closed
<u>2331</u>	Extensive	6.4.6.2.1	Rejected - Redundant	✓	✓		Closed
<u>2332</u>	Extensive	6.4.6.3.1	Rejected - Redundant	✓	✓		Closed
<u>2333</u>	Extensive	6.4.6.3.2	Rejected	✓	✓		Closed
<u>2334</u>	Extensive	6.4.6.3.4	Rejected - Redundant	✓	✓		Closed
<u>2335</u>	Non-Extensive	6.5.2	Accept as written	✓	✓		Closed
<u>2336</u>	Extensive	2.2.7.2.2	Other	✓			Open



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2337	Extensive	6.7.2.1	Rejected - Redundant	✓	✓		Closed
2338	Extensive	2.2.7.3.2.5	Carry Over	✓	✓		Closed
2339	Extensive	6.8	Carry Over	✓	✓		Closed
2340	Extensive	2.2.7.3.2.2	Rejected	✓	✓		Closed
2341	Extensive	6.8.2	Other	✓		✓	Closed
2342	Extensive	6.8.3.1	Accept as written	✓	✓		Closed
2343	Extensive	2.2.7.4.6	Rejected	✓	✓		Closed
2344	Non-Extensive	6.8.3.2	Accept modified	✓		✓	Closed
2345	Extensive	2.2.7.5.1	Rejected - Redundant	✓	✓		Closed
2346	Extensive	2.2.7.4.2.1	Rejected - Redundant	✓	✓		Closed
2347	Extensive	6.8.3.3	Rejected - Redundant	✓	✓	✗	Closed
2348	Extensive	6.8.4.1	Accept as written	✓	✓		Closed
2349	Extensive	3.2.1	Rejected	✓		✓	Closed
2350	Extensive	6.8.4.3	Rejected	✓	✓		Closed
2351	Extensive	6.4.4.8	Rejected	✓	✓	✓	Closed
2352	Non-Extensive	6.4.4.15	Accept modified	✓	✓	✗	Closed
2353	Extensive	6.8.4.4	Rejected	✓	✓		Closed
2354	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
2355	Extensive	6.4.6.3.4	Rejected - Redundant	✓	✓	✗	Closed
2356	Extensive	6.8.6.3.2	Rejected	✓	✓		Closed
2357	Extensive	6.8.6.6.4	Rejected	✓	✓		Closed
2358	Extensive	6.8.6.7	Carry Over	✓	✓		Closed
2359	Extensive	6.8.7.3	Accept modified	✓	✓		Closed
2360	Extensive	A1D	Carry Over	✓	✓	✗	Closed
2361	Extensive	A1D	Accept as written	✓	✓	✗	Closed
2362	Extensive	A1D	Carry Over	✓	✓	✗	Closed
2363	Extensive	A1D	Rejected	✓	✓	✓	Closed

<u>2364</u>	Extensive	A1D	Rejected	✓	✓	✗	Closed
<u>2365</u>	Extensive	A1D	Carry Over	✓	✓	✗	Closed
<u>2366</u>	Extensive	A1D	Accept as written	✓	✓	✗	Closed
<u>2367</u>	Extensive	4.2.1	Carry Over	✓	✓		Closed
<u>2368</u>	Extensive	6.5.2	Carry Over	✓	✓	✗	Closed
<u>2370</u>	Extensive	6.6.1	Rejected	✓	✓	✗	Closed
<u>2371</u>	Extensive	6.7.2.1.1	Rejected - Redundant	✓	✓		Closed
<u>2372</u>	Extensive	6.7.2.2	Rejected	✓	✓		Closed
<u>2373</u>	Extensive	6.7.2.7	Rejected	✓	✓		Closed
<u>2374</u>	Extensive	6.8.2.3.1	Accept modified	✓	✓		Closed
<u>2375</u>	Extensive	6.8.4.1	Rejected - Redundant	✓	✓		Closed
<u>2376</u>	Extensive	6.8.4.2	Rejected - Redundant	✓	✓		Closed
<u>2377</u>	Extensive	6.8.4.7	Rejected - Redundant	✓	✓		Closed
<u>2378</u>	Non-Extensive	6.8.6.2	Accept modified	✓		✓	Closed
<u>2379</u>	Extensive	6.8.4.1	Rejected	✓	✓		Closed
<u>2380</u>	Extensive	6.8.4.2	Rejected - Redundant	✓	✓		Closed
<u>2381</u>	Non-Extensive	6.8.4.7	Rejected - Redundant	✓		✓	Closed
<u>2382</u>	Extensive	6.8.5.3	Rejected	✓	✓		Closed
<u>2383</u>	Extensive	6.8.6.5	Carry Over	✓	✓		Closed
<u>2384</u>	Non-Extensive	6.8.6.6.2	Rejected - Redundant	✓		✓	Closed
<u>2385</u>	Extensive	2.2.7	Rejected - Redundant	✓		✓	Closed
<u>2386</u>	Extensive	2	Rejected - Redundant	✓		✓	Closed
<u>2387</u>	Extensive	2.2.7	Accept modified	✓	✓	✗	Open
<u>2388</u>	Extensive	2.2.7.2	Rejected - Redundant	✓	✓		Closed
<u>2389</u>	Extensive	2.2.7.2	Rejected - Redundant	✓	✓		Closed
<u>2390</u>	Extensive	2.2.7.2	Refer to EAC for resolution	✓			Open
<u>2391</u>	Non-Extensive	6.8.3.1	Rejected - Redundant	✓	✓		Closed
<u>2392</u>	Non-Extensive	6.8.3.2	Accept modified	✓		✓	Closed
<u>2393</u>	Non-Extensive	6.8.3.3	Accept as written	✓		✓	Closed
<u>2394</u>	Extensive	6.8.3.4	Rejected	✓	✓		Closed
<u>2395</u>	Extensive	6.8.3.5	Rejected - Redundant	✓	✓		Closed
<u>2396</u>	Extensive	6.8.4.1	Rejected	✓	✓	✓	Closed

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<u>2397</u>	Non-Extensive	6.8.4.2	Rejected	✓	✓	✓	Closed
<u>2398</u>	Non-Extensive	6.8.5.1.1	Rejected	✓		✓	Closed
<u>2399</u>	Non-Extensive	6.8.5.2	Rejected	✓		✓	Closed
<u>2400</u>	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed
<u>2401</u>	Extensive	6.8.5.4	Rejected - Redundant	✓	✓		Closed
<u>2402</u>	Extensive	6.8.5.5	Rejected - Redundant	✓	✓		Closed
<u>2403</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2404</u>	Extensive	6.8.6.6.1	Rejected	✓	✓		Closed
<u>2405</u>	Extensive	6.8.6.8	Carry Over	✓	✓		Closed
<u>2406</u>	Extensive	6.8.6.10.3	Rejected	✓	✓		Closed
<u>2407</u>	Extensive	6.8.7.2.2	Accept as written	✓	✓		Closed
<u>2408</u>	Extensive	6.8.7.2.5	Accept modified	✓	✓		Closed
<u>2409</u>	Extensive	6.8.7.5	Rejected	✓	✓		Closed
<u>2410</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2411</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2412</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2413</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2414</u>	Extensive	6.8	Rejected	✓		✓	Closed
<u>2415</u>	Extensive	6.8	Rejected	✓		✓	Closed
<u>2416</u>	Extensive	.20.2.1.3	Rejected - Redundant	✓		✓	Closed
<u>2417</u>	Non-Extensive	.20.2.1.3	Rejected - Redundant	✓		✓	Closed
<u>2418</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>2419</u>	Non-Extensive	6.6	Rejected - Redundant	✓		✓	Closed
<u>2420</u>	Extensive		Rejected	✓		✓	Closed
<u>2422</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2423</u>	Extensive		Carry Over	✓		✓	Closed
<u>2424</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2428</u>	Extensive	1.6	Rejected	✓		✓	Closed
<u>2429</u>	Extensive	1.5.2	Rejected	✓	✓	✗	Closed
<u>2430</u>	Extensive	1.7.4	Rejected - Redundant	✓	✓	✗	Closed
<u>2431</u>	Non-Extensive		Rejected	✓		✓	Closed
				✓	✓	✗	

<u>2432</u>	Extensive	2.2.7	Carry Over				Closed
<u>2433</u>	Non-Extensive	2.2.7	Rejected - Redundant	✓		✓	Closed
<u>2434</u>	Extensive	1.4	Rejected	✓	✓	✓	Closed
<u>2435</u>	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
<u>2436</u>	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓	✓		Closed
<u>2437</u>	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
<u>2438</u>	Extensive	2.2.7.1.3.5	Refer to EAC for resolution	✓			Open
<u>2439</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2440</u>	Extensive	2.2.7.1.3.4	Rejected - Redundant	✓	✓		Closed
<u>2441</u>	Extensive		Rejected	✓		✓	Closed



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2442	Extensive	2.2.7.1.7	Carry Over	✓	✓		Closed
2443	Extensive	2.2.7.1.7	Carry Over	✓	✓		Closed
2444	Extensive	2.2.7.3.2.5	Rejected	✓	✓		Closed
2445	Extensive	2.2.7.3.2	Rejected	✓	✓		Closed
2446	Extensive	2.2.7.1	Carry Over	✓	✓	✗	Closed
2447	Extensive	2.2.7.3.2.1	Rejected	✓	✓		Closed
2448	Non-Extensive		Rejected	✓		✓	Closed
2449	Extensive	2.2.7.3.5	Rejected	✓	✓		Closed
2450	Extensive	2.2.7.4.1	Other	✓			Open
2451	Extensive	2.2.7.5.2	Rejected - Redundant	✓	✓		Closed
2452	Extensive	2.2.7.4.2.1	Other	✓	✓		Closed
2453	Extensive	2.4.1.2.1	Rejected	✓	✓		Closed
2454	Extensive	2.4.3	Carry Over	✓	✓		Closed
2455	Non-Extensive	6.6	Carry Over	✓	✓	✗	Closed
2456	Extensive	6.6	Rejected - Redundant	✓	✓	✗	Closed
2457	Extensive	6.6	Rejected - Redundant	✓	✓	✗	Closed
2458	Extensive	A1A	Other	✓			Open
2459	Extensive	A1C	Other	✓			Closed
2460	Extensive	A1C	Other	✓			Closed
2461	Extensive	A1D	Carry Over	✓	✓		Closed
2462	Non-Extensive		Rejected	✓		✓	Closed
2463	Extensive		Rejected	✓		✓	Closed
2464	Non-Extensive		Rejected	✓		✓	Closed
2465	Non-Extensive		Rejected - Redundant	✓		✓	Closed
2466	Non-Extensive		Rejected	✓		✓	Closed
2467	Non-Extensive		Rejected	✓		✓	Closed
2468	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed

<u>2469</u>	Non-Extensive		Rejected				Closed
<u>2470</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2471</u>	Extensive		Carry Over	✓	✓	✓	Closed
<u>2472</u>	Extensive		Rejected	✓		✓	Closed
<u>2473</u>	Extensive	5.1.3	Carry Over	✓	✓		Closed
<u>2474</u>	Extensive	5.2.6	Rejected	✓	✓		Closed
<u>2475</u>	Extensive	5.1.3	Carry Over	✓	✓		Closed
<u>2476</u>	Extensive	5.2.6	Rejected - Redundant	✓	✓		Closed
<u>2477</u>	Non-Extensive	1.5.4	Other	✓		✗	Closed
<u>2478</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2479</u>	Non-Extensive	6.7	Rejected - Redundant	✓		✓	Closed
<u>2480</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2481</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2482</u>	Extensive	6.7	Rejected	✓	✓		Closed
<u>2483</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2484</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2485</u>	Extensive	6.7.6.4	Rejected	✓	✓		Closed
<u>2486</u>	Extensive	6.7	Carry Over	✓	✓		Closed
<u>2487</u>	Extensive	6.7.2.1.1	Carry Over	✓	✓		Closed
<u>2488</u>	Extensive	6.7.2.1.1	Carry Over	✓	✓		Closed
<u>2489</u>	Extensive	6.7.2.2	Carry Over	✓	✓		Closed
<u>2490</u>	Extensive	6.7.3.2	Carry Over	✓	✓		Closed
<u>2491</u>	Extensive	6.7.3.3	Carry Over	✓	✓		Closed
<u>2492</u>	Non-Extensive	6.7.2.7	Carry Over	✓	✓	✗	Closed
<u>2493</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2494</u>	Extensive		Rejected	✓		✓	Closed
<u>2495</u>	Extensive		Rejected	✓		✓	Closed
<u>2496</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2497</u>	Extensive		Rejected - Redundant	✓	✓	✗	Closed
<u>2498</u>	Extensive		Rejected	✓		✓	Closed
<u>2499</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2500</u>	Non-Extensive		Carry Over	✓		✓	Closed
<u>2501</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2502</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2503</u>	Extensive	2.2.7.1.1.2	Other	✓		✓	Closed
<u>2504</u>	Extensive	2.2.7.2.2.6	Rejected - Redundant	✓	✓		Closed
<u>2505</u>	Extensive	2.2.7.2	Rejected - Redundant	✓	✓	✗	Closed
				✓		✓	

<u>2506</u>	Extensive	6.8	Rejected				Closed
<u>2507</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2508</u>	Extensive		Other	✓	✓	✗	Closed
<u>2509</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2510</u>	Extensive		Carry Over	✓	✓	✗	Closed
<u>2511</u>	Extensive		Accept modified	✓	✓	✓	Closed
<u>2512</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2513</u>	Extensive	1.8	Accept modified	✓	✓		Closed
<u>2514</u>	Extensive	2.2.7.1.1.2	Other	✓		✓	Closed
<u>2515</u>	Extensive	2.2.7.1.2.2.3.1	Rejected - Redundant	✓	✓		Closed
<u>2516</u>	Extensive	2.2.7.1.2	Refer to EAC for resolution	✓			Open
<u>2517</u>	Extensive	2.2.7.1.2.1.1	Rejected	✓	✓		Closed
<u>2518</u>	Non-Extensive	2.2.7.1.2.2.1	Rejected - Redundant	✓		✓	Closed
<u>2519</u>	Non-Extensive	2.2.7.2.3.1	Rejected - Redundant	✓		✓	Closed
<u>2520</u>	Non-Extensive	2.2.7.3.1	Rejected - Redundant	✓		✓	Closed
<u>2521</u>	Extensive	2.2.7.3	Carry Over	✓	✓		Closed
<u>2522</u>	Extensive	2.2.7.3.3.1	Accept modified	✓	✓		Open
<u>2523</u>	Extensive	2.2.7.3.3.3.1	Accept as written	✓	✓		Open
<u>2524</u>	Extensive	2.2.7.4.1	Rejected - Redundant	✓	✓		Closed
<u>2525</u>	Extensive	2.2.7.4.2.1	Accept modified	✓	✓		Open
<u>2526</u>	Extensive	2.2.7.4.2.1.1	Rejected	✓	✓		Closed
<u>2527</u>	Non-Extensive	2.2.7	Accept modified	✓		✓	Closed
<u>2528</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2529</u>	Extensive	2.2.7.1.3.1	Rejected - Redundant	✓	✓		Closed
<u>2530</u>	Extensive	3.2.1	Carry Over	✓	✓		Closed
<u>2531</u>	Non-Extensive	3.2.2	Accept as written	✓		✓	Closed
<u>2532</u>	Extensive	4.4.2	Carry Over	✓	✓		Closed
<u>2533</u>	Extensive	6.5.4.3	Accept modified	✓	✓		Closed
<u>2534</u>	Extensive	6.5.4.3	Accept as written	✓	✓		Closed
<u>2535</u>	Extensive	6.6	Accept modified	✓	✓	✓	Closed
<u>2536</u>	Extensive	6.8.1.2	Accept modified	✓	✓		Closed
				✓	✓	✗	

<u>2537</u>	Extensive	6.8.4.1	Accept modified				Closed
<u>2538</u>	Non-Extensive	6.8.4.3	Rejected - Redundant	✓		✓	Closed
<u>2539</u>	Non-Extensive	6.8.4.4	Rejected - Redundant	✓		✓	Closed
<u>2540</u>	Extensive	6.8.4.5	Rejected	✓	✓		Closed
<u>2541</u>	Extensive	6.8.5.3	Rejected - Redundant	✓	✓		Closed



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Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
2542	Extensive	A1A	Accept modified	✓		✓	Open
2543	Extensive	audit trail	Refer to EAC for resolution	✓	✓		Open
2544	Extensive	A1C	Other	✓			Closed
2545	Extensive	A1D	Accept as written	✓	✓		Closed
2546	Non-Extensive		Rejected - Redundant	✓		✓	Closed
2547	Extensive		Carry Over	✓	✓		Closed
2548	Non-Extensive		Rejected	✓		✓	Closed
2549	Extensive		Carry Over	✓	✓		Closed
2550	Non-Extensive		Accept modified	✓		✓	Closed
2551	Extensive	3.2.4.2	Carry Over	✓	✓		Closed
2552	Extensive	3.2.4.2.3	Carry Over	✓	✓		Closed
2553	Extensive		Rejected	✓		✓	Closed
2554	Extensive	6.7	Other	✓	✓		Closed
2555	Extensive	6.7.2	Rejected	✓	✓		Closed
2556	Extensive	6.7.2.2	Rejected	✓	✓		Closed
2557	Extensive	6.7.2.6	Carry Over	✓	✓		Closed
2558	Extensive	6.7.3.1	Rejected	✓	✓		Closed
2559	Extensive	6.7.3.2	Rejected	✓	✓		Closed
2560	Extensive	6.7.3.4	Carry Over	✓	✓		Closed
2561	Extensive	6.7.4	Carry Over	✓	✓		Closed
2562	Extensive	6.7.7	Rejected - Redundant	✓	✓		Closed
2563	Extensive	6.7.10.2	Carry Over	✓	✓		Closed
2564	Extensive		Other	✓	✓		Closed
2565	Extensive		Rejected	✓		✓	Closed
2566	Non-Extensive		Rejected	✓		✓	Closed
2567	Non-Extensive		Other	✓		✓	Closed
2568	Non-Extensive		Rejected	✓		✓	Closed
2569	Non-		Rejected -	✓		✓	Closed

<u>2570</u>	Extensive Extensive		Redundant Rejected - Redundant	✓		✓	Closed
<u>2571</u>	Non- Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2572</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2573</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2574</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2575</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2576</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2577</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2578</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2579</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2580</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2581</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2582</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2583</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2584</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2585</u>	Non- Extensive		Rejected - Redundant	✓		✓	Closed
<u>2586</u>	Non- Extensive		Rejected	✓		✓	Closed
<u>2587</u>	Non- Extensive	2.2.7	Other	✓		✓	Closed
<u>2588</u>	Extensive	2.2.7	Rejected - Redundant	✓	✓		Closed
<u>2589</u>	Extensive	2.2.7.1.2.1.3	Rejected	✓	✓		Closed
<u>2590</u>	Extensive	6.8.2.2	Rejected - Redundant	✓	✓	✓	Closed
<u>2591</u>	Non- Extensive	2.2.7.1.2.2.6	Rejected	✓			Open
<u>2592</u>	Non- Extensive	6.8.3.5	Rejected	✓	✓		Closed
<u>2593</u>	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓		✓	Closed
<u>2594</u>	Extensive	2.2.7.1.2.2.6	Rejected - Redundant	✓	✓		Closed
<u>2595</u>	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓	✓		Closed
<u>2596</u>	Non- Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed

<u>2597</u>	Extensive	2.2.7.1.2.2.6	Other	✓			Open
<u>2598</u>	Extensive	6.8.3.5	Rejected - Redundant	✓	✓		Closed
<u>2599</u>	Extensive	2.2.7.1.3.5	Refer to EAC for resolution	✓			Open
<u>2600</u>	Extensive	2.2.7.4.2.1	Rejected - Redundant	✓	✓		Closed
<u>2601</u>	Extensive	2.2.7.1.2.1.3	Rejected - Redundant	✓	✓		Closed
<u>2602</u>	Extensive	2.2.7.1.2.2.3.4	Rejected - Redundant	✓	✓		Closed
<u>2603</u>	Extensive	2.2.7.1.2.2.3.9	Rejected - Redundant	✓	✓		Closed
<u>2604</u>	Extensive	2.2.7.1.3.4	Rejected - Redundant	✓	✓		Closed
<u>2605</u>	Extensive	2.2.7.1	Other	✓		✗	Open
<u>2606</u>	Extensive		Rejected	✓	✓		Closed
<u>2607</u>	Non-Extensive		Rejected	✓	✓	✓	Closed
<u>2608</u>	Extensive	2.2.7.1.2.2.3.8	Refer to EAC for resolution	✓			Open
<u>2609</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2610</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2611</u>	Non-Extensive	...	Rejected	✓		✓	Closed
<u>2612</u>	Non-Extensive	6.8	Rejected - Redundant	✓		✓	Closed
<u>2613</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2614</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2615</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2616</u>	Non-Extensive		Rejected - Redundant	✓		✓	Closed
<u>2617</u>	Non-Extensive	2.2.7.1	Rejected	✓		✓	Closed
<u>2618</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2619</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2621</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2622</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2623</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2624</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2625</u>	Non-Extensive		Rejected	✓		✓	Closed

<u>2626</u>	Non-Extensive		Rejected				Closed
<u>2627</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2628</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2629</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2630</u>	Non-Extensive	...	Rejected	✓		✓	Closed
<u>2631</u>	Extensive	2.2.7	Other	✓		✓	Open
<u>2632</u>	Extensive	2.2.7.1	Rejected	✓		✓	Closed
<u>2633</u>	Non-Extensive	2.2.7	Rejected - Redundant	✓		✓	Closed
<u>2634</u>	Non-Extensive	2.2.7.1	Rejected - Redundant	✓		✓	Closed
<u>2635</u>	Non-Extensive	2.2.7.4	Rejected	✓		✓	Closed
<u>2636</u>	Non-Extensive	2.2.7	Rejected	✓		✓	Closed
<u>2637</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2638</u>	Non-Extensive		Accept modified	✓		✓	Closed
<u>2639</u>	Non-Extensive		Accept modified	✓		✓	Closed
<u>2640</u>	Non-Extensive		Rejected	✓		✓	Closed
<u>2641</u>	Extensive		Rejected	✓		✓	Closed
<u>2642</u>	Non-Extensive		Accept modified	✓		✓	Closed



★ Tracking & Management System

View All Comment Recommendations

Record 2301 - 2380 of 2380

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Lines per page

Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
2643	Non-Extensive	6	Rejected	✓		✓	Closed
2644	Extensive	6.7	Other	✓		✓	Closed
2645	Extensive	2.2.1	Accept as written	✓	✓	✓	Open
2646	Extensive	6.8	Rejected	✓		✓	Closed
2647	Non-Extensive		Rejected	✓		✓	Closed
2648	Non-Extensive		Rejected	✓		✓	Closed
2649	Extensive	2.2.3.8	Rejected - Redundant	✓		✓	Closed
2650	Extensive		Rejected	✓		✓	Closed
2651	Extensive	6.8	Carry Over	✓		✓	Closed
2652	Extensive	A1C	Other	✓			Closed
2653	Extensive	6.8.2.2	Rejected - Redundant	✓	✓		Closed
2654	Non-Extensive		Rejected	✓		✓	Closed
2655	Extensive	2.2.7.2.2.3.8	Rejected - Redundant	✓	✓		Closed
2656	Extensive		Rejected	✓		✓	Closed
2657	Extensive		Rejected - Redundant	✓		✓	Closed
2658	Extensive	WPAT	Rejected	✓	✓	✓	Closed
2659	Extensive	6.7	Rejected - Redundant	✓	✓		Closed
2660	Extensive		Carry Over	✓		✓	Closed
2661	Extensive		Rejected - Redundant	✓		✓	Closed
2662	Extensive		Rejected	✓		✓	Closed
2663	Extensive		Rejected - Redundant	✓		✓	Closed
2664	Extensive		Rejected	✓		✓	Closed
2665	Extensive	6.8	Carry Over	✓		✓	Closed
2666	Extensive	6.8	Rejected	✓		✓	Closed
2667	Extensive		Rejected	✓		✓	Closed
2668	Extensive		Carry Over	✓	✓		Closed
2669	Extensive		Rejected -	✓	✓		Closed

<u>2670</u>	Extensive		Redundant Rejected - Redundant	✓		✓	Closed
<u>2671</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>2672</u>	Extensive		Carry Over	✓	✓		Closed
<u>2673</u>	Extensive		Rejected	✓		✓	Closed
<u>2674</u>	Extensive		Rejected	✓		✓	Closed
<u>2675</u>	Extensive		Rejected	✓		✓	Closed
<u>2676</u>	Extensive		Rejected	✓		✓	Closed
<u>2677</u>	Extensive	.20.1.3.1.4	Carry Over	✓		✓	Closed
<u>2678</u>	Extensive		Rejected	✓		✓	Closed
<u>2679</u>	Extensive	6.7.2.1.1	Rejected - Redundant	✓	✓		Closed
<u>2680</u>	Extensive	3.4.3	Carry Over	✓	✓	✓	Closed
<u>2681</u>	Extensive	3.4.3	Carry Over	✓	✓	✓	Closed
<u>2682</u>	Extensive	.20.4.7.3	Accept modified	✓		✓	Closed
<u>2683</u>	Extensive	3.4.3	Carry Over	✓	✓	✓	Closed
<u>2684</u>	Extensive	4.1.1	Carry Over	✓		✓	Closed
<u>2685</u>	Extensive	.20.1.3.1.3	Carry Over	✓	✓		Closed
<u>2686</u>	Extensive	Firmware	Rejected	✓	✓	✓	Closed
<u>2687</u>	Extensive	6.4.1	Rejected - Redundant	✓	✓		Closed
<u>2688</u>	Extensive	.20.1.4	Carry Over	✓		✓	Closed
<u>2689</u>	Extensive	.20.5.4.2	Carry Over	✓		✓	Closed
<u>2690</u>	Extensive	.20.5.4.2	Carry Over	✓		✓	Closed
<u>2691</u>	Extensive	A1C	Other	✓			Closed
<u>2692</u>	Extensive	.20.1.3.1.4	Rejected - Redundant	✓		✓	Closed
<u>2693</u>	Extensive	.20.2.6.5	Rejected - Redundant	✓		✓	Closed
<u>2694</u>	Extensive	.20.6.4.2	Rejected - Redundant	✓		✓	Closed
<u>2695</u>	Extensive	2.3.2	Carry Over	✓	✓		Closed
<u>2696</u>	Extensive	.20.3.3.1	Rejected	✓		✓	Closed
<u>2697</u>	Extensive	.20.6.6	Rejected - Redundant	✓		✓	Closed
<u>2698</u>	Extensive	.20.1.3.1	Rejected	✓		✓	Closed
<u>2699</u>	Extensive	.20.1.8.2.6	Carry Over	✓		✓	Closed
<u>2700</u>	Extensive		Rejected - Redundant	✓		✓	Closed
<u>2701</u>	Extensive	2.3.4.1	Carry Over	✓		✓	Closed
<u>2702</u>	Extensive	.20.1.7.2.2	Carry Over	✓		✓	Closed
<u>2703</u>	Extensive	.20.1.8.2.3	Carry Over	✓	✓		Closed
<u>2704</u>	Extensive	.20.4.5	Carry Over	✓	✓		Closed
<u>2705</u>	Extensive	.20.1.8.2.6	Carry Over	✓	✓		Closed
<u>2706</u>	Extensive	6.8	Rejected - Redundant	✓	✓		Closed
<u>2707</u>	Extensive	6.8.5.1.1	Rejected	✓	✓		Closed

<u>2708</u>	Extensive	6.8.4.7	Rejected	✓	✓		Closed
<u>2709</u>	Extensive	6.4.4.2	Carry Over	✓	✓		Closed
<u>2710</u>	Extensive	4.2.2	Carry Over	✓	✓	✓	Closed
<u>2711</u>	Extensive	.20.7	Carry Over	✓	✓		Closed
<u>2712</u>	Extensive	A2B	Carry Over	✓	✓		Closed
<u>2713</u>	Extensive	6.5.5	Carry Over	✓	✓		Closed
<u>2714</u>	Extensive	.20.2.1.3	Carry Over	✓	✓		Closed
<u>2715</u>	Extensive	2.4.3.3	Rejected	✓		✓	Closed
<u>2716</u>	Extensive	3.2.7.1	Carry Over	✓	✓		Closed
<u>2717</u>	Extensive		Carry Over	✓		✓	Closed
<u>2718</u>	Extensive	2.2.7	Accept modified	✓	✓		Closed
<u>2719</u>	Non-Extensive	A1C	Rejected	✓			Closed
<u>2720</u>	Extensive	A1C	Rejected	✓			Closed
<u>2721</u>	Extensive	4.2.4	Carry Over	✓		✓	Closed
<u>2738</u>	Extensive	6	Other	✓		✓	Closed



"Bobbie Brinegar"

11/10/2005 02:38 PM

To cpaquette@eac.gov
cc
bcc
Subject RE: # of VVSG comments

Appreciate the information, Carol. Let me know if you need some help with data entry ;)

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]
Sent: Thursday, November 10, 2005 2:32 PM
To: [REDACTED]
Subject: Re: # of VVSG comments

Bobbie -

We received in excess of 3000 comments by email and most of these in the final 2 days of the comment period. You do not see all these emails on the website as yet because they all have to be manually entered into the database. This is a very time consuming process when there are so many to handle. All comments received will be posted to the EAC website no later than mid-December. We have reviewed all these emails for content and they are being factored into the process of finalizing the VVSG for adoption by the Commission.

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

"Bobbie Brinegar" <[REDACTED]>

11/10/2005 02:15 PM

To "Carol Paquette" <cpaquette@eac.gov>
cc
Subject # of VVSG comments

Hi Carol. I hope all is well with you. VV is interested in the number of comments on the proposed guidelines that the EAC received via email etc... Who would I ask? You probably haven't analyzed them yet, but we would like to know the gross number—clearly we can see the 1,000 plus up on the web. In the end, will all of the acceptable comments be posted on the EAC site? Thanks very much, Bobbie

Bobbie Ann Brinegar
Senior Political Adviser
www.VerifiedVoting.org

018176

1725 19th St NW #B
Washington, DC 20009

Phone: 202-441-8068
Fax: 202-588-7087



"Bobbie Brinegar"

11/10/2005 02:15 PM

To "Carol Paquette" <cpaquette@eac.gov>
cc
bcc
Subject # of VVSG comments

Hi Carol. I hope all is well with you. VV is interested in the number of comments on the proposed guidelines that the EAC received via email etc... Who would I ask? You probably haven't analyzed them yet, but we would like to know the gross number—clearly we can see the 1,000 plus up on the web. In the end, will all of the acceptable comments be posted on the EAC site? Thanks very much, Bobbie

Bobbie Ann Brinegar
Senior Political Adviser
www.VerifiedVoting.org
1725 19th St NW #B
Washington, DC 20009

Phone: 202-441-8068
Fax: 202-588-7087

018172



"Cecilia Walsh"
<cwalsh@berkeley.edu>
12/01/2005 07:08 PM

To cpaquette@eac.gov
cc
bcc
Subject posting of ACCURATE VVSG Comment

Ms. Paquette,
Thank you very much for your voicemail today.

Could you please email me with instructions as to how to locate on the EAC website the posting the public Comment submitted on behalf of ACCURATE regarding the proposed 2205 VVSG?

Thanks and best regards,
Cecilia Walsh
Law Student Intern
Samuelson Law, Technology & Public Policy Clinic, UC Berkeley

018173



"Cecilia Walsh"
<cwalsh@berkeley.edu>
11/10/2005 07:54 PM

To cpaquette@eac.gov, ebrand@scog-auth1.gsa.gov,
cc [REDACTED]
bcc
Subject VVSG Comments

Dear Ms. Paquette,
We submitted a public comment on September 30, 2005 on the proposed 2005 Voluntary Voting System Guidelines (2005 VVSG) on behalf of ACCURATE (A Center for Correct, Usable, Reliable And Transparent Elections), an NSF-funded group conducting research directed toward increasing the trustworthiness of voting systems.

We would like to request an update on the EAC's review of the public comments received and the status of the 2005 VVSG.

Thank you very much for your help!

Best regards,
Cecilia Walsh & Erica Brand
Law Student Interns, Samuelson Law, Technology & Public Policy Clinic,
UC Berkeley
Joseph Hall
School of Information Management & Systems, UC Berkeley

018174



08/23/2005 11:46 AM

To cpaquette@eac.gov
cc mking@kennesaw.edu
bcc
Subject Re: Fw: VVSG comments

Carol,
I checked the on-line comments and there were none from him.

Connor

----- Original message -----

I did see his email comments but he also asked about his comments submitted on-line. This is what I couldn't find.

Sent from my BlackBerry Wireless Handheld

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

From: choward
Sent: 08/23/2005 11:21 AM
To: Carol Paquette
Cc: mking@kennesaw.edu
Subject: Re: Fw: VVSG comments

Carol,

I found Fernando Morales' email. The subject is "VVSG Non-Compliant with HAVA". It contains a Word document as an attachment containing his comments.

Hope this helps,
Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

018175

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

From: "Fernando Morales" [fermorales3@comcast.net]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov
To: fermorales3@comcast.net
Cc: juliet.thompson@eac.gov
Sent: Monday, August 22, 2005 1:28 PM
Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018176



08/23/2005 11:21 AM

To cpaquette@eac.gov
cc mking@kennesaw.edu
bcc
Subject Re: Fw: VVSG comments

Carol,

I found Fernando Morales' email. The subject is "VVSG Non-Compliant with HAVA". It contains a Word document as an attachment containing his comments.

Hope this helps,
Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [fermorales3@comcast.net]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

01817

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018178



"Connor Howard"
<vhoward@kennesaw.edu>
11/07/2005 11:47 AM

To cpaquette@eac.gov
cc nmortellito@eac.gov, "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: My org.'s comments on EAC Voluntary Voting
SystemGuidelines have not been posted yet

Carol,

Tell him to sort by the name field and look for the name Eugene Lee.
The comments were entered using this name.

Connor

>>> <cpaquette@eac.gov> 11/7/2005 9:31:21 AM >>>
Not sure what this guy's problem is. I know his comments are there
because
we've reviewed and discussed many of them. Can someone suggest how he
can
find his comments? Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 11/07/2005 09:28 AM

Joyce Wilson/EAC/GOV
11/07/2005 09:23 AM

To
Carol A. Paquette/EAC/GOV@EAC
cc

Subject
Fw: My org.'s comments on EAC Voluntary Voting System Guidelines have
not
been posted yet

Carol, Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 11/07/2005 09:23 AM -----

"Eugene Lee" <elee@apalc.org>
11/06/2005 03:31 PM

To
HAVAinfo@eac.gov

018179

cc

Subject

My org.'s comments on EAC Voluntary Voting System Guidelines have not been posted yet

Dear EAC:

My organization's comments on the EAC voluntary voting system guidelines have not been posted on the EAC's website yet. I submitted the attached PDF file on September 29, 2005. The PDF file is not posted on the website. If the EAC could please post the PDF file, that would be much appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC
Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF

018180

file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018181



"Connor Howard"
<vhoward@kennesaw.edu>
10/19/2005 10:18 AM

To cpaquette@eac.gov
cc "Merte King" <rmking@kennesaw.edu>,
amp1985@students.kennesaw.edu
bcc
Subject Vendor comments

Carol,
(This is a follow up to my message from last night. We have the Scytl
comments - they were posted on 9/9/2005.)

Of the vendor comment documents that you emailed to me:

We already have Hart Intercivic, Populex, Sequoia and Scytl.
We have Accupoll in a Hard copy format.
We do not have ES&S.

Thanks,
Connor

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

018182



"Connor Howard"
<vhoward@kennesaw.edu>
10/18/2005 02:33 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALCComments 9.29.05

Carol,

There is one earlier comment from Mr. Lee that was entered under the "general comments" classification on 9/19/2005 (reference number 729). However, to this point we have not seen these comments dated 9/29/2005. We will enter these immediately.

Thanks,
Connor

>>> <cpaquette@eac.gov> 10/18/2005 12:02:38 PM >>>
Connor -

Can you check on status of entering these comments? I spoke with this person on the phone last week and explained to him about the huge number of emails received and that the information from emails had to be hand=-posted to the website - a very time consuming task. But he's back again. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/18/2005 11:56 AM

Joyce Wilson/EAC/GOV
10/18/2005 11:41 AM

To
Carol A. Paquette/EAC/GOV@EAC
cc

Subject
Fw: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Carol, I'm sending this message from HAVAINFO mailbox to you first. Please forward if you are not the person to respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

018183

----- Forwarded by Joyce Wilson/EAC/GOV on 10/18/2005 11:41 AM -----

"Eugene Lee" <elee@apalc.org>
10/10/2005 12:53 PM

To
HAVAinfo@eac.gov
cc

Subject
FW: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Dear EAC:

On Sept. 29, APALC and NAPALC submitted joint comments on the EAC's proposed voluntary voting system guidelines. I am forwarding the email transmitting these comments. I do not see the comments posted on the EAC's website. Would someone at the EAC be able to check on whether these comments were posted and let me know when the comments have been posted?

Thanks very much,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC
Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium
(NAPALC)

018184

and the Asian Pacific American Legal Center of Southern California
(APALC),
I submit the joint comments of NAPALC and APALC on the proposed
Voluntary
Voting System Guidelines. The comments are attached to this email as a

PDF
file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018185



"Connor Howard"
<vhoward@kennesaw.edu>
10/04/2005 03:19 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Fw: Comments posting problem

Carol,

I have attached the proposed updated message for the web site. The updated text is in bold. I will call in a few minutes to get your feedback.

Thanks,
Connor

>>> <cpaquette@eac.gov> 10/4/2005 1:23:44 PM >>>
Merle, Connor -

The Commissioners decided today that they want you to "turn off" the capability for people to continue sending in comments. Please draft a message to the effect that the comment period ended on September 30 and no

comments will be accepted after that date. Also need to say that comments received by that date will be available for public review while the Commission is considering what revisions might be made to the VVSG. For

the period while you're working on getting all the email, etc., comments

posted, might be useful to mention that due to volume of comments received

in the last days of the comment period people might not see their comments

posted for a few days. Make sure that the couple of emails after 9/30 that

I sent by mistake yesterday are not available for viewing. At that time,

you can replace this statement with one that says that all comments are

posted. We will still have to capture all the comments received after the

deadline, they just won't be approved for public view. I'll hold off forwarding any more of the email comments received after the 30th until

you tell me that all the timely comments have been entered. We will also

be shutting down the VVSG email address. Would like to review message text

before it's posted. Thanks!

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

018186

"Merle King" <mking@kennesaw.edu>
10/04/2005 10:10 AM

To
cpaquette@eac.gov
cc
"Connor Howard" <vhoward@kennesaw.edu>
Subject
Re: Fw: Comments posting problem

Carol - There is a 2000-character limit on inputting text directly into the comments field. What some folks have done is to enter an overview of their comments, then attach a document that contains the entire text.

Our observation has been that people who want to input more than 2000 characters are entering either a) aggregated comments and do not want to invest the time to split them out into individual comments or b) prepared marketing pieces or position papers that wander off topic.

If this person submitted their comments as an attached document, we will place it in the queue for decomposition.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 10/4/2005 9:37:59 AM >>>
I didn't think there was a size limitation on comments?

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/04/2005 09:36 AM

"AlKolwicz" [REDACTED]
10/04/2005 08:16 AM

To
votingsystemguidelines@eac.gov
cc

018187

Subject
Comments posting problem

There appears to be a problem with the posting to the database of my comment caused by the fact that my comment is greater than 2000 characters. As you can see, my comment is incomplete * see "GENERAL COMMENTS, Al Kolwicz, three items".

I have attached a folder containing 6 word files, each sized to fit the 2000 character limit.

Will you please correct the recent attempt to record my comment in the database by replacing the three files with the attached six files? As you

can see, the sequence of the files is significant.

Thank you for your assistance.

Al Kolwicz

CAMBER
Citizens for Accurate Mail Ballot Election Results
2867 Tincup Circle
Boulder, CO 80305
303-494-1540

t
www.users.qwest.net/~alkolwicz
<http://coloradovoter.blogspot.com>

CAMBER is a dedicated group of volunteers who are working to ensure that every voter gets to vote once, every vote is counted once, and that every ballot is secure and anonymous.



CommentPeriodClosed-Message.doc

018188

The Voluntary Voting System Guidelines were developed under the Help America Vote Act of 2002 (HAVA) Section 202 mandate that the U.S. Election Assistance Commission (EAC) update the 2002 Voting System Standards to address increasingly complex voting system technology. They were designed for state and local election officials to help ensure that new voting systems function accurately and reliably.

The Guidelines are provided for a 90 day public comment period which officially began June 29, 2005 upon notice in the Federal Register. All comments must be received by EAC on or before 5:00 p.m. EDT on September 30, 2005. All comments will be posted on the EAC website. Comments may also be sent to votingsystemguidelines@eac.gov or by fax to Voting System Guidelines Comments at (202) 566-3127. Comments may also be mailed to Voting System Guidelines Comments, U.S. Election Assistance Commission, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

The Guidelines are also available in hard copy format or on CD-ROM. Call EAC at (866) 747-1471 or (202) 566-3100 to request a copy or for more information.

At the conclusion of the public comment period and after the consideration of comments received, EAC commissioners will vote to approve the Voluntary Voting System Guidelines. The final version will be made available to the public at that time.

The public comment period is now closed. No comments will be accepted after September 30, 2005. Comments received by that date will be available for public review while the Election Assistance Commission considers revisions to the Voluntary Voting System Guidelines.

Due to the volume of comments received in the closing days of the public comment period, it may be several days before all comments received can be posted for viewing.



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English Proficiency," there appears to be some language missing after the sentence, "HAVA Section 301(a)(4) reads in part:"

We respectfully request the EAC make this language available before the September 30, 2005 deadline for submitting comments to the proposed Voluntary Voting System Guidelines.

018190

Joyce Wilson/EAC/GOV
12/06/2005 09:20 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: Our comments not yet posted

Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 12/06/2005 09:20 AM -----



"Matt Bishop"
<bishop@cs.ucdavis.edu>
12/05/2005 01:13 PM

To HAVAINfo@eac.gov
cc
Subject Our comments not yet posted

Please respond to
"Matt Bishop"
<bishop@cs.ucdavis.edu>

Hello,

My name is Matt Bishop. I'm a professor in the Department of Computer Science at the University of California, Davis.

My students and I submitted an extensive set of comments on the proposed standards for electronic voting systems. We submitted it on Sept. 28.

As of now, it is not posted on the comments web site. I know your page says it may be some time until comments were posted. I had called in mid-October and was asked to be patient, but that if it was not posted I could get them to you again (just in case they were lost).

So, my question is: have you posted all the comments you received? If so, can you please post ours? I am attaching them (just in case). If not, do you have a date when you expect to finish?

I look forward to hearing from you!

Sincerely,

Matt Bishop



our-comments.pdf

018191

Joyce Wilson/EAC/GOV
11/07/2005 09:23 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Carol, Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 11/07/2005 09:23 AM -----



"Eugene Lee"
<elee@apalc.org>
11/06/2005 03:31 PM

To HAVAinfo@eac.gov
cc
Subject My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Dear EAC:

My organization's comments on the EAC voluntary voting system guidelines have not been posted on the EAC's website yet. I submitted the attached PDF file on September 29, 2005. The PDF file is not posted on the website. If the EAC could please post the PDF file, that would be much appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

018192

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment



NAPALC-APALC Comments on EAC Voluntary Voting System Guidelines 9.29.05.pdf

018193



"Merle King"
<mking@kennesaw.edu>
08/23/2005 10:30 AM

To choward@comcast.net, cpaquette@eac.gov
cc "Anthony Peel" <apeel@kennesaw.edu>, "Merle King"
<mking@kennesaw.edu>
bcc
Subject Re: Fw: VVSG comments

Carol - I have just walked through the posting of comments and confirmed with my guys at KSU that they are posting. I did see one potential problem with the directions... At the end of the input screen, it instructs the user to save their comments...but does not warn the user that unless they click on submit in the subsequent page, it will not upload them for posting. Could this be what happened with Morales?

Let me know if you want an additional instruction added to that line. Something like, "After saving all your comments, you must click on Submit on the following page to post your Comment."

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Fernando Morales" [fermorales3@comcast.net]
Sent: 08/23/2005 08:10 AM
To: cpaquette@eac.gov
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

018194

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: ~~XXXXXXXXXXXXXXXXXXXX~~

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018195



"Merle King"
<mking@kennesaw.edu>
08/23/2005 11:44 AM

To choward@comcast.net, cpaquette@eac.gov, "Merle King"
<mking@kennesaw.edu>
cc "Anthony Peel" <a Peel@kennesaw.edu>
bcc
Subject Re: Fw: VVSG comments

Anthony - Could you mock up the added instruction and send to all as an html file so that we can get Carol's approval of the draft before going live?

Thanks,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 11:37 AM >>>

Yes, we need to add that line so people know exactly what they need to do. We don't want to assume that commenters will be knowledgeable about how to submit comments to a web application. Instructions should be precise, complete and very clear (hanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Merle King" [mking@kennesaw.edu]
Sent: 08/23/2005 10:30 AM
To: choward@comcast.net; cpaquette@eac.gov
Cc: "Anthony Peel" <a Peel@kennesaw.edu>; "Merle King" <mking@kennesaw.edu>
Subject: Re: Fw: VVSG comments

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- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University

018196

1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
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Sent: 08/23/2005 08:10 AM
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Cc: juliet.thompson@eac.gov
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Please advice,

Fernando Morales

----- Original Message -----
From: cpaquette@eac.gov
[REDACTED]
Cc: juliet.thompson@eac.gov
Sent: Monday, August 22, 2005 1:28 PM
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Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

01819

Carol A. Paquette/EAC/GOV
12/12/2005 06:16 PM

To mkong@kennesaw.edu, vhoward@kennesaw.edu
cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov@EAC,
Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Fw: VVSG web changes

Merle, Connor -

We would like to have the following changes made to VVSG webpage, ready to post early afternoon tomorrow - after Commissioners have taken a vote. You can coordinate with Jeannie Layson or Bryan Whitener if there are any questions or clarifications needed. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
--- Forwarded by Carol A. Paquette/EAC/GOV on 12/12/2005 06:13 PM ----

Bryan Whitener/EAC/GOV
12/12/2005 04:23 PM

To Carol A. Paquette/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
Subject VVSG web changes

#1

(Changes to words on the home page box; move center column box to the top)

OLD

View the Proposed Voluntary Voting System Guidelines
Deadline for Comments is Sept 30

NEW

EAC Votes to Adopt 2005 Voluntary Voting System Guidelines

#####

#2

(Words to insert before introduction on VVSG page)

On December 13, 2005 the U.S. Election Assistance Commission voted to adopt the 2005 Voluntary Voting System Guidelines. The final version of this document will soon be posted. Until that time, the Proposed Voluntary Voting System Guidelines remains available for viewing.

#3

Links to three items will be added

- Press Release
- Overview
- Overview of Volume I

018198

Carol A. Paquette/EAC/GOV
12/12/2005 08:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, juliet.thompson@eac.gov@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject talking points to introduce tomorrow's VVSG discussion

Tom -

Here are some remarks for your consideration. There's no pride of authorship or fine wording here - just trying to get a few thoughts down that you might find helpful. Have left a copy of the 4 bar graphs summarizing the numbers of comments by sections of the VVSG on your chair.

1. Total number of comments received: 5670
2. We appreciate all the effort the general public, election officials, advocacy groups, academia, test labs, and vendors put into reviewing the VVSG and providing their comments. We have read and considered every comment received.
3. We were unable to deal with many of the more complex comments which relate to on-going TGDC and NIST activities for the next iteration of the VVSG. These comments will be carried over into that longer term effort.
4. Many comments dealt with procedural and election management concerns and these will be forwarded for consideration by the EAC/NSED Management Guidelines Working Group that recently got underway.
5. EAC established 3 comment review groups comprised of EAC and NIST staff: Core Requirements, Human Factors, and Security. Other NIST personnel and subject matter experts were consulted as needed on specific topics.
6. Comment review groups prepared issue papers and recommendations for consideration and policy guidance from the Commissioners. There have been extensive, in-depth Commission discussions of the VVSG - beginning in early November and continuing through last Friday afternoon. For the past few weeks nearly half of the Commission has been engaged in this effort!
7. There has been a great deal of effort on the part of many dedicated people to reach this milestone - beginning in July 2004 with NIST and the TGDC. They have continued their work for the next iteration of the VVSG, which we envision will be an on-going process to keep up with evolving technology and public expectations.

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

018199



choward@comcast.net
08/23/2005 10:20 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: Fw: VVSG comments

Carol,

I will take a look and see if I can find his message. I'll let you know as soon as I finish going through them all.

Connor

----- Original message -----

Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

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Cc: juliet.thompson@eac.gov
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Please advice,

Fernando Morales

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

From: cpaquette@eac.gov
To: fermorales3@comcast.net

018206

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

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

018201



"Anthony Peel"
 <apeel@kennesaw.edu>
 08/23/2005 12:24 PM

To choward@comcast.net, cpaquette@eac.gov, "Merle King"
 <mking@kennesaw.edu>
 cc "Ken Honea" <khonea@kennesaw.edu>
 bcc

Subject Re: Fw: VVSG comments

Attached are some jpg screen shots with the added language. Let me know what you think and if any additional language needs to be added.

The following is the text that was added:
 "Once you have saved your comments click END SESSION to be taken to the review screen. From there you will have to click SUBMIT COMMENTS for your comments to be recorded. "

Thanks
 Anthony Peel

Anthony Peel
 Senior Project Coordinator, Center for Election Systems
 Computer Science & Information Systems Department
 Kennesaw State University
 1000 Chastain Road, MB #5700
 Kennesaw, GA 30144-5591
 voice: 770-423-6900; fax: 770-423-6905
<http://elections.kennesaw.edu/>

 This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message immediately and are hereby notified that any disclosure, copying or distribution of this message, or the taking of any action based on it, is strictly prohibited.

>>> Merle King 8/23/2005 11:44:57 AM >>>
 Anthony - Could you mock up the added instruction and send to all as an html file so that we can get Carol's approval of the draft before going live?

Thanks,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
 Chair, CSIS Department
 Kennesaw State University
 1000 Chastain Road, MB #1101
 Kennesaw, GA 30144-5591
 voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 11:37 AM >>>
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018202

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From: "Merle King" [mking@kennesaw.edu]
Sent: 08/23/2005 10:30 AM
To: choward@comcast.net; cpaquette@eac.gov
Cc: "Anthony Peel" <apeek@kennesaw.edu>; "Merle King" <mking@kennesaw.edu>
Subject: Re: Fw: VVSG comments

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Let me know if you want an additional instruction added to that line. Something like, "After saving all your comments, you must click on Submit on the following page to post your Comment."

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 08/23/05 9:21 AM >>>
Connor -

Can you check this out? I reviewed all the comments in the database yesterday and didn't see one there from Morales - and I was specifically looking for messages from him. It's possible I just missed it. I did think it a bit odd that there were no new comments to approve for posting when I hadn't checked it for a week while on vacation. But, in general, the response has been very light compared to what NIST was receiving earlier in the process. Please advise. Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [redacted]
Sent: 08/23/2005 08:10 AM
To: cpaquette@eac.gov
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct

018203

submission
was not posted and why one day later the Jeff Donald direct submission
was posted on August 1, 2005. Is the direct submission software
sensitive to who file it? or blocked because contain key words in the
argument?

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: [REDACTED]

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have
just recently gotten a contract in place with Kennesaw University for
assistance in managing and reviewing the VVSG comments. All the email
comments have been forwarded to them to enter into the database that
can be viewed from the website. We anticipate having all comments received
by other means than direct website submission to be posted within the
next week. Thank you for your patience.

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



preview.jpg



sectionform.jpg



generalform.jpg



glossaryform.jpg

018204



"Merle King"
<mking@kennesaw.edu>
10/04/2005 10:10 AM

To cpaquette@eac.gov
cc "Connor Howard" <vhoward@kennesaw.edu>
bcc
Subject Re: Fw: Comments posting problem

Carol - There is a 2000-character limit on inputting text directly into the comments field. What some folks have done is to enter an overview of their comments, then attach a document that contains the entire text.

Our observation has been that people who want to input more than 2000 characters are entering either a) aggregated comments and do not want to invest the time to split them out into individual comments or b) prepared marketing pieces or position papers that wander off topic.

If this person submitted their comments as an attached document, we will place it in the queue for decomposition.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 10/4/2005 9:37:59 AM >>>
I didn't think there was a size limitation on comments?

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
----- Forwarded by Carol A. Paquette/EAC/GOV on 10/04/2005 09:36 AM -----

"AlKolwicz" <alkolwicz@qwest.net>
10/04/2005 08:16 AM

To
votingsystemguidelines@eac.gov
cc

Subject
Comments posting problem

There appears to be a problem with the posting to the database of my comment caused by the fact that my comment is greater than 2000 characters. As you can see, my comment is incomplete * see "GENERAL COMMENTS, Al Kolwicz, three items".

I have attached a folder containing 6 word files, each sized to fit the

018205

2000 character limit.

Will you please correct the recent attempt to record my comment in the database by replacing the three files with the attached six files? As you can see, the sequence of the files is significant.

Thank you for your assistance.

Al Kolwicz

CAMBER
Citizens for Accurate Mail Ballot Election Results
2867 Tincup Circle
Boulder, CO 80305
303-494-1540

@et
http://coloradovoter.blogspot.com

CAMBER is a dedicated group of volunteers who are working to ensure that every voter gets to vote once, every vote is counted once, and that every ballot is secure and anonymous.

018206

Carol A. Paquette/EAC/GOV
12/06/2005 06:03 PM

To jwilson@eac.gov@EAC
cc
bcc
Subject Re: Fw: Our comments not yet posted

Joyce -

Will do. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV



Joyce Wilson/EAC/GOV
12/06/2005 09:20 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: Our comments not yet posted

Please respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 12/06/2005 09:20 AM -----



"Matt Bishop"
<bishop@cs.ucdavis.edu>

12/05/2005 01:13 PM

Please respond to
"Matt Bishop"
<bishop@cs.ucdavis.edu>

To HAVAINfo@eac.gov
cc
Subject Our comments not yet posted

Hello,

My name is Matt Bishop. I'm a professor in the Department of Computer Science at the University of California, Davis.

My students and I submitted an extensive set of comments on the proposed standards for electronic voting systems. We submitted it on Sept. 28.

As of now, it is not posted on the comments web site. I know your page says it may be some time until comments were posted. I had called in mid-October and was asked to be patient, but that if it was not posted I could get them to you again (just in case they were lost).

01820

So, my question is: have you posted all the comments you received? If so, can you please post ours? I am attaching them (just in case). If not, do you have a date when you expect to finish?

I look forward to hearing from you!

Sincerely,

Matt Bishop



our-comments.pdf

Carol A. Paquette/EAC/GOV
10/27/2005 04:21 PM

To Joyce Wilson/EAC/GOV
cc
bcc
Subject Re: Fw: Election Reform

Joyce -

This is just a general comment, not pertaining to the Guidelines document. Suggest you forward this one to Jeannie.

If you do receive comments on the Voting Ssystem Guidelines, you can forward them to me. We may eventually decide to toss these, but in the meantime we're keeping a file of comments received after the September 30 deadline. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV

Joyce Wilson/EAC/GOV
10/27/2005 11:09 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: Election Reform

Carol, Below is a public comment. What do you want me to do with any comments I get in the future?

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 10/27/2005 11:09 AM -----



"Robert Rutkowski"

~~REDACTED~~

>
10/25/2005 12:26 PM

To HAVAINfo@eac.gov
cc comments@whitehouse.gov
Subject Election Reform

Gracia M. Hillman
Chair
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Telephone: (202) 566-3100
Toll Free: (866) 747-1471
Fax: (202) 566-3127

018208

E-mail Address: HAVAINFO@EAC.GOV

Ref: Election Reform: The Time Is Now/The Urgent Need To Improve Our
Election Infrastructure

Dear Chair:

Five years after the unprecedented crisis of the 2000 presidential election—and one year after an election that barely escaped the same fate—our election system remains imperiled. Unless urgent reforms are adopted at the state level, the problems in our election infrastructure could very well lead to significant national consequences in the 2006 midterm elections.

Unfortunately, national attention to the issue of election reform has been sorely lacking. Despite the passage of the Help America Vote Act (HAVA) in 2002, public opinion polls show that Americans' confidence in our election system is at an historic low. Policymakers and the media often focus on the issue only in the days preceding major elections—months after state and county election administrators have made the critical decisions that will determine how the system will perform on Election Day.

A analysis of recent electoral research finds that one year before the 2006 midterm elections, more than 90 million registered voters are exposed to serious electoral deficiencies, including low-quality voter registration databases, inadequate safeguards for purging voters from the rolls, and insufficiently tested voting machines.

I commend to you the following report:

Election Reform: The Time Is Now/The Urgent Need To Improve Our Election
Infrastructure

<http://www.americanprogress.org/atf/cf/{E9245FE4-9A2B-43C7-A521-5D6FF2E06E03}/ELECTORAL%20REFORM.PDF>

I hope you will take the time to review these important findings and give this report the weight it deserves.

Thank you for the opportunity to bring this report to your attention.

Mindful of the enormous responsibilities which stand before you, I am,

Yours sincerely,
Robert E. Rutkowski

cc:
House Democratic Leadership
President George W. Bush

2527 Faxon Court
Topeka, Kansas 66605-2086
P/F: 1 785 379-9671

018209

Carol A. Paquette/EAC/GOV
10/18/2005 11:56 AM

To Joyce Wilson/EAC/GOV
cc
bcc
Subject Re: Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Joyce -

I'll handle this one. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Joyce Wilson/EAC/GOV



Joyce Wilson/EAC/GOV
10/18/2005 11:41 AM

To Carol A. Paquette/EAC/GOV@EAC
cc
Subject Fw: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Carol, I'm sending this message from HAVAinfo mailbox to you first. Please forward if you are not the person to respond. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 10/18/2005 11:41 AM -----



"Eugene Lee"
<elee@apalc.org>
10/10/2005 12:53 PM

To HAVAinfo@eac.gov
cc
Subject FW: EAC Voluntary Voting System Guidelines --
NAPALC-APALC Comments 9.29.05

Dear EAC:

On Sept. 29, APALC and NAPALC submitted joint comments on the EAC's proposed voluntary voting system guidelines. I am forwarding the email transmitting these comments. I do not see the comments posted on the EAC's website. Would someone at the EAC be able to check on whether these comments were posted and let me know when the comments have been posted?

Thanks very much,
Eugene Lee

018210

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments
9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment



NAPALC-APALC Comments on EAC Voluntary Voting System Guidelines 9.29.05.pdf

018211

Carol A. Paquette/EAC/GOV
09/04/2005 07:53 PM

To [REDACTED]
cc
bcc
Subject Fw: format for VVSG comments

Had a typo in your address.

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

----- Forwarded by Carol A. Paquette/EAC/GOV on 09/04/2005 07:52 PM -----

Carol A. Paquette/EAC/GOV
09/04/2005 01:12 PM

To joehall@pobix.com
cc
Subject format for VVSG comments

Joe -

Apologize for not responding sooner. There has been a lot of travel in the past two months and I've overlooked some emails. The VVSG comment section on the EAC webpage provides information on how to provide comments. We prefer that you use the electronic form on the website, but you can also respond by email or snail mail or FAX. All the information is there. The deadline is 9/30.

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

018212

Carol A. Paquette/EAC/GOV
08/22/2005 01:28 PM

To [REDACTED]
cc juliet.thompson@eac.gov@EAC
bcc
Subject VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

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

018213

Carol A. Paquette/EAC/GOV
08/23/2005 11:42 AM

To: [REDACTED]
cc "Juliet E. Thompson" <juliet.thompson@eac.gov>
bcc
Subject Re: VVSG comments

Be sure that you click on the Submit button when your ready to send them. We noted that there is no warning given that if you don't click on Submitn your comments will not be recorded. We are going to add this warning so it is more clear what you need to do. Thank you

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 10:42 AM
To: Carol Paquette
Cc: Juliet E. Thompson" <juliet.thompson@eac.gov>
Subject: Re: VVSG comments

Ms. Paquette, thanks for your response, I will re-submitted today.

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

From: cpaquette@eac.gov
To: [Fernando Morales](#)
Cc: [Juliet E. Thompson](#)
Sent: Tuesday, August 23, 2005 9:12 AM
Subject: Re: VVSG comments

Mr. Morales -

There is no filtering or blocking being done on comments. However, I reviewed all the comments we have received yesterday afternoon and there were no comments from you in the on-line database. I am out of office in meetings for the next 3 days but will check to see if there is a problem with that application. Thank you for bringing this to our attention.

Sent from my BlackBerry Wireless Handheld

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

From: "Fernando Morales" [REDACTED]
Sent: 08/23/2005 08:10 AM
To: Carol Paquette
Cc: juliet.thompson@eac.gov
Subject: Re: VVSG comments

018214

Ms. Paquette, thanks for your response, good morning:

I wonder if you can tell me why also my July 31, 2005 direct submission was not posted and why one day later the Jeff Donald direct submission was posted on August 1, 2005. Is the direct submission software sensitive to who file it? or blocked because contain key words in the argument?

Please advice,

Fernando Morales

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

From: cpaquette@eac.gov

To: ~~fernando.morales@comment.net~~

Cc: juliet.thompson@eac.gov

Sent: Monday, August 22, 2005 1:28 PM

Subject: VVSG comments

Mr. Morales -

We have received your comments, which you sent by email. We have just recently gotten a contract in place with Kennesaw University for assistance in managing and reviewing the VVSG comments. All the email comments have been forwarded to them to enter into the database that can be viewed from the website. We anticipate having all comments received by other means than direct website submission to be posted within the next week. Thank you for your patience.

Carol A. Paquette

U.S. Election Assistance Commission

(202)566-3125 cpaquette@eac.gov

018215

Carol A. Paquette/EAC/GOV
09/27/2005 06:08 PM

To elee@apalc.org
cc
bcc
Subject missing text in Voluntary Voting System Guidelines

Mr. Lee -

Have received your email concerning missing text under the heading of "2.2.7.2 Limited English Proficiency" after the sentence "HAVA SEction 301(a)(4) reads in part".

I have reviewed the Guidelines text on our webpage and it is all there. Is there anything I can do to clarify this topic?

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

018216

Carol A. Paquette/EAC/GOV
09/27/2005 06:01 PM

To "Connor Howard"
<vhoward@kennesaw.edu>@GSAEXTERNAL
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Email from Eugene Lee - Asian Pacific American Legal
Center

Connor -

I looked at the VVSG on the webpage and all the text seems to be there. I'll respond to this person to see where the disconnect is. Good to meet you today. Glad you were able to make the trip!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Connor Howard" <vhoward@kennesaw.edu>



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English Proficiency," there appears to be some language missing after the sentence, "HAVA Section 301(a)(4) reads in part:"

We respectfully request the EAC make this language available before the September 30, 2005 deadline for submitting comments to the proposed Voluntary Voting System Guidelines.

018217

Carol A. Paquette/EAC/GOV
09/19/2005 04:52 PM

To "Connor Howard"
<vhoward@kennesaw.edu>@GSAEXTERNAL
cc "Merle King" <mking@kennesaw.edu>
bcc
Subject Re: Email from Eugene Lee - Asian Pacific American Legal
Center

Connor -

Will check this out. Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Connor Howard" <vhoward@kennesaw.edu>



"Connor Howard"
<vhoward@kennesaw.edu>
09/19/2005 04:10 PM

To cpaquette@eac.gov
cc "Merle King" <mking@kennesaw.edu>
Subject Email from Eugene Lee - Asian Pacific American Legal
Center

Carol,

Merle wanted me to make you aware of this email comment that we received. It has been posted to our database.

Thanks,

Connor Howard
Project Manager
Center for Election Systems
Phone: 678-797-2993
Email: vhoward@kennesaw.edu

Name : Eugene Lee
Organization : Asian Pacific American Legal Center
Email Address : elee@apalc.org
Post Date : 9/19/2005

At the bottom of page 2 under the heading "2.2.7.2 Limited English Proficiency," there appears to be some language missing after the sentence, "HAVA Section 301(a) (4) reads in part:"

We respectfully request the EAC make this language available before the September 30, 2005 deadline for submitting comments to the proposed Voluntary Voting System Guidelines.

018218

Carol A. Paquette/EAC/GOV
08/24/2005 04:08 PM

To " [REDACTED] >
cc
bcc
Subject Re: Fernando Morales email submitted

Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: choward
Sent: 08/24/2005 03:58 PM
To: mking@kennesaw.edu
Cc: Carol Paquette; apeel@kennesaw.edu; khonea@kennesaw.edu
Subject: Fernando Morales email submitted

Merle,

The email submission from Fernando Morales has been posted to the web site.

Connor

018219



"Eugene Lee"
<elee@apalc.org>
11/08/2005 09:33 PM

To nmortellito@eac.gov
cc cpaquette@eac.gov
bcc
Subject RE: My org.'s comments on EAC Voluntary Voting System
Guidelines have not been posted yet

Dear Ms. Mortellito,

Thank you much for letting me know.

Regards,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Tuesday, November 08, 2005 6:07 AM
To: elee@apalc.org
Cc: cpaquette@eac.gov
Subject: Re: My org.'s comments on EAC Voluntary Voting System Guidelines have not been posted yet

Dear Mr. Lee:

Please sort by the name field and look for the name Eugene Lee. The comments were entered using this name. You will be able to find them easily this way.

Regards,

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

013220

"Eugene Lee" <elee@apalc.org>

11/06/2005 03:31 PM

Dear EAC:

My organization's comments on the EAC voluntary voting system guidelines have not been posted on the EAC's website yet. I submitted the attached PDF file on September 29, 2005. The PDF file is not posted on the website. If the EAC could please post the PDF file, that would be much appreciated.

Please call me if there are any questions.

Thank you,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor
Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

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

From: Eugene Lee [mailto:elee@apalc.org]
Sent: Thursday, September 29, 2005 6:50 PM
To: votingsystemguidelines@eac.gov
Cc: Terry Ao [tao@napalc.org]
Subject: EAC Voluntary Voting System Guidelines -- NAPALC-APALC Comments 9.29.05

Dear Commissioners:

On behalf of the National Asian Pacific American Legal Consortium (NAPALC) and the Asian Pacific American Legal Center of Southern California (APALC), I submit the joint comments of NAPALC and APALC on the proposed Voluntary Voting System Guidelines. The comments are attached to this email as a PDF file.

Yours truly,
Eugene Lee

Eugene Lee
Staff Attorney, Voting Rights Project
Asian Pacific American Legal Center
1145 Wilshire Boulevard, Second Floor

018221

Los Angeles, CA 90017
Phone: 213.977.7500 x 212
Fax: 213.977.7595
Email: elee@apalc.org
Web: www.apalc.org

cc: Terry M. Ao, Esq.

Attachment

018222

Withhold

b/c

pre decisional

To: Carol

Contractor should also be required to submit weekly reports to EAC

7/6/2005

It would like to see these reports

STATEMENT OF WORK FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be

Comments from the Chair 7/7/2005

retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.
4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition,

Can EAC change this section of its own accord without if going back out for public comment?

some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.

5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.

6. Assist EAC in planning and conducting Guidelines discussions with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall assist the EAC by facilitating the discussion of the Guidelines at these meetings. The Contractor shall take notes at these meetings and collect all comments provided by the Board members.

7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

Board of
Advisors does not
need this service; however
Kennesaw should send somebody
to observe, take notes and
be a resource.

Carol A. Paquette/EAC/GOV
06/02/2005 09:21 AM

To Gracia Hillman/EAC/GOV
cc Juliet E. Thompson/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV
bcc
Subject Re: proposed consulting contract to assist with NASED/EAC
transition work

Madam Chair -

Let me provide some explanation for this cost. The hourly rate that Steve is quoting for this work is \$135. This is a reduction from the \$165 per hour rate he charges commercial entities. This rate includes not just his personal compensation, but also a pro-rated amount to cover the costs of operating his business (e.g., office space, telephone, computer, supplies, liability insurance, business licenses and taxes, professional licenses, accounting services). In addition, as an independent consultant, his business expenses include paying both the employer and employee contributions to Social Security and Medicare, plus his personal health insurance premiums. The rate Steve is quoting is quite reasonable for an experienced senior professional engineer. I had estimated an hourly rate of \$125 for the peer reviewers EAC will be contracting with for reviewing system test plans; this figure was based on industry data and less senior people. Hope this is helpful.

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



Gracia Hillman/EAC/GOV
06/01/2005 08:22 PM

To Carol A. Paquette/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV
Subject Re: proposed consulting contract to assist with NASED/EAC
transition work

I am not willing to agree to a consultant contract that will pay one individual 5,600 dollars per week.

Sent from my BlackBerry Wireless Handheld
Carol A. Paquette

From: Carol A. Paquette
Sent: 06/01/2005 06:34 PM
To: Gracia Hillman
Cc: Juliet Thompson; Paul DeGregorio; Raymundo Martinez
Subject: Re: proposed consulting contract to assist with NASED/EAC
transition work

This amount covers six weeks of labor hours, which amounts to \$32,400. He will need to make possibly two trips here from his business location in Texas, plus minor incidental expenses such as long distance phone calls, etc. So I rounded the amount to \$40,000 to cover these additional costs. \$40,000 is a ceiling amount for the contract. We will only be billed for hours worked and actual travel expenses incurred. This would be a Time & Materials contract, not a Fixed Price.

018227

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



Gracia Hillman/EAC/GOV
06/01/2005 03:10 PM

To Carol A. Paquette/EAC/GOV@EAC
Juliet E. Thompson/EAC/GOV@EAC, "Paul DeGregorio"
cc <pdegregorio@eac.gov>, "Ray Martinez"
<rmartinez@eac.gov>
Subject Re: proposed consulting contract to assist with NASED/EAC
transition work

Please explain what would be covered in the 40,000 dollars.

Sent from my BlackBerry Wireless Handheld
Carol A. Paquette

From: Carol A. Paquette
Sent: 06/01/2005 12:20 PM
To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez; Juliet Thompson;
twilkey@nycap.rr.com
Cc: Sheila Banks; Adam Ambrogi; Gavin Gilmour; Brian Hancock
Subject: proposed consulting contract to assist with NASED/EAC transition
work

Commissioners et al. -

The work on developing the EAC processes, documentation, etc., for transitioning lab accreditation and system certification from NASED to EAC has fallen significantly behind schedule. The project timeline called for completion of this work for Commissioner review by the end of May. We are perhaps 50% complete at this point.

We had requested assistance from NIST to work with Brian Hancock on this effort, but they have not been forthcoming with meaningful help. They provided a point of contact who passed on a lot of reference material for Brian to review, but they haven't identified anyone to help with defining the processes and preparing the documentation. The point of contact has since been diverted by some family medical problems, and Lynne Rosenthal hasn't been able to identify another person.

Prior to his departure, Commissioner Soaries encouraged me to find some additional resources to help move this work to completion. The Chair similarly advised me about two weeks ago when I was speaking to her about my concern over the lagging schedule.

In response to this direction to get help, I sent an email to Steve Berger, David Karmol, Paul Craft, Brit Williams, and Michael Shamos, asking if they could identify any individuals or companies we could contract with quickly to get this work done. Steve Berger responded that he could assist. I checked with EAC Counsel's Office to see if there were any issues regarding EAC contracting with a member of the TGDC. Julie and Gavin informed me that there were no problems with this. Steve is very well-qualified by education and experience to assist us in this effort. Paul Craft and Brit Williams concurred that Steve could more than adequately fill the requirement.

Brian and I have had several conversations with Steve and are convinced that his assistance will enable

018228

us to move ahead quickly to meet our revised target completion date of June 30. He has worked on defining similar quality conformance programs for other organizations and is knowledgeable of all the relevant standards, etc., and which need to be applied.

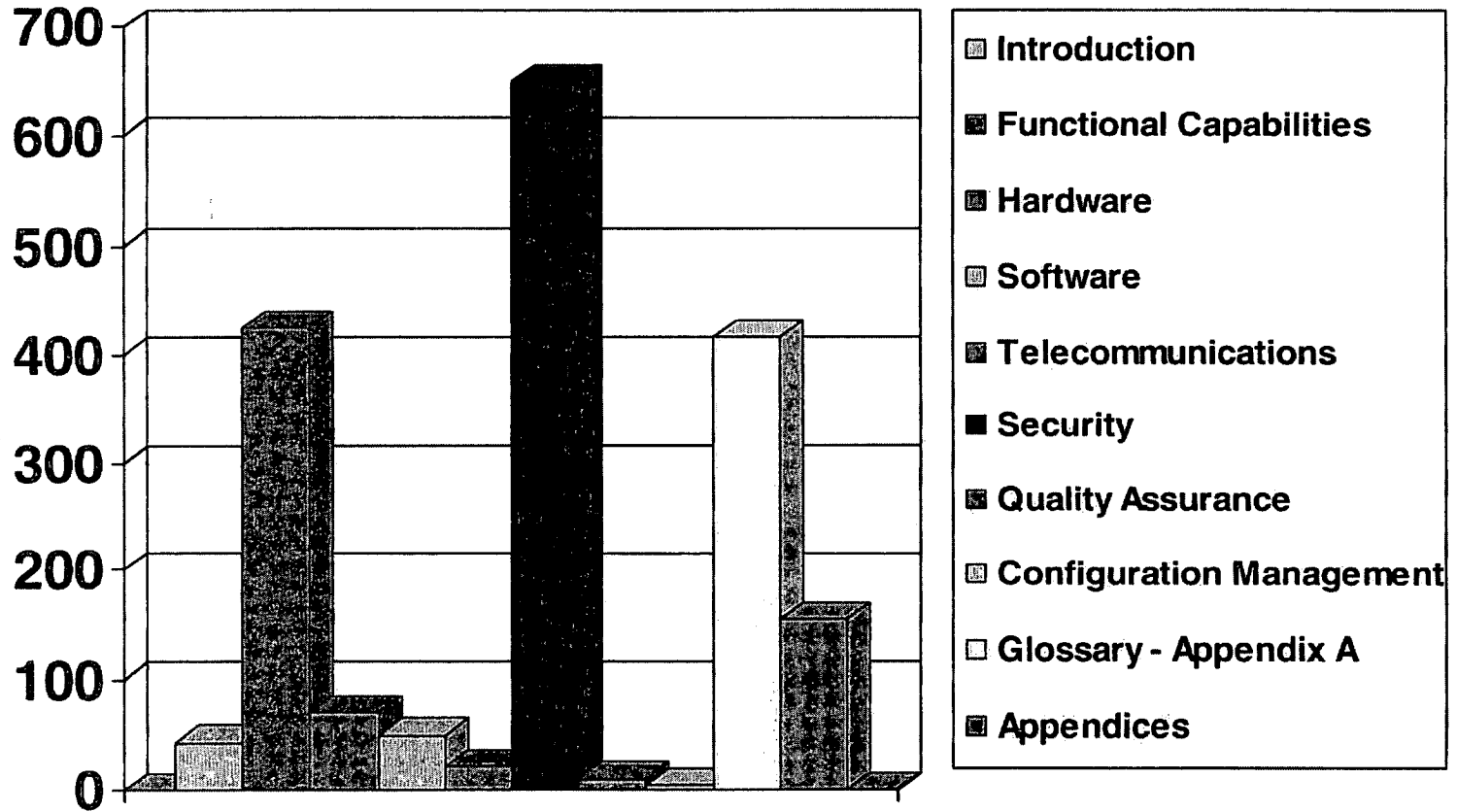
Consequently, I am recommending that the EAC enter into a consulting contract with Steve Berger for a not to exceed amount of \$40,000 and a period of performance from June 1 through July 31. The first milestone is to help Brian complete this work for Commission review by June 30. Steve's time in the month of July would be utilized to respond to questions and comments from the Commissioners to complete the work for Commission approval and establishment of a transition date.

I am available to discuss this matter and answer any questions you may have. If you are in agreement with this course of action, I will ask DeAnna to prepare appropriate consensus vote.

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

018229

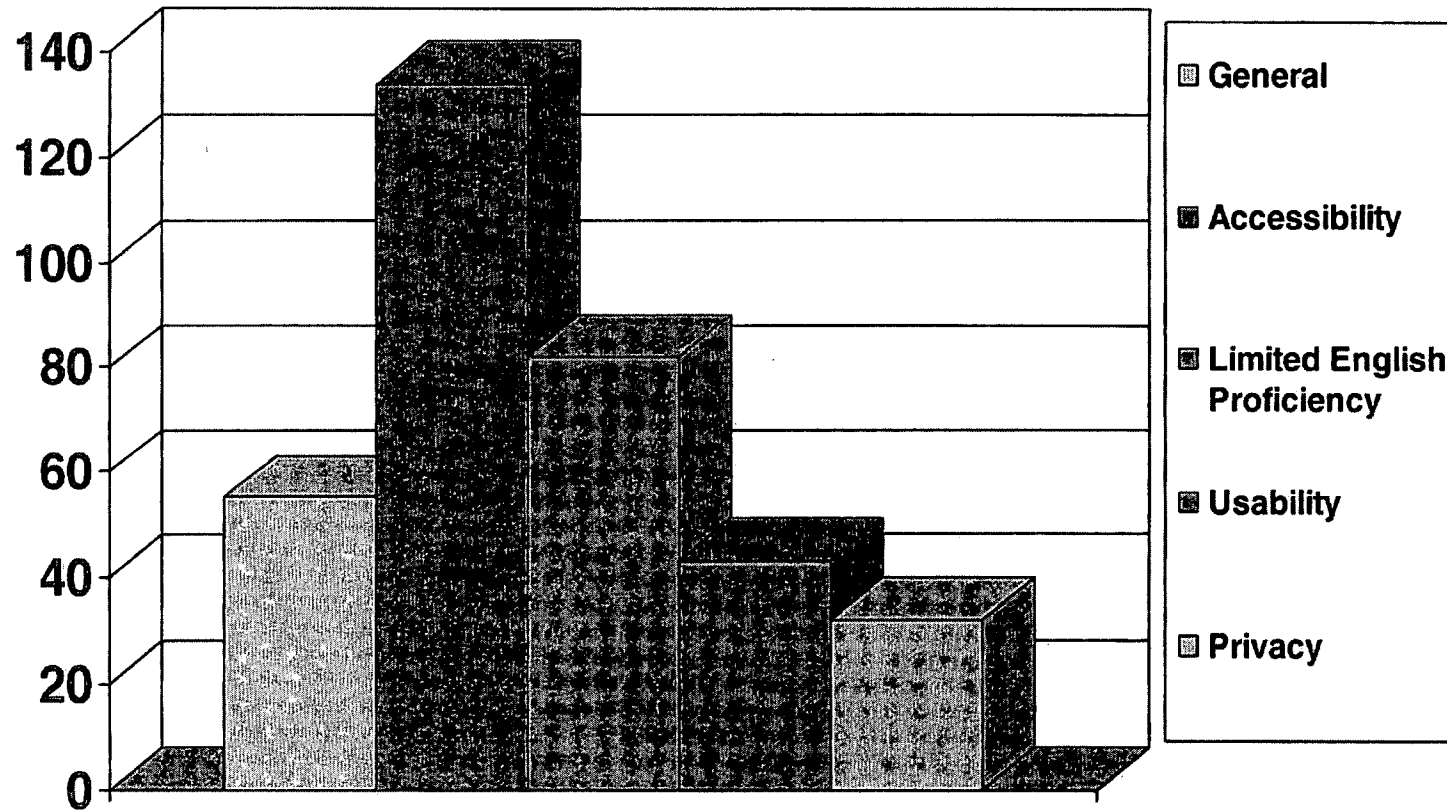
Summary of Volume I Comments



Total: 2250 Comments

018230

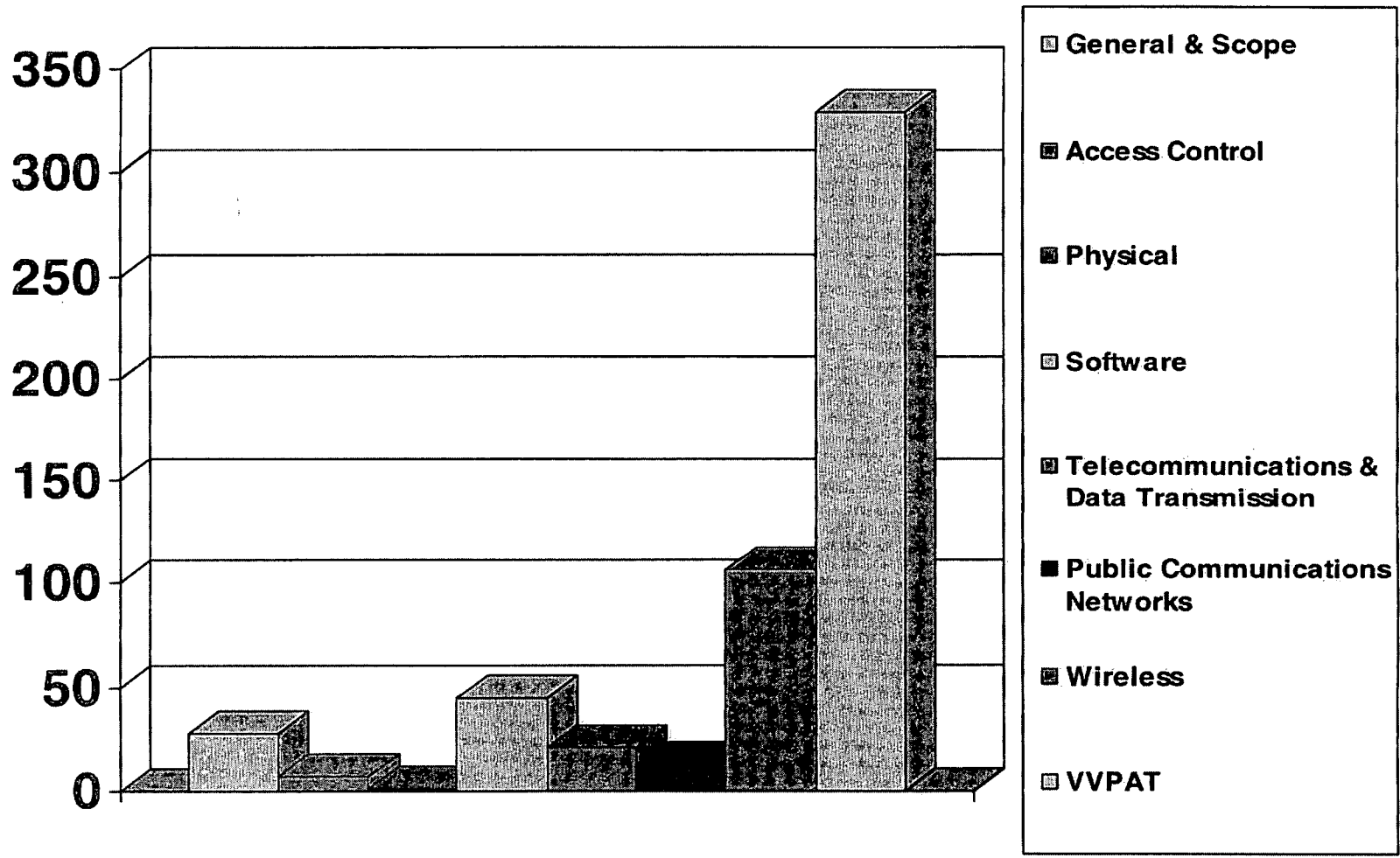
Summary of Human Factors Comments



Total: 350 Comments

018231

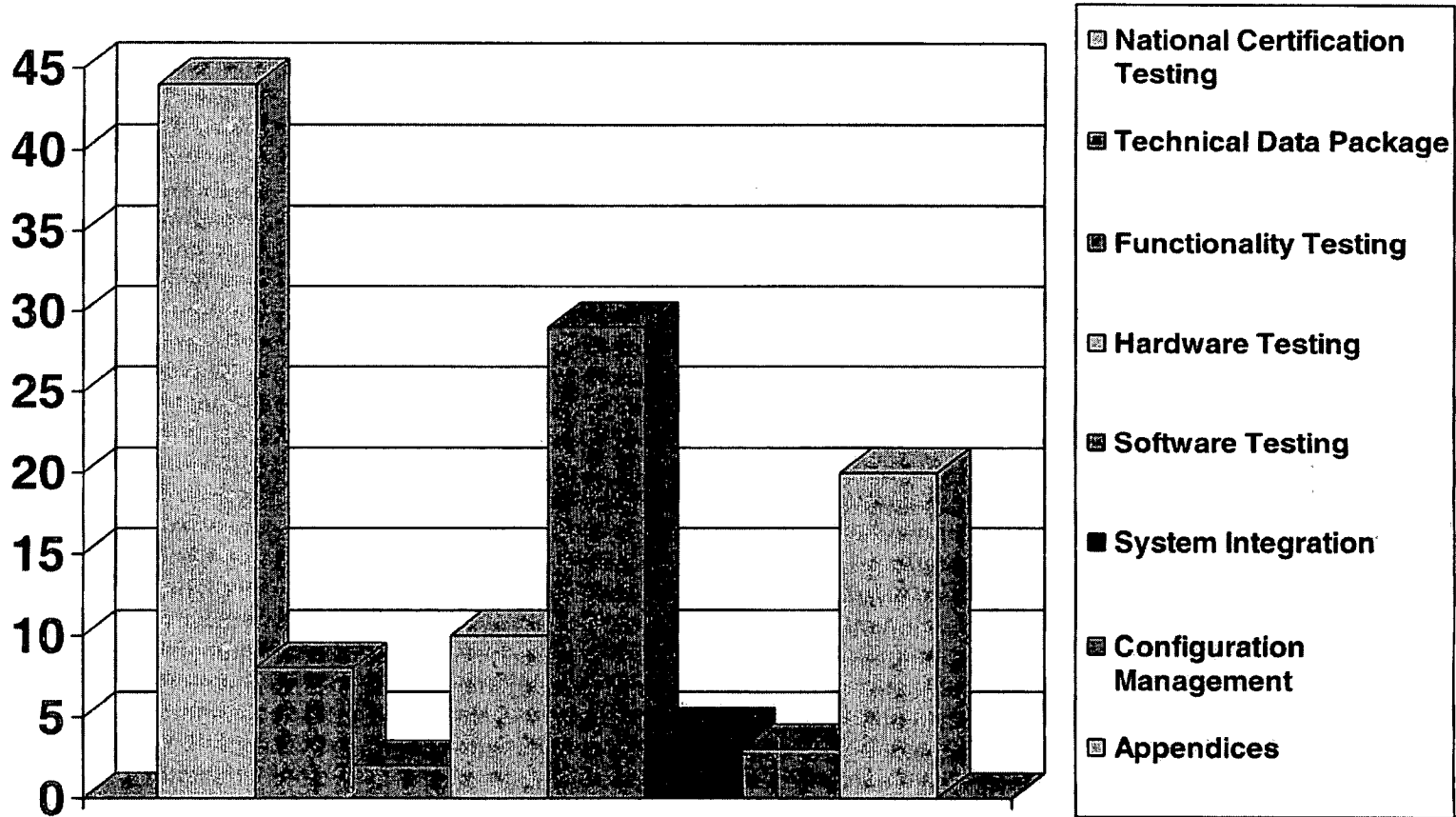
Summary of Security Comments



Total: 550 Comments

018232

Summary of Volume II Comments



Total: 120 Comments

018233

FOIA File

F05 - 003

FOIA File

F05-002

FOIA File



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

October 3, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Dear Ms. Coney:

This letter responds to your Freedom of Information Act (FOIA) request received by the U.S. Election Assistance Commission (EAC) on September 14, 2005 (dated September 12, 2005). The request seeks certain contracts and contract related documents.

The EAC is in the process of gathering the documents responsive to your request. Given that you seek the release of contracts which may contain confidential commercial information, the EAC is required to take certain additional steps before a final determination regarding release may be made. Consistent with Executive Order 12600, titled Predisclosure Notification Procedures for Confidential Commercial Information, the EAC will contact the submitter of the information requested. These organizations or individuals will be provided the opportunity to identify information they believe is covered by FOIA's confidential commercial information exception (5 U.S.C. 522(b)(4)). The submitters will be given 10 working days to provide a response. The final decision to release any documents responsive to your request will rest with the EAC. Given the additional coordination required to process your FOIA request, the EAC requires an additional 20 working days to respond. The EAC must take its responsibility to protect confidential commercial information seriously, as the Trade Secrets Act (18 U.S.C.A. § 1905) makes it a criminal offense for a Federal employee to disclose such information.

This letter is not a final response to your FOIA request. If you need further information on the EAC actions, you may reach me at (202) 566-3100 or ggilmour@eac.gov.

Sincerely,

Gavin S. Gilmour
Associate General Counsel

Attachments:

1. Your Request Letter (dated September 12, 2005)

018234

Gavin S. Gilmour/EAC/GOV
10/24/2005 12:03 PM

To "Lillie Coney" <coney@epic.org>
cc Gaylin Vogel/EAC/GOV@EAC
bcc
Subject FOIA Request

Ms. Coney,

I received your telephone call this morning. We are working on your FOIA request consistent with our last letter. As required by law, we work on these requests on a first in, first out basis (EAC has no fast track). Your request is presently our FOIA priority. As you know, we are very small agency with limited resource, but work hard to meet the needs of the public. At this point, I expect you will have our response within the additional 20 working days noted in our last letter.

Sincerely,

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

018235



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

November 9, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on September 14, 2005 (dated September 12, 2005). A copy of your request is attached.

Please find documents responsive to the above referenced request, enclosed. As you look through the materials you will find that a few pieces of information have been redacted in black. As required by FOIA exemption 6, the EAC has redacted certain pieces of personal information, including home addresses, telephone numbers, names, bank account information, employer identification numbers, and personal e-mail addresses. The EAC has also redacted confidential commercial information as mandated by FOIA exemption 4. Specifically, the EAC has redacted information that can be used to calculate actual costs regarding Kennesaw State labor rates. Further, the EAC has withheld one document (three pages) and five e-mails (less than a page each) pursuant to the deliberative process privilege and FOIA exemption 5. The EAC has withheld these documents as they are predecisional documents in which EAC decision makers discuss contracting policy options.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Gilmour", written over a horizontal line.

Gavin S. Gilmour
Associate General Counsel

Attachments:

1. Your Request Letter (dated September 12, 2005)
2. Responsive Documents

018236



Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,
Suite 200
Washington, DC 20009
USA

Phone: 202-483-1140
Ffax: 202-483-1248
<http://www.epic.org>
Email: coney@epic.org

Fax Cover Sheet

Send to: US Election Assistance Comm.	From: Lillie Coney
Attention: Julie Thompson, FOIA Officer	Office Location 1718 Connecticut Avenue, NW
Office location: Washington DC	Date: 9/12/05
Fax number: 202-5166-3127	Phone number: 202-483-1140 Ext. 111

URGENT

REPLY ASAP

PLEASE COMMENT

PLEASE REVIEW

FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: **2**

Comments:

FOIA Request

New due
Nov 10

10/11
25 (or 10/5)



Organization

018237

ELECTRONIC PRIVACY INFORMATION CENTER



September 12, 2005

Fax 202-566-3127

Julie Thompson
FOIA Officer
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC):

We are seeking all agency records concerning agency contracts awarded between July 9, 2004 and the date of the receipt of this letter. The documents sought include, but are not limited to documents regarding contracts, memorandum of understanding, and fee for service agreements in the employment of Stephen Berger and Kennesaw State University by the U.S. Election Assistance Commission (EAC). We also seek documents regarding contracts, memorandum of understanding, fee for service agreements, and employment of other current or former members of EAC's Technical Guidelines Development Committee (TGDC). Also provide all memorandum, letters and e-mails regarding meetings and communications to enter into contracts, memorandum of understanding, fee for service agreements, and employment of TGDC members or institutions they were affiliated with within one year of the date of the first meeting of the Committee.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director

018238



"Lillie Coney"
<coney@epic.org>
10/25/2005 05:44 PM

To ggilmour@eac.gov
cc "Lillie Coney" <coney@epic.org>
bcc
Subject Re: FOIA Request

Mr. Gilmour, I will assume that the 20 day extension is in addition to the 20 days initial requested on EPIC's September 12, 2005 letter, which did not begin until the agency received the letter on September 16, 2005. This would mean that a reply in part or in full is expected on or before November 14, 2005, because November 11, 2005 is Veterans Day.

Thank you for the reply to my request.

>Ms. Coney,

>

>I received your telephone call this morning. We are working on your
>FOIA request consistent with our last letter. As required by law,
>we work on these requests on a first in, first out basis (EAC has no
>fast track). Your request is presently our FOIA priority. As you
>know, we are very small agency with limited resource, but work hard
>to meet the needs of the public. At this point, I expect you will
>have our response within the additional 20 working days noted in our
>last letter.

>

>

>Sincerely,

>

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

--

Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
Coordinator, National Committee for Voting Integrity (NCVI)
1718 Connecticut Avenue, NW
Washington, DC 20009
(p) 202-483-1140 x 111
(f) 202-483-1248

018230

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 06/16/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 0541	4. ACT NUMBER E4014195
------------------------------	-----------------	--------------------------------	---------------------------

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)

TEM Consulting

Contact: Stephen Berger

COPY

B. TYPE OF ORDER	REFERENCE YOUR
<input type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input checked="" type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION	10B. TYPE OF BUSINESS ORGANIZATION		
<input checked="" type="checkbox"/> A. SMALL BUSINESS	<input type="checkbox"/> B. OTHER THAN SMALL BUSINESS	<input type="checkbox"/> C. SMALL DISADVANTAGED	<input type="checkbox"/> D. SMALL WOMEN-OWNED
<input checked="" type="checkbox"/> A. CORPORATION	<input type="checkbox"/> B. PARTNERSHIP	<input type="checkbox"/> C. SOLE	

11. ISSUING OFFICE (Address, zip code and telephone no.) Election Assistance Commission 1225 New York Avenue, NW, Suite 1100 Washington, DC 20005	12. REMITTANCE ADDRESS (MANDATORY) Remittance via EFT See attached form	13. SHIP TO (Consignee address, zip code and telephone no.) Same as block 11
--	---	---

14. PLACE OF INSPECTION AND ACCEPTANCE EAC, 1225 NY Ave., Suite 1100, Wash., DC 20005	16. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission
--	---

18. F.O.B. POINT Destination	17. GOVERNMENT B/L NO.	18. DELIVERY F.O.B. POINT ON OR BEFORE 06/23/05	19. PAYMENT/DISCOUNT TERMS Net 30
---------------------------------	------------------------	--	--------------------------------------

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the Election Assistance Commission (EAC). Request to provide technical assistance in defining EAC system certification and lab accreditation processes. See attached consulting agreement.				
	Total Cost of Delivery Order \$25,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.) Graela M. Hillman (202) 566-3100	TOTAL FROM 300-A(s)	25,000.00
22. SHIPPING POINT	GRAND TOTAL	25,000.00

24. MAIL INVOICE TO: (include zip code) General Services Administration (FUND) Election Assistance Commission 1225 New York Avenue, NW, Suite 1100 Washington, DC 20005	26A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana M. Scott	26B. TELEPHONE NO. (202) 566-3100
	28A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Graela M. Hillman, Chair	28B. TELEPHONE NO. (202) 566-3100
	28C. SIGNATURE 	

GENERAL SERVICES ADMINISTRATION

2. CONTRACTOR'S ORIGINAL

GSA FORM 300 (REV. 2-93)

018240

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offers awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 86)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84).

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

018241

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Please print or type	Name (See Specific Instructions on page 2.)	
	Business name, if different from above. (See Specific Instructions on page 2.)	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 2.

Social security number

or

Employer identification number

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

List account number(s) here (optional)

Part II For U.S. Payees Exempt From Backup Withholding (See the instructions on page 2.)

Part III Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here	Signature of U.S. person ▶	Date ▶
-----------	----------------------------	--------

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What is backup withholding? Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part III instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate instructions for the Requester of Form W-9.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your individual name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Part I—Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN below.**

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an LLC that is disregarded as an entity separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office. Get Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site at www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all

such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Part II—For U.S. Payees Exempt From Backup Withholding

Individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. For more information on exempt payees, see the separate instructions for the Requester of Form W-9.

If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding. Enter your correct TIN in Part I, write "Exempt" in Part II, and sign and date the form.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

Part III—Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 3, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified state tuition program payments, IRA or MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to

report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 31% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ³
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.



Draft Budget
 EAC TGDC Comment Review Project

25-May-05

Fixed Costs

Personnel	June	July	August	September	October	Total
PM	4000	4000	4000	4000	4000	20000
Student Asst.		600	600	600	600	2400
Total						22400

Consultants

King [REDACTED]	3500	3500	3500	3500	3500	17500
-----------------	------	------	------	------	------	-------

Subtotal 39900

Indirect (50%) 19950

Total Fixed Personnel 59100

Variable Costs

Graduate Stu.		800	800	800	800	3200
Consultants		8000	8000	8000		24000
						27200

Indirect (50%) 13600

Total Variable Personnel 40800

Travel 1000 2000 2000 2000 1500 8500

Phone 70 70 70 70 70 350
 Supplies/Copies 200 200 200 200 800

Total Variable Non-personnel 9650

Contract Total 109550

018244

Budget
EAC TGDC Comment Review Project


17-Aug-05

Fixed Costs

Personnel	July	August	September	October	November	Total
Project Manager (King) [REDACTED]	3322	3322	3322	3322	3322	16610
Project Coordinator	4000	4000	4000	4000	4000	20000
Faculty(2) @P-T Rate		6000	6000	6000	6000	24000
Student Asst.		1200	1200	1200	1200	4800
System Admin.	1000	1000	1000	1000	1000	5000
Graduate Students		1000	1000	1000	1000	4000
Total						74410
 Indirect (50%)						37205
 Fringes (30%)						22323
				Total Personnel		133938
<hr/>						
Consultants		4000	4000	5000	5000	18000
Travel	2400	5000	5000	5000	4200	21600
Supplies/Copies		300	220	600	260	1380
Project Total						174918

018245
018245

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>

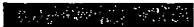


"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, . Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

019246

We have been hard-hit by Dennis. We have had building problems and were without power for 4 hours today. Things are a bit hectic here.

Talk to you tomorrow,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

Carol A. Paquette/EAC/GOV
07/06/2005 06:07 PM

To: "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Ré: Follow Up

Merle -

I expect to get your contract signed in the next day or two. However, I still need those couple bits of information - I think it was tax ID number, cognizant federal contract auditing agency and maybe something else - before it can be processed through finance. Will also be forwarding you some email traffic regarding some issues with the way the current website is working so you can avoid these problems.

The Commissioners have a problem with Brit working on the Guidelines comments. Their view is that there is an inherent conflict of interest for Brit to have been on the TGDC that came up with the basic recommendations and then also to be part of the EAC comment review team. So we will not be able to contract with him for this purpose. I know he has suggested he would resign from the TGDC, but that doesn't really fix this problem.

Attached is the final SOW. Let me know if you have any issues or questions with it. Thanks!



SOW guidelines review.doc

I'll forward your message to Tom. His email address is twilkey@eac.gov.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/06/2005 04:03 PM

To cpaquette@eac.gov
cc
Subject Follow Up

Carol - Any decision yet on the contract with KSU and Brit?

I have attached a word document regarding a training program that we are doing for election observers at the Carter Center. Tom Wilkey, Brit and I were discussing the usefulness of a similar program for NIST scientists - to familiarize them with the life cycle of an election. I do not have Tom's email address at the EAC. Could you forward this proposal to him?

Thanks, and let us know.

- Merle

018248

Carol A. Paquette/EAC/GOV
07/06/2005 10:28 AM

To Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Thomas R.
Wilkey/EAC/GOV, Juliet E. Thompson/EAC/GOV

cc

bcc

Subject Guidelines support from Kennesaw State - DECISION
REQUIRED BY FRIDAY, JULY 8

Commissioners -

Attached is the Statement of Work I have discussed with Merle King at Kennesaw State, specifically the Center for Election Systems. The period of performance for this work would be from the date of award through the end of December 2005. This will allow ample time to complete the Guidelines revisions and archive the comments and other materials from the comment review process. Prior to our making arrangements for them to provide web hosting for the document and collecting the on-line comments, they had given me an estimate of about \$150,000 for this effort. I am proposing to increase that amount to \$175,000 to cover the use of their secure server and IT support services.

I was asked to ascertain whether the Center for Election Systems or Kennesaw State had publicly taken any positions regarding VVPAT or other high profile election administration issues. Merle King has provided assurances that they have not testified on this matter to the Georgia legislature or expressed an opinion in any other venue. They have presented testimony to NIST, but on the topic of voting system functionality requirements. There was also the question of potential conflict of interest since the Center is funded as a line item in the Georgia Secretary of State's budget. Similar to our contract with the Eagleton Institute, the EAC contract would be with the University, since sub-elements do not have contracting authority. While the contract would draw on the expertise of Center personnel, their work would be managed and accountable independently through the University.

As a retiree of the Georgia higher education system, Brit Williams is prohibited from being a consultant on any university contract. His work with the Center is actually paid for through a contract with the Secretary of State's office. We anticipate potentially contracting with Brit to assist with the management guidelines work we plan to get underway in conjunction with NASED. He will not be involved with the Guidelines comment review work.



SOW guidelines review.doc

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

018249



"Brit Williams"
<britw@██████████>
06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette"
<cpaquette@eac.gov>
cc
bcc
Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully support the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

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

From: "Merle King" <mking@kennesaw.edu>
To: <cpaquette@eac.gov>
Sent: Tuesday, June 28, 2005 9:07 AM
Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
> on the topic of functionality, not VVPAT.
>
> The organization of the full-time staff at the Center is as follows:
>
> Merle King - Executive Director
> Ray Cobb - Director
> Tara Robie - Sr. Project Coordinator
> Anthony Peel - Sr. Project Coordinator
> Jessica Bamford - Project Coordinator
>
> Brit is a contractor with the SOS office and although he spends time at
> the Center, he is not on the Center budget. He does not report to me.
>
> The Center is completely funded by the SOS of Ga., as a line item in
> their budget.
>
> The Center staff has had private conversations with our vendor
> regarding VVPAT and I have expressed my opinion to several vendors on
> the legal and operational issues associated with the concept.
>
> I have discussed the proposed work for the EAC with the SOS Elections
> Director and we believe there is not a conflict of interest in the

•018250

> proposal. I think we can be impartial and objective in our review of
> comments. Our position has always been to enforce the law, rules and
> regs.

> There is also a separation of responsibility component to the proposal.
> The work with the EOC will be through my department (Computer Science
> and Information Systems). It will not be with the Center for Election
> Systems.

> Hope this helps.

> - Merle

> Merle S. King
> <http://science.kennesaw.edu/csis>
> Chair, CSIS Department
> Kennesaw State University
> 1000 Chastain Road, MB #1101
> Kennesaw, GA 30144-5591
> voice: 770-423-6354; fax: 770-423-6731

>>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>

> Merle -

> Discussed transferring the Guidelines document and comment application
> with the Commissioners and the Executive Director (Tom Wilkey) this
> morning, along with the other tasks related to reviewing the comments
> that you had provided a proposal for. Being ever cognizant of how the
> EAC
> is perceived, the Commissioners asked me to check to see if the Center
> or
> Kennesaw ever provided testimony to the GA legislature or has otherwise
> taken a public position on the topic of voter verified audit trails? We
> know Brit's views, but he was always speaking for himself on the topic.
> The question is whether the Center itself has taken a position on this
> high profile issue. Also, my understanding is that the Center is pretty
> much fully funded by the GA Secretary of State's office. Would that
> relationship in any way impinge on your ability to be objective and
> impartial when reviewing and advising on the disposition of comments?
> Can
> you advise? Thanks!

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

> "Merle King" <mking@kennesaw.edu>

018251



"Merle King"
<mking@kennesaw.edu>
06/28/2005 09:07 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: website

Carol - The Center staff has never given testimony to the GA Legislature. I have given testimony once, at a NIST meeting, but it was on the topic of functionality, not VVPAT.

The organization of the full-time staff at the Center is as follows:

Merle King - Executive Director
Ray Cobb - Director
Tara Robie - Sr. Project Coordinator
Anthony Peel - Sr. Project Coordinator
Jessica Bamford - Project Coordinator

Brit is a contractor with the SOS office and although he spends time at the Center, he is not on the Center budget. He does not report to me.

The Center is completely funded by the SOS of Ga., as a line item in their budget.

The Center staff has had private conversations with our vendor regarding VVPAT and I have expressed my opinion to several vendors on the legal and operational issues associated with the concept.

I have discussed the proposed work for the EAC with the SOS Elections Director and we believe there is not a conflict of interest in the proposal. I think we can be impartial and objective in our review of comments. Our position has always been to enforce the law, rules and regs.

There is also a separation of responsibility component to the proposal. The work with the EOC will be through my department (Computer Science and Information Systems). It will not be with the Center for Election Systems.

Hope this helps.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
Merle -

018252

Discussed transferring the Guidelines document and comment application with the Commissioners and the Executive Director (Tom Wilkey) this morning, along with the other tasks related to reviewing the comments that you had provided a proposal for. Being ever cognizant of how the EAC is perceived, the Commissioners asked me to check to see if the Center or Kennesaw ever provided testimony to the GA legislature or has otherwise taken a public position on the topic of voter verified audit trails? We know Brit's views, but he was always speaking for himself on the topic. The question is whether the Center itself has taken a position on this high profile issue. Also, my understanding is that the Center is pretty much fully funded by the GA Secretary of State's office. Would that relationship in any way impinge on your ability to be objective and impartial when reviewing and advising on the disposition of comments? Can you advise? Thanks!

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

"Merle King" <mking@kennesaw.edu>
06/27/2005 05:14 PM

To
cpaquette@eac.gov
cc
"Ken Honea" <khonea@kennesaw.edu>
Subject
website

Carol -

I noticed that you got the glynn.com site up and running on Saturday.

We have reserved the following url:
<http://guidelines.kennesaw.edu/guidelines> and put the content there.
The firewall is properly configured so that it can be linked when you are ready.

Please advise on how we should proceed.

Thanks,

Merle

018258

Carol A. Paquette/EAC/GOV
06/10/2005 08:43 AM

To mking@kennesaw.edu
cc
bcc
Subject proposal

Merle -

The proposal looks fine. Based on a conversation with Steve Berger a few days ago, I have another task to add. Sorry for the piecemeal approach; this will be the last "add-on".

The new task is as follows:

There are several places in the Voting System Guidelines (especially in Volume II on testing), that refer to "external" standards: e.g., ANSI, IEC, MILSTD. We need to create a references section in the document where all these materials are referenced in their latest version. It will require some research to determine what the latest version is. As versions change, EAC can issue an addendum to the references without having to dig into the entire document with changes. Then the text reference can be simply the title of the reference. Also, if there are commercial standards that replace the MILSTDs, we'd like to reference those instead, since many of the MILSTDs are no longer maintained by DoD.

The cognizant federal contract audit agency is whatever organization has been named to audit any federal grants or contracts that the University has. Either your budget or grants/contracts people should know who this is.

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

018254



"Merle King"
<mking@kennesaw.edu>
06/08/2005 07:51 PM

To cpaquette@eac.gov
cc
bcc
Subject Proposal

Carol - I have taken another cut at the EAC TGDC Guidelines Proposal. Please see attached.

I have made two modifications to the budget. The budget is now at \$149,050. Let me know if that creates issues:

1. I forgot to include fringes for full-time employees in the original
2. I have added additional consultant capacity regarding the need to provide maintenance of the guidelines and travel to all board meetings by the KSU team.

I am tracking down a couple of pieces related to Tax ID and the ETF form. I am not sure what "Cognizant Federal Contract Audit Agency" means. Our budget people might, but if you could help clarify that piece it would help.

We are closing out our fiscal year, so things have ground to a halt in terms of support from our business office. Sorry for the delay

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDGGuidelinesContract060505.doc

018255

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu
cc britw@
bcc
Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.

2) Tax ID number

3) Classification and type of business

4) Remittance address, including information for electronic funds transfer (form attached)

5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

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

018256

Carol A. Paquette/EAC/GOV
06/01/2005 09:56 AM

To mking@kennesaw.edu
cc
bcc
Subject EFT form

Merle -

Forgot to attach this form to previous email.



EFT form~9075810.tif

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

018257

Carol A. Paquette/EAC/GOV
05/26/2005 07:57 AM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Follow-up to Monday's Meeting

Merle -

This is a good summary. A few additional things came to mind as I was reviewing this:

1) I think we would also want you to maintain and revise the master working copy of the Guidelines, under strict version control, so we can be working on updates during the comment period. We want to do everything we reasonably can to minimize the time needed at the end of the period to wrap everything up. I envision the process working as follows. As you note in your paragraph 3, the reviewers will categorize comments and make recommendations to EAC on their disposition. In turn, we would advise you of the Commission's decision on your recommendations and you could make appropriate changes to the document.

2) We expect some comments may come in the form of "white papers," not necessarily related by the author to a specific section of the Guidelines. For example, Ted Selker at MIT offered to provide his specification for audio-verified audit trails for inclusion in the initial set of TGDC recommendations. It was too late in the process for additional material of this scope to be considered, so I told him he should submit it during the comment period. I understand that we may have a similar paper to consider on cognitive disabilities. The point being that comments may arrive in all shapes and sizes and we just have to make sure we have a process for tracking and handling them all. We're doing a walkthrough of the comments web application today and I will find out if data can be entered into the database manually, so we can have a single source for capturing all comments, whether received by web form, email attachment, or snail mail.

3) Speaking of the web application, I'm going to forward you the link and password for the demo version, so you can have a look at it and see if there are modifications we should make.

4) Just a little more detail on your paragraph 5. There will be 2 hearings and one combined Board meeting dealing with the Guidelines. The first hearing is June 30 in New York City. The second is July 26; location still to be determined, but will be west of Mississippi. Board meeting will be sometime in July, again the location hasn't been determined as yet. I anticipate that the Board meeting will be 1.5 - 2 days. Would have your team organize the discussion for this meeting, so we can get through the entire document and cover all their concerns.

Your estimated cost looks fine; I anticipate it will increase somewhat with the additional work outlined above. I will look into what we can do to get a separate contract in place for Brit. Call me if we need to discuss any of this. Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
05/25/2005 05:35 PM

To cpaquette@eac.gov
cc
Subject Re: Follow-up to Monday's Meeting

018258

Carol - The prior email only addresses the Guidelines. We thought that had the highest priority and we (Brit, Kathy Rogers, and I) need some time to discuss the Management Guidelines work.

Talk to you soon,

Merle

Merle S. King
http://science.kennesaw.edu/csis
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 5/25/2005 5:30:38 PM >>>
Merle -

Thanks for getting back to me so quickly on this. I will review this evening and get back to you tomorrow. Just at a glance this appears to

only include the Guidelines review assistance. So can I assume that there will be another paper coming on the Management Guidelines work?

Appreciate you and Brit traveling to DC to have this conversation. I agree that it was very helpful in fleshing out the concept for both of these tasks.

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

"Merle King" <mking@kennesaw.edu>
05/25/2005 04:51 PM

To
cpaquette@eac.gov
cc

Subject
Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline

018259

Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.
2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.
 - d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.
4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.
5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.
6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.
7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound,

018260

we

would ask that the EAC consider an addendum to this contract to facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget. Please let me know your thoughts.

- Merle.

Merle S. King

<http://science.kennesaw.edu/csis>

Chair, CSIS Department

Kennesaw State University

1000 Chastain Road, MB #1101

Kennesaw, GA 30144-5591

voice: 770-423-6354; fax: 770-423-6731

018261



"Merle King"
 <mking@kennesaw.edu>
 05/25/2005 04:51 PM

To cpaquette@eac.gov
 cc
 bcc

Subject Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.

2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.

*EAC
 doing
 this*

3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:

a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;

b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.

c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.

4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.

2 hearings plus Bd mtgs organize this

6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.

7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a.

*end of
 December*

*maintain
 master
 copy of
 document
 & make
 revisions
 as directed
 by EAC
 maintain
 version
 control*

018262

small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound, we would ask that the EAC consider an addendum to this contract to facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget. Please let me know your thoughts.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDCGuidelinesProposalBudget.xls

018263

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu

cc britw@██████████

bcc

Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

018264

malfunctions in the 2004 election, but there were many instances of procedural glitches. The need for management guidelines has long been recognized in the election community. The EAC would like to initiate the development of such guidelines or best practices, as a complementary product to the Voluntary Voting System Guidelines. In EAC's view, this work would require participation of a working group of election officials. However, an entity is needed to manage the development process and to provide research, documentation and other capabilities necessary to this work.

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

018255

Carol A. Paquette/EAC/GOV
06/01/2005 11:15 AM

To: Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Juliet E.
Thompson/EAC/GOV;twilkey@~~XXXXX~~
cc: Sheila A. Banks/EAC/GOV, Adam Ambrogi/EAC/GOV, Gavin
S. Gilmour/EAC/GOV, Brian Hancock/EAC/GOV
bcc:
Subject: proposed consulting contract to assist with NASED/EAC
transition work

Commissioners et al. -

The work on developing the EAC processes, documentation, etc., for transitioning lab accreditation and system certification from NASED to EAC has fallen significantly behind schedule. The project timeline called for completion of this work for Commissioner review by the end of May. We are perhaps 50% complete at this point.

We had requested assistance from NIST to work with Brian Hancock on this effort, but they have not been forthcoming with meaningful help. They provided a point of contact who passed on a lot of reference material for Brian to review, but they haven't identified anyone to help with defining the processes and preparing the documentation. The point of contact has since been diverted by some family medical problems, and Lynhe Rosenthal hasn't been able to identify another person.

Prior to his departure, Commissioner Soares encouraged me to find some additional resources to help move this work to completion. The Chair similarly advised me about two weeks ago when I was speaking to her about my concern over the lagging schedule.

In response to this direction to get help, I sent an email to Steve Berger, David Karmol, Paul Craft, Brit Williams, and Michael Shamos, asking if they could identify any individuals or companies we could contract with quickly to get this work done. Steve Berger responded that he could assist. I checked with EAC Counsel's Office to see if there were any issues regarding EAC contracting with a member of the TGDC. Julie and Gavin informed me that there were no problems with this. Steve is very well-qualified by education and experience to assist us in this effort. Paul Craft and Brit Williams concurred that Steve could more than adequately fill the requirement.

Brian and I have had several conversations with Steve and are convinced that his assistance will enable us to move ahead quickly to meet our revised target completion date of June 30. He has worked on defining similar quality conformance programs for other organizations and is knowledgeable of all the relevant standards, etc., and which need to be applied.

Consequently, I am recommending that the EAC enter into a consulting contract with Steve Berger for a not to exceed amount of \$40,000 and a period of performance from June 1 through July 31. The first milestone is to help Brian complete this work for Commission review by June 30. Steve's time in the month of July would be utilized to respond to questions and comments from the Commissioners to complete the work for Commission approval and establishment of a transition date.

I am available to discuss this matter and answer any questions you may have. If you are in agreement with this course of action, I will ask DeAnna to prepare appropriate consensus vote,

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

018266



"Stephen Berger"

<stephen.berger@ [REDACTED]>

[REDACTED]

06/01/2005 09:57 AM

Please respond to
stephen.berger@ieee.org

To bhancock@eac.gov, "Donald Heirman"
<d.heirman@[REDACTED]>, "Dan Hoolihan"
<hoolihan@[REDACTED]>

cc cpaquette@eac.gov

bcc

Subject RE: EAC Draft Documents

Brian,

Let me introduce the 3rd member of our "work crew" Dan Hoolihan. Dan has a lot of relevant experience to what we are doing. He is a NVLAP accreditor, very active on the FCC's Technical Competent Body Counsel and also works in international lab recognition areas. I know you will find Dan a valuable resource to have involved.

In talking to Dan this morning about our project we found ourselves discussing whether ISO Guide 65 type topics would be in view for this project. Guide 65 deals with vendor related topics, like their quality system, to assure that the manufactured product is the same as the tested product. ISO Guide 17025 focuses by contrast on lab accreditation. I asked Dan to write up a short discussion and forward it to you, to help us all get a clear focus on what we are doing first, what might come later and where we might find helpful guidance in preparing our materials.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile [REDACTED]

FAX - (512) 869-8709

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

Sent: Wednesday, June 01, 2005 8:05 AM

To: Donald Heirman; Stephen Berger

Subject: EAC Draft Documents

Steve, Don,

Nice talking with you yesterday. Both Carol and I look forward to working with you to move the project towards completion.

Attached are three draft documents that will give you an idea of where we see the program headed. The first document is the letter of certification which we plan on sending initially to the current test labs which we would grandfather until the NVLAP portion of the program produces results.

The second document is a series of flow charts which outline the basic steps of the certification and testing, and laboratory accreditation program. The third document is a draft policy guide on the testing and certification program. The policy guide has some obvious gaps in several sections which I have not yet had time to complete. We value your assessment of these documents and look forward to meeting with you, Steve, next week, and with Don as soon as possible.

Thanks again.

018267



"Stephen Berger"
<stephen.berger@ [REDACTED]>

To cpaquette@eac.gov

cc

06/01/2005 09:49 AM

bcc

Please respond to
stephen.berger@ieee.org

Subject RE: additional contracting information

Carol,

The EIN for TEM Consulting is: [REDACTED]

I am attaching our W9 in case you need that in the future.

TEM Consulting is a small business and it is a corporation.

I filled out the EFT form and signed it, the PDF is attached.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709

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

Sent: Wednesday, June 01, 2005 7:46 AM

To: stephen.berger@ieee.org

Subject: additional contracting information

Steve -

Need a little more information about your business to complete processing of contract.

1) What is your tax ID # (or SSN, if no tax ID)

2) What is the classification of your business: small; other than small, small disadvantaged, small woman-owned

and the type of business: corporation; partnership; sole proprietorship

Also, if you wish to receive payments electronically you will need to complete the attached EFT authorization form. Thanks!

Carol A. Paquette

018268

Carol A. Paquette/EAC/GOV
06/01/2005 08:24 AM

To stephen.berger@ieee.org
cc
bcc
Subject additional contracting information

Steve -

Need a little more information about your business to complete processing of contract.

1) What is your tax ID # (or SSN, if no tax ID)

2) What is the classification of your business: small; other than small, small disadvantaged, small woman-owned
and the type of business: corporation; partnership; sole proprietorship

Also, if you wish to receive payments electronically you will need to complete the attached EFT authorization form. Thanks!



EFT form~9075810.tif

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

018269



"Stephen Berger"
<stephen.berger@ [redacted]>

To cpaquette@eac.gov

cc

05/30/2005 10:04 AM

bcc

Please respond to
stephen.berger@ieee.org

Subject RE: Dates

Carol,

Hope you don't have to work all of memorial day? I wanted to get back with you on a couple of things.

I haven't heard back from Don or Dan yet, but let's tentatively plan on a conference call tomorrow at 1 ET. Do you have a conference number or would you like me to send out the one I use?

SATO is the travel agency that NIST uses when I come to the TGDC meetings. They don't seem to have the problem with last minute fare increases that we get booking directly. Otherwise the cost seems roughly comparable. For example, Southwest or American are the best connections from Austin. Right now, with 1 week notice I can to BWI for \$109 each way, \$218 plus tax roundtrip. Less than a week and it goes to \$586 plus tax roundtrip.

I can arrive at BWI by 1:30 out of Austin, and be at your office by 3:30.

So for the week of the 6th, if it gives us enough time I could come in Monday the 6th and coordinate my departure to match your schedule, say leaving late on the 8th?

I am putzing around the house and also working today. So feel free to call, it isn't an inconvenience [redacted] To get the lower airfare I should book today.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [redacted]

Mobile [redacted]

FAX - (512) 869-8709

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

Sent: Friday, May 27, 2005 5:06 PM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Dates

Steve -

Don't know what SATO stands for, does it mean Invitational travel orders (i.e., the government makes your travel arrangements and provides you a ticket)?

Monday is a government holiday which I will be celebrating by trying to complete my review of the Voluntary Voting System Guidelines.

018270

How about a phone call on Tuesday, the 31st? I'm available at 1 or 4:30 Eastern. Wednesday, June 1, is open all day, if that works better for you and your colleagues. Then we could have in person meeting the week of the 6th as you suggest. I'm on leave the 8th to attend an out-of-town graduation.

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

"Stephen Berger" <stephen.berger@[REDACTED]>

05/27/2005 05:00 PM

To: cpaquette@eac.gov
cc
Subject: RE: Dates

Please respond to
stephen.berger@ieee.org

Carol,

Assuming I can travel under SATO, as when I come to TGDC meetings, we don't need to worry about last minute flight costs.

I am working on a meeting at the FCC for June 13-14 and could extend to work with you, which would save some travel costs. I think though that you will want a first meeting sooner. Would you like to have an initial conference call, including Don Hejman and Dan Hoolhan, on Monday and in in-person meeting sometime the week of June 6? With your statement that the contract looks acceptable I am comfortable with going ahead and getting started. I could also fly up next week, but wonder if we wouldn't accomplish more by having a couple of conference calls and doing some preparatory work on our side?

My thought is after an initial conference call we should see what models and similar documents we can gather from sources we are aware of and adapt to the needs of the EAC. So at a first meeting the following week we potentially would come with some model documents and procedures to consider.

Best Regards,

Stephen Berger

TEM Consulting, LP
Web Site - www.temconsulting.com
E-MAIL - stephen.berger@ieee.org
Phone - [REDACTED]
Mobile [REDACTED]
FAX - (512) 869-8709

018271

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]
Sent: Friday, May 27, 2005 3:43 PM
To: stephen.berger@ieee.org
Subject: Re: Air Force Contract

Thanks, Steve. I agree with you that the consulting contract is the better way to go. I have reviewed the agreement you sent and it looks fine to me in terms of having all the appropriate clauses and safeguards. I have passed it to our General Counsel to see if she agrees that it is an acceptable contract document. If she gives me the okay we can probably have this in place by next Wednesday (June 1). We should be working on a date for you to come in so we can review work accomplished and what further remains to be completed.

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

"Stephen Berger" <stephen.berger@[REDACTED]>

05/27/2005 04:04 PM

To "Carol A. Paquette" <cpaquette@eac.gov>
cc
Subject Air Force Contract

Please respond to stephen.berger@ieee.org
--

Carol,

Attached is my Air Force contract. Besides a lot of boilerplate, the principle difference is that this is a firm fixed price contract. You can see that a set of initial deliverables was specified and funded. Options were included that could be exercised at the agencies discretion. We can go that way with your job but I would need a clear set of deliverables to bid on. Of course my bid will be competitive but guarded to be sure that I can provide the deliverables within the bid. I think the work assignment based contract will be both quicker to get in place and provide you a lower final cost. Having a not-to-exceed on the work items should give you the same budget protections that the Air Force is getting with the firm fixed price approach.

Best Regards,

018272



"Stephen Berger"

<stephen.berger@ [REDACTED]>

05/27/2005 09:14 AM

Please respond to
stephen.berger@ieee.org

To cpaquette@eac.gov, stephen.berger@ieee.org

cc bhancock@eac.gov

bcc

Subject RE: Help on establishing equipment certification system

Carol,

I will look forward to talking with you and Brian tomorrow.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile [REDACTED]

FAX - (512) 869-8709

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

Sent: Thursday, May 26, 2005 11:28 AM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Help on establishing equipment certification system

Steve -

1 p.m. tomorrow is good. Brian Hancock will be sitting in on the call. Do you want us to call you or will you call us? My direct dial is 202.566.3125. Thanks!

Carol A. Paquette

Interim Executive Director

U.S. Election Assistance Commission

(202)566-3125 cpaquette@eac.gov

018273



"Stephen Berger"
<stephen.berger@ [REDACTED]>

05/27/2005 03:55 PM

Please respond to
stephen.berger@ieee.org

To "Carol A. Paquette" <cpaquette@eac.gov>

cc

bcc

Subject Draft Contract

Carol,

Attached is the draft work assignment based contract I have been using. So far it has worked very well for the kind of assignment we are discussing.

I will send a copy of the Air Force Contract attached to a separate note for you to consider as an alternative.

I look forward to working with you. Thank you very much for the confidence expressed in making this opportunity available.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile [REDACTED]

FAX - (512) 869-8709



EAC-TEM - Consulting Contract.doc

018274

Carol A. Paquette/EAC/GOV
05/24/2005 04:00 PM

To stephen.berger@ieee.org
cc
bcc
Subject Re: Help on establishing equipment certification system

Steve -

Sorry I didn't have time to call you this morning. Today was pretty fully booked. What's your availability tomorrow or Thursday?

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Stephen Berger" <stephen.berger@ieee.org>



"Stephen Berger"
<stephen.berger@ieee.org>
05/23/2005 01:36 PM
Please respond to
stephen.berger@ieee.org

To "Carol A. Paquette" <cpaquette@eac.gov>
cc
Subject Help on establishing equipment certification system

Carol,

After our talk last week I made a few phone calls both to identify resources that are available and also to organize my own thinking around what kinds of help might be of the most help to you.

I started with some of my colleagues who have experience helping other agencies in similar areas. I am working with the assumption that you would like to have both expertise and experience as well as purely the hours to produce the necessary products. In my calls I started on the experience and expertise side.

I am going to make some assumptions about where you are at in these tasks, so feel free to correct me if I am wrong.

I have 3 of us with a lot of experience in setting up and managing laboratories and working on equipment grants at the FCC and FDA. If you look at my website, www.temconsulting.com you will find resumes for myself and Don Heirman (currently president of IEEE Standards Association). Also Dan Hoolihan has some time available, <http://www.emcexpert.com/>. All of us have other commitments but also have some time available between now and the end of June.

From our conversation I would assume matching a team like this with some contract tech writers may give you the manhours you need with the expertise to direct it efficiently.

If you like I can offer to contract all three of us through my company, TEM Consulting. I often use a work assignment based contract. This establishes a durable set of terms and conditions. Work and therefore payment are approved by work assignments. So the first work assignment can be for current needs with appropriate not-to-exceed limits and delivery dates. If further service is desired then new work assignments can be opened up. I have a standard contract that I use but also am working under a variation of this using an Air Force contract for some assignments I have for them.

018275

If this is going in a direction that interests you I think I would suggest that you and I talk to set things up and then have an introductory call with the team to outline assignments and organize what we would do for you.

As I have thought about what I would do were I in your position I think I would make one of our assignments to go over to the FCC laboratory in Columbia and ask their help, borrowing as much as they may feel comfortable in sharing. I have contract with Rashmi Doshi almost weekly and would assume he would be helpful. The positive is that there may be a lot of workproduct from their system that could be adopted for EAC use. I would also assume that there is a lot of experience that could be gathered in to the benefit of the EAC. I think the principle challenge would be to 'right-size' the system to the EAC and voting equipment vendors. I believe the FCC manages something like 25,000 grants a year and has a system of 500 commercial test labs doing the testing required.

Probably my biggest general worry for the EAC is that it would be easy to create an overly complex system that would not be appropriate for this sector. However, there is a lot of experience out there that could be gathered in.

I will be in meeting from about 2:30 to 6:30 ET, but call me on my mobile before then if you want to talk further. Tomorrow I have an early flight from Tucson but would be available until about 10:30 ET.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - [REDACTED]

Mobile - [REDACTED]

FAX - (512) 869-8709



Brian Hancock/EAC/GOV
05/24/2005 09:21 AM

To: Carol A. Paquette/EAC/GOV@EAC
cc
bcc
Subject: Associates of Steve Berger

Carol,

Don Heirman who works with Steve at TEM Consulting, has 30 years with Bell Laboratories in many EMC (Electromagnetic Compatibility) roles including Manager of Lucent Technologies (Bell Labs) Global Product Compliance Laboratory. He is also President of IEEE Standards Association, and has been a group manager for electromagnetics for the U.S. National Committee Technical Management Committee for the IEC (International Electrotechnical Commission). Finally, (in his spare time) he serves as an adjunct professor/senior research scientist at the University of Oklahoma Center for the Study of Wireless EMC.

Dan Hoolihan was Vice-President of the Minnesota Operations of TÜV Product Service from 1994-1999, Chief Operating Officer and co-founder of AMADOR Corporation from 1984 to 1994 and from 1969 to 1984, he was an EMC engineer and manager for Control Data Corporation in Minnesota. He is also a past President of the IEEE Electromagnetic Compatibility Society, and active with ANSI standards programs in this field.

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

018277

Carol A. Paquette/EAC/GOV
05/18/2005 03:10 PM

To pcraft@dos.state.fl.us;britw@ [REDACTED] stephen.berger@i
eee.org;dkarmol@ansi.org;shamos@cs.cmu.edu
cc
bcc
Subject EAC needs technical assistance to define system
certification process

Gentlemen:

As you may be aware, the EAC is supposed to take over the lab accreditation and voting system certification processes from NASED this fiscal year. Brian Hancock has been working very diligently to get the procedures defined, the forms, etc., designed, report formats specified, etc. Our legal counsel has been working on legal aspects. However, we just do not have adequate numbers of staff personnel to get this work completed in a timely fashion. Neither Brian nor counsel can devote full time to this effort because of the press of other EAC business and our general lack of staff resources.

We are looking for either individual consultants or companies with experience in doing this type of work. Our original completion date was the end of May, which we are not close to meeting. We are now targetting the end of June to complete documentation of the procedures, criteria, forms, etc., so this transition can happen by August. But this date cannot be met without assistance. Please forward any recommendations you might have as soon as possible. Since we have our own procurement authority we can turn around contracts quickly and we have adequate budgetary resources available to cover this work. We just need to identify some qualified sources who can go to work immediately. Thank you for your assistance.

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

018278

Donald N. Heirman
Don HEIRMAN Consultants

████████████████████
██████████ NJ ██████████ USA

Phone: ██████████

FAX: +1 732-530-5695

Email: d.heirman@ieee.org

Web site: <http://www.DonHEIRMAN.com>

Donald Heirman is president of Don HEIRMAN Consultants, training, standards, and educational electromagnetic compatibility (EMC) consultation corporation founded in 1997. His work includes consulting with a wide range of private and governmental bodies on EMC matters including implementation of state of the art EMC test facilities and evolving standardization, laboratory competency, and measurement aspects of human exposure to radio frequency energy. He provides workshops and tutorials on many of these topics both in the United States and in Europe.

Previously he was with Bell Laboratories for over 30 years in many EMC roles including Manager of Lucent Technologies (Bell Labs) Global Product Compliance Laboratory, which he founded, and where he was in charge of the corporation's major product safety, telecommunications, and EMC regulatory test facility and its participation in ANSI accredited standards committee and international EMC standardization. The laboratory was one of the first EMC testing labs accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) on a wide range of telecommunication products.

He chairs, or is a principal technical expert contributor to, US and international EMC standards organizations including ANSI ASC C63 (committee vice chairman and chairman of its Subcommittee 1 which is responsible for most of the C63 standards on EMC testing, calibration and instrumentation specifications and techniques) and the International Electrotechnical Commission's (IEC) Special International Committee on Radio Interference (CISPR) where he is a member of the CISPR steering committee and chairman of its Subcommittee A (Radio Interference Measurements and Statistical Techniques). Subcommittee A is responsible for CISPR Publication 16 which is the basic set of standards used worldwide for performing radio interference measurements to meet associated national regulatory requirements. He is a member of the IEC's Advisory Committee on EMC (ACEC) and the Technical Management Committee (TMC) of the US National Committee (USNC) of the IEC. In the TMC, he is Group Manager for electromagnetics which is responsible for ensuring appropriate US participation in the IEC on EMC matters and chairs its Coordinating Committee on EMC which helps formulate US EMC positions among the many USNC technical advisory committees (TAGs) with EMC aspects. He is also an active member of the USNC TAGs for CISPR Subcommittee A and Subcommittee I (EMC of Information Technology Equipment, multimedia equipment and receivers).

Mr. Heirman is past president and now member of the Board of Directors (managing business development) of the National Cooperation for Laboratory Accreditation (NACLA) which recognizes the competency of testing and calibration accreditation bodies in the US via the adherence of these accrediting bodies to ISO guides for competency of accrediting bodies and

Daniel D. Hoolihan is currently President of Hoolihan EMC Consulting,
[REDACTED], Minnesota, [REDACTED].

Hoolihan has been consulting in EMC Engineering since January of 2000. He specializes in EMC-Laboratory evaluations, EMC standards, and EMC Education. He is a consultant to the United States Department of Commerce National Institute of Standards and Technology (NIST) in the area of Telecom Certification Body (TCB) and Conformity Assessment Body (CAB) evaluations. He is also an assessor for the NIST National Voluntary Laboratory Accreditation Program (NVLAP).

Previous to consulting, he worked as Vice-President of Minnesota Operations for TUV Product Service from 1994 to 2000. From 1984 to 1994, he was the Co-Founder and Chief Operating Officer of AMADOR Corporation; a small business specializing in EMC testing of electronic products ranging in size from pacemakers to supercomputers. His first employment out of graduate school (in 1969) was with Control Data Corporation in their internal EMC lab.

Hoolihan has been on the Board of Directors of the EMC Society of the IEEE since 1987. He is the past-president of the EMCS (1998-1999) and has held many positions with the EMCS board in his years of service. He most recently served as the Chair of the 2002 IEEE International Symposium on EMC which was held in Minneapolis in August of 2002. He helped found the EMC chapter of the Twin Cities Section in 1985 and has been active in the local chapter since that time.

He has been actively involved with ANSI-Accredited Standards Committee on EMC since 1985. He is presently on the Steering Committee of C63 as well as chairing Subcommittee 6 (SC-6 - Lab Accreditation) and SC-8 (EMC and Medical Devices).

He is also an active member of the United States Technical Advisory Group on CISPR B; Industrial, Scientific and Medical Equipment.

His formal education includes a Bachelors Degree in Physics from Saint John's University (Minnesota), a Masters Degree in Physics from Louisiana State University (Baton Rouge), and a Masters in Business Administration from the University of Minnesota (Minneapolis).

Daniel D. Hoolihan

[REDACTED]
FAX 651-213-0977

Cell Phone [REDACTED]



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

OFFICE OF THE CHAIR

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Earle Holley
Kennesaw State University

Sincerely,

Gracia Hillman, Chair



Office of Sponsored Programs

August 25, 2005

Ms. Carol Paquette
U.S. Election Assistance Commission
1225 New York Avenue, N.W. Suite 1100
Washington, D.C. 20005

Re: EAC-0544, Kennesaw State University

Dear Ms. Paquette,

Please find enclosed one copy acknowledging receipt and acceptance of EAC-0544, Contract for Technical Assistance for the EAC for the Collection, Management, Review, and Response to the Public Comments Received on the Voluntary Voting System Guidelines. As this is a cost reimbursement type (Time and Materials) contract, we have enclosed our budget for this work. We will expect to be reimbursed for the expenses outlined on the attached budget.

Please let me know if you have any questions with any of the foregoing.

Kind regards,

A handwritten signature in cursive script that reads "Carolyn Elliott-Farino".

Carolyn Elliott-Farino
Associate Director

MEMORANDUM

TO: Commissioners Hillman, DeGregorio, and Martinez
FROM: Carol A. Paquette CP
DATE: June 3, 2005
RE: Consulting contract to assist with EAC system certification process development

BACKGROUND:

The work on developing EAC processes, review criteria, and documentation requirements for lab accreditation and voting system certification has fallen significantly behind schedule. The project timeline called for completion of this work for Commissioner review by the end of May. This work is perhaps 50% complete at this point. In addition, as we have more fully researched this topic we have become aware that this effort requires technical expertise and specialized knowledge not available on our staff. The Commission has committed to Congress that EAC will assume laboratory accreditation and system certification responsibility from NASED in FY05. Since public notice and comment will be required before this transition can occur, these materials need to be completed by early July at the latest to meet this commitment.

In early April, we requested assistance from NIST, but they have not been forthcoming with meaningful help. They provided a point of contact who identified and passed along considerable reference material, but is no longer available for further assistance due to a family medical issue. NIST has not been able to identify a replacement.

In an attempt to identify other potential sources of assistance for this highly specialized subject matter, I contacted several nationally recognized authorities on voting system certification and quality conformance processes. As a result of this inquiry, TEM Consulting was identified as uniquely qualified to assist the EAC.

Stephen Berger is the President of this small consulting firm. Mr. Berger has significant experience with IEEE standards development activities and served as the Chair of the IEEE Committee on voting equipment standards. He is the IEEE representative on the Technical Guidelines Development Committee and an ex-officio member of the NASED Voting Systems Standards Board. He also is the Co-chair of the U.S. Access Board's telecommunications compliance sub-committee. His resumé is attached.

Mr. Berger has identified two other consultants who will assist in this effort. Donald Heirman is past president and now a member of the Board of Directors of the National

Cooperation for Laboratory Accreditation, which recognizes the competency of testing accreditation bodies in the U.S. through the application of International Standards Organization guides. He chairs, or is a principal technical expert to, several U.S. and international standards organizations. He is also President of the IEEE Standards Association. His resume is attached.

Daniel Hoolihan specializes in laboratory evaluations and the accreditation of certification bodies. He is a consultant to NIST in the area of Telecommunications Certification Body and Conformity Assessment Body evaluations. (When EAC assumes the responsibility for laboratory accreditation and voting system certification, EAC will become a Certification and Conformity Assessment Body.) He is also an assessor for the NIST National Voluntary Laboratory Accreditation Program. He has been actively involved with ANSI standards committee work for 20 years. He is also an active member of the U.S. Technical Advisory Group on Industrial, Scientific and Medical Equipment. His resume is attached.

RECOMMENDATION:

The Commission should approve a consulting contract with TEM Consulting to assist EAC staff in completing the laboratory accreditation and system certification work. The period of performance would be from June 6 through July 15, 2005. The contract value will be \$25,000. A brief Statement of Work is attached.



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

OFFICE OF THE CHAIR

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of)
)
 Award of Contract for Technical Assistance to the)
 EAC for the Collection, Management, Review, and)
 Response to Public Comments Received on the)
 Voluntary Voting Systems Guidelines)

CERTIFICATION

I, Gracia M. Hillman., Chair of the Election Assistance Commission, do hereby certify that on July 22, 2004, the Commission decided by a vote of 3 to take the following action(s):

1.

Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review and Response to Public Comments Received on the Voluntary Voting Systems Guidelines.

Commissioners DeGregorio, Hillman and Martinez voted affirmatively for the decision.

Attest:

22 July 2005

 Date

 Gracia M. Hillman
 Chair



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

BALLOT DEADLINE: July 21, 2005, 12:30PM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR TECHNICAL ASSISTANCE TO THE
EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 7/19/05

SIGNATURE: Paul DeGregorio

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR

018286



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

BALLOT DEADLINE: July 21, 2005, 12:30PM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR TECHNICAL ASSISTANCE TO THE
EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: 7/22/05 SIGNATURE: Ray Martinez

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR

018287



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

BALLOT DEADLINE: July 21, 2005, 12:30PM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR TECHNICAL ASSISTANCE TO THE
EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 12 July 21/05 SIGNATURE: [Signature]

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR

018288



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: July 19, 2005, 12:30PM

BALLOT DEADLINE: July 21, 2005, 12:30PM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR TECHNICAL ASSISTANCE TO THE
EAC FOR THE COLLECTION, MANAGEMENT, REVIEW, AND
RESPONSE TO PUBLIC COMMENTS RECEIVED ON THE
VOLUNTARY VOTING SYSTEM GUIDELINES

- () I approve the recommendation.
() I disapprove the recommendation.
() I object to the recommendation.
() I am recused from voting.

COMMENTS: _____

DATE: _____ SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM TOM WILKEY, EXECUTIVE DIRECTOR

018289

MEMORANDUM

July 15, 2005

TO: EAC Commissioners

FROM: Tom Wilkey, Executive Director

SUBJECT: Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review, and Response to Public Comments Received on the Voluntary Voting System Guidelines

On June 29, 2005, EAC formally opened the ninety day public comment period on the Voluntary Voting System Guidelines. In light of our limited staff resources, EAC will require assistance in the review, posting, and analysis of these comments. This work will require personnel who have knowledge and experience with election administration processes and terminology, voting system technology, the testing of voting systems, and the application of standards. It will also require the ability to electronically host the document for public review, as well as the on-line commenting application that has been developed.

Kennesaw State University houses a unique facility, the Center for Election Systems, which possesses all of these capabilities. The Center provides voting system certification and acceptance testing, voting system configuration, election official and poll worker training, ballot generation, election day technical support, and election monitoring for all jurisdictions in the State of Georgia. This is the only institution of its kind in the United States and thus qualifies for FAR Subpart 6.302-1 exception to the requirement for full and open competition. We have been conducting a series of discussions with this institution regarding EAC's requirements in order to arrive at a mutually agreeable statement of work and cost estimate.

The Commissioners have previously reviewed and approved the attached statement of work for this effort. We have reviewed Kennesaw's cost estimate for this effort and find it reasonable for the experience levels and types of personnel needed to perform this work.

RECOMMENDATION:

Approve the award of a contract to Kennesaw State University in the amount of \$175,000.

Attachment

018290

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE
COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC
COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below.

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
2. *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial data, the contract clauses in this document shall take precedence.
3. *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

018294

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other Complications.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 7/22/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC-0544	4. ACT NUMBER E4019088
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IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)

Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, GA 30144

POC: Mr. Earle Holley, Vice President for Business & Finance
Phone: (770) 423-6021 Fax: (770) 423-6794

8. TYPE OF ORDER	REFERENCE YOUR
<input type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

- A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

- A. CORPORATION B. PARTNER-OWNED SHIP C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

16. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
7/27/2005

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments.				
	TOTAL COST OF CONTRACT: \$175,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission (202) 566-3100

22. SHIPPING POINT

23. GROSS SHIP WT.

TOTAL FROM 300-A(s)

175,000.00

GRAND TOTAL

175,000.00

24. MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

25B. TELEPHONE NO.

(202) 566-3100

25A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia Hillman, Chair

25B. TELEPHONE NO.

(202) 566-3100

25C. SIGNATURE

Gracia Hillman

GENERAL SERVICES ADMINISTRATION

2. CONTRACTOR'S ORIGINAL

GSA FORM 300 (REV. 2-93)

018296

PURCHASE ORDER TERMS AND CONDITIONS

652.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

652.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

62.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 60 percent of the total contract price.

62.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 62.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms). Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

62.222-40 SERVICE CONTRACT ACT OF 1986, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208), Regulations and Interpretations of the Service Contract Act of 1986 are contained in 29 CFR Part 4.

62.222-41 SERVICE CONTRACT ACT OF 1986, AS AMENDED (MAY 1989)

62.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(62.222-41 and 62.222-42 apply to service contracts when the amount exceeds \$2,500.)

The GSA Form 2168, Service Contract Act of 1986 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

62.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

62.203-1 Officials Not to Benefit (APR 84)

62.203-3 Gratuities (APR 84)

62.203-5 Covenant Against Contingent Fees (APR 84)

62.203-8 Restriction on Subcontractor Sales to the Government

(JUL 86)

62.203-7 Anti-Kickback Procedures (OCT 88)

62.212-9 Variation in Quantity (APR 84)

(In the preceding clause, the permissible variations are

stated in the schedule.)

62.222-3 Convict Labor (APR 84)

62.222-28 Equal Opportunity (APR 84) (Applies when amount exceeds

\$10,000.)

62.222-35 Affirmative Action for Special Disabled and Vietnam Era

Veterans (APR 84) (Applies when amount exceeds

\$10,000.)

62.222-36 Affirmative Action for Handicapped Workers

(APR 84) (Applies when amount exceeds \$2,500.)

62.222-37 Employment Reports on Special Disabled Veterans and

Veterans of the Vietnam Era (JAN 88) (Applies whenever

clause 62.222-36 is included.)

62.223-6 Drug Free Workplace (JUL 90) (Applies if contract is

awarded to an individual.)

62.225-3 Buy American Act - Supplies (JAN 89)

62.225-11 Restrictions on Certain Foreign Purchases (MAY 92)

62.232-25 Prompt Payment (SEP 92)

62.233-1 Disputes (DEC 91)

62.233-3 Protest After Award (AUG 89)

62.248-1 Contractor Inspection Requirements (APR 84)

62.249-8 Default (Fixed-Price Supply and Service) (APR 84)

Applicable to purchase orders for supplies:

62.222-4 Contract Work Hours and Safety Standards Act - Overtime

Compensation - (MAR 86) (Applies when amount is between

\$2,500 and \$10,000.)

62.222-20 Walsh-Healey Public Contracts Act (APR 84) (Applies when

amount exceeds \$10,000.)

62.243-1 Changes - Fixed Price (AUG 87)

62.249-1 Termination for

Convenience of the Government (Fixed Price) (Short

Form) (APR 84)

Applicable to purchase orders for services:

62.222-4 Contract Work Hours and Safety Standards Act - Overtime

Compensation - (MAR 86) (Applies when amount exceeds

\$2,500.)

62.243-1 Changes - Fixed Price (APR 84) - Alt. II

62.249-4 Termination for Convenience of the Government

(Services) (Short Form) (APR 84)

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 7/22/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC-0544	4. ACT NUMBER E4019088
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
Kennesaw State University
 1000 Chastain Road, MS #0102
 Kennesaw, GA 30144

POC: Mr. Earle Holley, Vice President for Business & Finance
 Phone: (770) 423-6021 Fax: (770) 423-6794

B. TYPE OF ORDER	REFERENCE YOUR
<input type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9B. CHECK, IF APPROPRIATE, FOR WITHHOLDING 20%
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

MAXIMUM PAYMENT AMOUNT	
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	

REMARKS

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments. TOTAL COST OF CONTRACT: \$175,000.00				

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)		
	<input type="checkbox"/> A. FULL	<input type="checkbox"/> B. PARTIAL	<input type="checkbox"/> C. FINAL PARTIAL
Received on (Date)	NAME AND TITLE (Type, print or stamp)		OFFICE SYMBOL
			TELEPHONE NO.
and accepted on (Date)	SIGNATURE		DATE SIGNED
			018298

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

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COPY

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE
COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC
COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below:

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

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application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
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4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract; pending final resolution of any dispute arising under the Contract.

018303

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other Complications.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		Kennesaw State University			
Address	1000 Chastain Road				
City	Kennesaw	State	GA	Zip	30144-5591
Taxpayer ID Number (TIN)					

Financial Institution Name		Bank of America			
Financial Institution Phone Number		1-800-333-9473			
Financial Institution Routing Transit Number (RTN)		[REDACTED]			
Depositor Account Title		Kennesaw State College Operating Account			
Depositor Account Number		[REDACTED]			
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person		Julie Peterson			
Phone	(770) 499-3378				

MUST HAVE SIGNATURE Company/Payee Authorized Signature	
--	--



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

October 12, 2005

Stephen Berger
TEM Consulting
140 River Road
Georgetown, TX 78628

VIA FACSIMILE 512-869-8709

Dear Mr. Berger:

The U.S. Election Assistance Commission has received a request under the Freedom of Information act (FOIA) for Contract # EAC 05-41 for technical assistance for the definition and documentation of an EAC laboratory accreditation and voting system certification process. Our review of the contract reveals that certain contract data supplied by TEM Consulting may fall within exemption 4 to the FOIA.

Under this exemption the EAC may refuse to disclose trade secrets and commercial or financial information obtained from a source outside the Government and which is privileged or confidential. Commercial or financial information is considered confidential if its disclosure is likely to cause substantial competitive harm to the source of the information.

In order for us to make a determination regarding the release of the contract under consideration the EAC must have a detailed justification of the reasons your firm believes the information requested should not be released under Exemption 4 of the FOIA. We believe that you are in a good position to explain the commercial sensitivity of the information contained in the contract which relates to the confidential information from your proposal.

In this regard please provide the EAC with a specific description concerning how disclosure of confidential information or related information in the contract would cause substantial harm to TEM Consulting's present or future competitive position. Some factors you may wish to describe are: the general custom or usage in your business regarding this type of information, the number and position of persons who have, or have had access to the information, the type and degrees of commercial injury that disclosure would cause and the length of time you feel confidential treatment is warranted. Due to the response time limits imposed on the government in these cases we request that you provide your response by

*4/11/05 9:21
to confirm
received 10/13*

018306

October 19, 2005. If we have not heard from you by that date we will assume that your firm has no objection to disclosure of the contract in its entirety.

We will carefully consider the justification you provide us and will endeavor to protect your proprietary data to the extent permitted under law. Should the EAC disagree with your position regarding some or all of the information requested, and determine it to be releasable, we will provide you with advance notice of our decision so that you may take whatever steps you consider appropriate to protect your interests.

If you have any questions you may reach me at (202) 566-3116 or gvogel@eac.gov.

Sincerely,



Gaylin Vogel

Law Clerk

U.S. Election Assistance Commission

018307



"Stephen Berger"

[Redacted]

11/04/2005 05:12 PM

Please respond to
stephen.berger@ieee.org

To gvogel@eac.gov

cc

bcc

Subject RE: FOIA

Dear Gaylin,

This note is to further document the reasons for our request that our hourly labor rate be withheld under the FOIA request you have received.

In any competitive bid situation competitive advantage is gained by the ability to deliver higher quality of service at a lower price. It is therefore the combination of quality of service and price that combines to provide a competitive offering. Having full visibility to the quality and price provides a competitor to bid against a known quantity while withholding one of these items assures that competitive bids remain truly competitive. As the seniority of our staff and their quality level is well known the only item that remains unknown to competitors is the price offered. Therefore we believe that the hourly rate offered should be considered a confidential item and withheld from this request.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Monday, October 24, 2005 3:37 PM

To: [Redacted]

Subject: FOIA

Importance: High

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,


018308

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018309



Gaylin Vogel/EAC/GOV
10/14/2005 04:12 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Response to FOIA 

Mr. King:

The EAC has received your letter stating that KSU wishes to classify certain contract information as confidential or a trade secret. In order for the EAC to review this request we will need you to identify the specific provisions and connect it to the specific Freedom of Information Act (FOIA) exception (most probable is exception 4 relating to Trade Secrets.) You will also need to justify to the EAC why it should withhold the information.

In order to assist you in your review I have attached the documents that the EAC has identified as responsive to the request involving communications with KSU.

If you have any questions please do not hesitate to contact me. In the event that you need to reach me over the week my cell is 202-491-3998.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>



GVogel@eac.gov KSU Docs.pdf

018310



**Computer Science and Information Systems Department
College of Science and Mathematics
Kennesaw State University**

Fax Cover Sheet

Date: 10-14-05 Total Number of Pages: 2

To: Gaylin Vogel From: Merle S. King

Fax # 202 566 3127 Fax # 770-423-6731

Message:

Please confirm receipt.

Hard copy to follow.

Merle S. King

Phone: 770-423-6005 • Fax: 770-423-6731

1000 Chastain Road • Mail Stop 1101 • Kennesaw, GA 30144-5591

018311



College of Science and Mathematics
Computer Science and Information Systems

October 14, 2005

Ms. Gaylin Vogel
U.S. Election Assistance Commission
1225 New York Ave., NW - Suite 1100
Washington, DC 20005

Dear Ms. Vogel:

Disclosure of the confidential content of the contract between Kennesaw State University (KSU) and the Election Assistance Commission (EAC) would be detrimental to KSU's current and future competitive position as a contractor. The disclosure of our pricing structure, methods for organizing work, and descriptions of software products designed to support the contract, would place us at a competitive disadvantage in bidding on comparable projects.

We request that information in our contract with the EAC be treated confidentially until such time that the products of our current contract (the public comments database and related documents, including the edited draft of the Voluntary Voting System Guidelines) are no longer in use by the EAC.

Sincerely,

A handwritten signature in black ink that reads "Merle S. King".

Merle S. King
Chair, CSIS Department



Brian Hancock/EAC/GOV
11/01/2005 04:15 PM

To Gaylin Vogel/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request about TGDC

Gaylin,
I believe I gave you all the information I had relating to these contracts.

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov
Gaylin Vogel/EAC/GOV

Gaylin Vogel/EAC/GOV
11/01/2005 03:39 PM

To Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject FOIA Request about TGDC

Bola, Brian, Carol, and Diana:

I need to get written confirmation from all of you by COB tomorrow (11/2) that you have turned over all the responsive documents to the FOIA request from EPIC dealing with contracts that the EAC has awarded to TGDC members or organizations connected to TGDC members; basically the contracts with TEM Consulting and Kennesaw State University. I sent an e-mail about this on October 11 & 12. If you need me to resend the original message please ask.

Thanks,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018310

Karen Lynn-Dyson/EAC/GOV
10/11/2005 04:36 PM

To Gaylin Vogel/EAC/GOV@EAC
Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
cc Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
bcc
Subject Re: FOIA Request - URGENT

Gaylin-

I have checked my records and I have no contracts or relationships with any of the related to the organizations listed below.

Regards-

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

Gaylin Vogel/EAC/GOV

Gaylin Vogel/EAC/GOV
10/11/2005 04:13 PM

To Carol A. Paquette/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC,
Bola Olu/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject FOIA Request - URGENT

Carol, Brian, Diana/Bola, and Karen:

We have a FOIA request for our records (includes e-mails) dealing with Contracts awarded to TGDC members and groups that the TGDC members are associated with and the EAC. Since the documents may contain confidential commercial information the EAC has to inform the submitter of the information that the records have been FOIAed.

From a review of the TGDC list and groups specifically identified in the FOIA request please check your files for any records dealing with a contract to

Kennesaw State University
OASIS
Usability Professionals Association
MIT
NASED
TEM Consulting
IEEE
Citigroup

018314

We may not have any contracts with all of the groups listed. I do not need any records for contracts that are in negotiation or awaiting signature; but please let me know that you possess such records.

This request is urgent as we are under a deadline. I need the documents by COB tomorrow (Wednesday, October 12). If you can identify the records I am more than willing to make the copies. If you feel inclined to make copies please make them single sided and no staples.

If you do not have any responsive records please send me an e-mail stating that you do not have any of the requested records.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018315

Carol A. Paquette/EAC/GOV
11/01/2005 07:12 PM

To gvogel@eac.gov@EAC
cc
bcc
Subject Re: FOIA Request about TGDC

Gaylin -

I checked my emails this evening and do not have any regarding these contracts. You already have reviewed the hardcopy files I have. So I believe I have turned over all relevant documents regarding this request.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Gaylin Vogel/EAC/GOV

Gaylin Vogel/EAC/GOV
11/01/2005 03:39 PM

To Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject FOIA Request about TGDC

Bola, Brian, Carol, and Diana:

I need to get written confirmation from all of you by COB tomorrow (11/2) that you have turned over all the responsive documents to the FOIA request from EPIC dealing with contracts that the EAC has awarded to TGDC members or organizations connected to TGDC members; basically the contracts with TEM Consulting and Kennesaw State University. I sent an e-mail about this on October 11 & 12. If you need me to resend the original message please ask.

Thanks,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018316

Bola Olu/EAC/GOV
11/02/2005 08:43 AM

To Gaylin Vogel/EAC/GOV@EAC
cc Diana Scott/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC
bcc
Subject Re: FOIA Request about TGDC

Gaylin:

I have nothing to turn over. All my department had to do with TEM consulting was to process their invoice for payment. The same applies to Kennesaw. What exactly are you looking for?

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
P:202-566-3124
F:202/566-3127
<http://www.eac.gov/>

"Hurry makes you overlook the small details of life"

Gaylin Vogel/EAC/GOV

Gaylin Vogel/EAC/GOV
11/01/2005 03:39 PM

To Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject FOIA Request about TGDC

Bola, Brian, Carol, and Diana:


I need to get written confirmation from all of you by COB tomorrow (11/2) that you have turned over all the responsive documents to the FOIA request from EPIC dealing with contracts that the EAC has awarded to TGDC members or organizations connected to TGDC members; basically the contracts with TEM Consulting and Kennesaw State University. I sent an e-mail about this on October 11 & 12. If you need me to resend the original message please ask.

Thanks,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018317

Diana Scott/EAC/GOV
11/02/2005 09:33 AM


To Gaylin Vogel/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request about TGDC 

There was a "consulting agreement" which was a part of the overall contract with TEM. Did you get that portion. If you did, I have no other docs for either TEM or Kennesaw.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Gaylin Vogel/EAC/GOV


Gaylin Vogel/EAC/GOV
11/01/2005 04:46 PM

To Diana Scott/EAC/GOV@EAC
cc
Subject Re: FOIA Request about TGDC 

I got copies of the contracts and SOW's from Bola a couple of weeks ago. Do you have any other documents relating to the contracts or just the contracts and SOW's?

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov
Diana Scott/EAC/GOV

Diana Scott/EAC/GOV
11/01/2005 04:42 PM

To Gaylin Vogel/EAC/GOV@EAC
cc
Subject Re: FOIA Request about TGDC 

Gaylin,

In terms of TEM and Kennesaw, do you just need copies of the contracts themselves and the respective SOWs? Plz. advise.

018318

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Gaylin Vogel/EAC/GOV

Gaylin Vogel/EAC/GOV

11/01/2005 03:39 PM

To Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC
Subject FOIA Request about TGDC

Bola, Brian, Carol, and Diana:

I need to get written confirmation from all of you by COB tomorrow (11/2) that you have turned over all the responsive documents to the FOIA request from EPIC dealing with contracts that the EAC has awarded to TGDC members or organizations connected to TGDC members; basically the contracts with TEM Consulting and Kennesaw State University. I sent an e-mail about this on October 11 & 12. If you need me to resend the original message please ask.

Thanks,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018319

[Return to Technical Guidelines
and Development Committee Page](#)

Technical Guidelines Development Committee

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Director of the National Institute of Standards and
Technology (NIST)
Gaithersburg, MD

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Colorado Secretary of State
Standards Board (EAC)
Denver, CO

Alice Miller
Director of Elections-District of Columbia
Standards Board (EAC)
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Sharon Turner Buie
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Board of Advisors (EAC)
Kansas City, MO

Helen Purcell
Maricopa County Recorder
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Architectural and Transportation Barrier
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Director Procedures and Standards
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American National Standards Institute (ANSI)
New York, NY

H. Stephen Berger
TEM Consulting, LP- Chair, IEEE SEC 38 (Voting
Syst. Stds.)
Institute of Electrical and Electronics Engineers
(IEEE)
Georgetown, TX

Dr. Brittain Williams
Retired professor- Kennesaw State- University of
Georgia
National Association of State Election Directors
(NASSED)
Tucker, GA

Paul Craft
Florida Department of State, Voting Systems
Division
National Association of State Election Directors
(NASSED)
Tallahassee, FL

Dr. Ronald Rivest
Professor, MIT-Department of Electrical
Engineering and Computer Science
Cambridge, MA

Dr. Daniel Schutzer
Vice President & Director of External Standards
and Advanced Technology, e-Citi, CitiGroup
Stamford, CT

Patrick Gannon
President and CEO,
OASIS
Billerica, MA

Whitney Quesenberg
President-Usability Professionals' Association
High Bridge, NJ

018320

ANSI Rep (c)(1)(B)	Mr. David Karmol	No	n/a	ANSI - Washington DC
IEEE Rep (c)(1)(C)	Mr. H. Stephen Berger	Yes	n/a	Headquarters IEEE
NASED Rep (c)(1)(D)	Mr. Paul Craft	Yes	n/a	Florida Dept of State, Voting Systems Division
NASED Rep (c)(1)(D)	Dr. Britain Williams	Yes	n/a	Retired Professor - Kennesaw State-Univ. of Georgia
Mmbrs Arch Trans Bar Bd (c)(1)(a)(iii)	Mr. James Elekes	Yes		Board Member - Access
Mmbrs Arch Trans Bar Bd (c)(1)(a)(iii)	Mr. James R. Harding	Yes		Board Member - Access
Standards Board (c)(1)(a)(i)	Ms. Alice Miller	Yes	n/a	Director of Elections - District of Columbia
Standards Board (c)(1)(a)(i)	Hon. John A. Gale		n/a	Secretary of State - Nebraska
Board of Advisors (c)(1)(a)(ii)	Ms. Sharon Turner-Buie	Yes	n/a	Director of Elections - Kansas City
Board of Advisors (c)(1)(a)(ii)	Ms. Helen Purcell	Yes	n/a	Maricopa County (AZ) Recorder
Other Tech/Sci (c)(1)(E)	Ms. Patrick Gannon	Yes		President & CEO - OASIS
Other Tech/Sci (c)(1)(E)	Ms. Whitney Quesenbery	Yes	450	President - Usability Professionals' Association
Other Tech/Sci (c)(1)(E)	Dr. Ronald Rivest	Yes		Professor of Computer Science & Engineering - MIT
Other Tech/Sci (c)(1)(E)	Dr. Daniel Schutzer	Yes		Vice President & Director of External Standards and Advanced Technology - e- Citi, Citigroup

018321

05-0007



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

November 10, 2005

To: Gavin Gilmour, Associate General Counsel

From: Gaylin Vogel, Law Clerk (AV)

RE: Freedom of Information Act request from the Electronic Privacy Institute on September 12, 2005

The memo covers the approach taken to locate the responsive documents, justification for the redaction of certain information contained in the responsive documents, and justification for withholding certain documents.

Background

The EAC received a Freedom of Information Act (FOIA) request from the Electronic Privacy Information Center (EPIC) on September 14, 2005; the letter is dated September 12, 2005. EPIC requested all agency records concerning agency contracts awarded between July 9, 2004 and September 12, 2005 with Kennesaw State University (KSU); Stephen Berger; or current or former Technical Guidelines Development Committee (TGDC) members and institutions they were affiliated with within one year of the first TGDC meeting.

Approach

In order to locate the responsive documents I sent an e-mail to EAC staffers Karen Lynn-Dyson, Brian Hancock, Bola Olu and Diana Scott; and EAC Contract Employee Carol Paquette. In the e-mail I asked for all documents relating to the formation or modification of any contract or agreement with the entities mentioned above. A list of TGDC members was included in the e-mail. The EAC does not know what groups TGDC members were affiliated within one year of the first TGDC meeting. In order to honor the spirit of the EPIC request I looked at the TGDC membership list which listed current affiliations. The e-mail requesting the responsive documents included a list these affiliated groups.

This process revealed that two contracts that fall within the scope of the request. One was with KSU, the other was with TEM Consulting, Stephen Bergers consulting group.

Bola Olu and Diana Scott turned over copies of the contract and funding documents; Brian Hancock turned over e-mail correspondence; Karen Lynn-Dyson responded that she did not have any records; and Carol Paquette turned over a file on each contract and e-mail correspondence.

On November 1, 2005 via e-mail I confirmed with the Diana Scott, Brian Hancock, Karen Lynn-Dyson, Carol Paquette and Bola Olu that they have searched their files and did not have any additional responsive documents.

Redaction

The following information was redacted from the responsive documents based on FOIA exemption 6, which covers personal privacy interest. For example any information that "applies to a particular individual" meets the threshold requirement for Exemption 6 protections.¹ Based on a balancing test of the public's right to know against an individual's right to privacy,² I have determined that disclosure of the information "would constitute a clearly unwarranted invasion of personal privacy."³ The core purpose of FOIA is to shed light on the agency's performance of its statutory duties.⁴ The following information pertains to personal information of contractors and not to the function or practices of the EAC.:

- The address for TEM Consulting is Stephen Bergers home office. This address was listed numerous times on different documents. In each instance his address was redacted.
- In Stephen Berger's e-mail tag the home phone number and mobile phone number was listed. In each instance his home and mobile phone number was redacted.
- In an e-mail from Merle King of KSU to Carol Paquette (7/12/05 at 6:34 P.M.) he listed the name of his "PM" that he lost when her contract ended. The individuals name was redacted.
- On the Electronic Funds Transfer (EFT) Enrollment Form, KSU's bank account number and the banks routing transit number was redacted.
- NEAR INPUT TRANSMITTAL sheet other transactions relating to personal travel authorizations and reimbursements and vendor payments was redacted. The information relating to TEM Consulting and KSU was not redacted.
- In e-mail from Stephen Berger to Carol Paquette (6/1/05 at 9:45 A.M) TEM Consulting EIN number was redacted.
- The home address listed on Daniel Hoolihan's bio was redacted.
- Through out the responsive documents some personal e-mail addresses were listed. The information following the "@" was redacted for personal e-mail addresses.

The following information was redacted from the responsive documents based on FOIA exemption 4, which covers confidential commercial information. Revealing actual cost information is a court recognized competitive injury because the use of the information by competitors can injure the submitter's competitive position.⁵

- On the KSU budget Merle King's percentage of effort is redacted because it could be used to calculate the University's actual cost. By redacting the percentage the actual

¹ United States Department of State v. Washington Post Co., 456 U.S. 595 at 602 (1980)

² 5 U.S.C. §552(b)(6)

³ N.Y. Times Co. v. NASA, 920 F.2d 1002 at 1005 (D.C. Cir 1990)

⁴ United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 at 773, (1989)

⁵ FOIA Book page 332

costs of the time for his labor cannot be deducted. This approach is consistent with prior court approaches to similar situations where the court disaggregated the requested information, ordering release of the wage rates without the manhour information, because release of one without the other would not cause the company competitive harm.⁶

Not Redacted

I contacted the FOIA help desk at Justice in response to Mr. Berger's request to withhold his discounted hourly rate. I was told it is possible to withhold the information on a discounted rate but if the rate is "loaded" then we must show disclosure is harmful to the competitive process. In the brief conversation the FOIA Counselor stated that this is a high standard and Mr. Berger's ability to negotiate the higher private rate in the private sector was not a competitive process consideration. In a subsequent discussion with Mr. Berger he asked that we redact the rate but understands that the EAC may have to release the rate.

Withheld

The following responsive documents were withheld based on FOIA exemption 5, deliberative process privilege. The privilege is which is designed to "prevent injury to the quality of agency decisions."⁷ One of the goals of this exemption is to encourage open, frank discussions on matters of policy between subordinates and superiors.⁸ In order for a document to be withheld as predecisional it must be "antecedent to the adoption of an agency policy."⁹ It must be "a direct part of the deliberative process in that it makes recommendations or expresses opinions on legal or policy matters."¹⁰ If the material listed below is released it will chill discussions between agency staff and the Commissioners (as the decision makers).

- Draft statement of work for the contract eventually awarded to KSU that has comments written by Chair Hillman to Carol Paquette. The final version is in the documents provided.
- E-mail from Chair Hillman to Carol Paquette, Juliet Thompson, Vice Chairman DeGregorio and Commissioner Martinez (6/1/05 at 3:10 P.M.) discussing what would be covered in a contract.
- E-mail from Carol Paquette to Chair Hillman, Juliet Thompson, Vice Chairman DeGregorio and Commissioner Martinez (6/1/05 at 6:34 P.M.) answering Chair Hillmans question posed in the 6/1/05 at 3:10 P.M. e-mail above.
- E-mail from Carol Paquette to Chair Hillman, Juliet Thompson, Vice Chairman DeGregorio, Commissioner Martinez, Tom Wilkey, Sheila Banks, Adam Ambrogi, Gavin Gilmour and Brian Hancock (6/1/05 at 12:20 P.M.) discussing the approach to finding a consultant to work on the NASED/EAC transition.

⁶ Painters Dist. Council Six v. GSA, No. 85-2971, slip op. at 8 (N.D. Ohio July 23, 1986); see also Lykes, No. 92-2780, slip op. at 15 (D.D.C. Sept. 2, 1993) (submitter failed to show any harm given fact that proposed disclosures would "redact all price terms, financial terms, rates and the like")

⁷ NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975)

⁸ Russell v. Dep't of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982)

⁹ Jordan v. United States Dep't of Justice, 591 F.2d 753, 774 (D.C. Cir. 1978)

¹⁰ Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975)

- E-mail from Carol Paquette to Chair Hillman, Juliet Thompson, Vice Chairman DeGregorio and Commissioner Martinez (6/2/05 at 9:21 A.M.) discussing the prudence of Mr. Berger's hourly rate.
- E-mail from Chair Hillman to Carol Paquette, Juliet Thompson, Vice Chairman DeGregorio and Commissioner Martinez (6/1/05 at 8:22 P.M.) discussing the approving on Mr. Berger's hourly rate.

Recommendation

The responsive documents identified by Diana Scott, Bola Olu, Brian Hancock, and Carol Paquette should be turned over to EPIC with the recommended redactions; with exception for the documents identified under the deliberative process exception discussed above.

ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

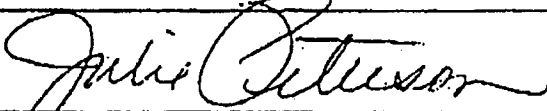
Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		Kennesaw State University			
Address	1000 Chastain Road				
City	Kennesaw	State	GA	Zip	30144-5591
Taxpayer ID Number (TIN)					

Financial Institution Name		Bank of America			
Financial Institution Phone Number		1-800-333-9473			
Financial Institution Routing Transit Number (RTN)			026009593		
Depositor Account Title		Kennesaw State College Operating Account			
Depositor Account Number		002320738197			
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person		Julie Peterson			
Phone	(770) 499-3378				

MUST HAVE SIGNATURE	
Company/Payee Authorized Signature	

Budget
EAC TGDC Comment Review Project

17-Aug-05

Fixed Costs

Personnel	July	August	September	October	November	Total
Project Manager (King) 33%	3322	3322	3322	3322	3322	16610
Project Coordinator	4000	4000	4000	4000	4000	20000
Faculty(2) @P-T Rate		6000	6000	6000	6000	24000
Student Asst.		1200	1200	1200	1200	4800
System Admin.	1000	1000	1000	1000	1000	5000
Graduate Students		1000	1000	1000	1000	4000
Total						74410
Indirect (50%)						37205
Fringes (30%)						22323
				Total Personnel		133938

Consultants		4000	4000	5000	5000	18000
Travel	2400	5000	5000	5000	4200	21600
Supplies/Copies		300	220	600	260	1380
Project Total						174918

018327

NEAR INPUT TRANSMITTAL
 (Prepare in triplicate. Forward
 original and one copy to the
 appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/>	6BCPG	<input type="checkbox"/>	6BCPF	<input type="checkbox"/>	6BCPM	<input type="checkbox"/>	6BCPI	<input type="checkbox"/>	6BCRG	<input type="checkbox"/>	6BCRF
<input type="checkbox"/>	6BCRC	<input type="checkbox"/>	6BCA	<input type="checkbox"/>	6BCAF	<input type="checkbox"/>	6BCAG	<input type="checkbox"/>	6BCE	<input type="checkbox"/>	6BCC
<input checked="" type="checkbox"/>	6BCEP	<input type="checkbox"/>	6BCY	<input type="checkbox"/>	7BCPL	<input type="checkbox"/>	7BCPP	<input type="checkbox"/>	7BCPC	<input type="checkbox"/>	7BCPK
<input type="checkbox"/>	7BCAX	<input type="checkbox"/>	7BCAP	<input type="checkbox"/>	7BCAK	<input type="checkbox"/>	7BCRK	<input type="checkbox"/>	7BCPR		
<input type="checkbox"/>	OTHER (Specify)										

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

DATE 8/3/05	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
----------------	---------------	--

ACT	LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION
		CITIBANK	\$41.79	REIMBURSEMENT
		CORTES, EDGARDO		EFT ENROLLMENT FORM
		KENNESAW STATE UNIVERSITY		EFT ENROLLMENT FORM
		TEM CONSULTING, LP		EFT ENROLLMENT FORM
	E4019145	OFFICE DEPOT	\$360.90	CERTIFIED INVOICE STAMP
	E4019146	STAPLES	\$1,154.72	CERTIFIED INVOICE STAMP
	E4019151	FEDEX	\$137.49	CERTIFIED INVOICE STAMP
	E4014128A	SNELLING PERSONNEL SERVICES	\$1,085.00	RPR
	E4014195	TEM CONSULTING, LP	\$16,056.09	RPR
	E4019088	KENNESAW STATE UNIVERSITY	\$175,000.00	GSA FORM 300
	AMEND	CALIBER ASSOCIATES, INC.	\$150,000.00	BLANKET PURCHASE AGREEMENT
	E4019142	CALIBER ASSOCIATES, INC.	\$75,500.00	GSA FORM 300
	E4019153	THE ADAM'S MARK HOTEL	\$39,200.00	GSA FORM 300
	E4019049A	DeGREGORIO, PAUL S.	\$1,565.31	TRAVEL AUTHORIZATION
	E4019050A	SHERRILL, AMIE J.	\$942.29	TRAVEL AUTHORIZATION
	E4019057	FIGUEROA, LUIS	\$647.30	TRAVEL AUTHORIZATION
	E4019060	AGUINAGA, ROBERT	\$447.28	TRAVEL AUTHORIZATION
	E4019109	WILKEY, THOMAS R.	\$1,519.40	TRAVEL AUTHORIZATION
	E4019119	DeGREGORIO, PAUL S.	\$1,796.30	TRAVEL AUTHORIZATION
	E4019130	KEH, JULIA	\$250.00	TRAVEL AUTHORIZATION
	E4019143	PETERSEN, MARIA T.	\$350.00	TRAVEL AUTHORIZATION
	E4019147	CORTES, EDGARDO	\$1,185.40	TRAVEL AUTHORIZATION
	E4019152	DAVIDSON, DONETTA	\$920.90	TRAVEL AUTHORIZATION
	E4019507	WILKEY, THOMAS R.	\$1,166.40	TRAVEL AUTHORIZATION
	E4014182	WILKEY, THOMAS R.	\$1,446.91	TRAVEL VOUCHER
	E4019024	DeGREGORIO, PAUL S.	\$183.15	TRAVEL VOUCHER
	E4019057	FIGUEROA, LUIS	\$254.39	TRAVEL VOUCHER
	E4019061	THOMPSON, JULIET E.	\$259.67	TRAVEL VOUCHER

AUTHORIZED SIGNATURE

DIANA M. SCOTT
 SERVICE

ELECTION ASSISTANCE COMMISSION
 SIGNATURE OF RECEIVING OFFICIAL - FINANCE

OFFICE SYMBOL
 EAC

TITLE

ADMINISTRATIVE OFFICER

TELEPHONE NUMBER

(202) 566-3119

NUMBER DOCUMENTS RECEIVED


DATE RECEIVED

GENERAL SERVICES ADMINISTRATION

GSA FORM 2951 (REV. 12-84)
 Prescribed by COM P 4261.1

018328

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, Carol Julian. Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

018329



"Brit Williams"

06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette" <cpaquette@eac.gov>

cc

bcc

Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully support the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

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

From: "Merle King" <mking@kennesaw.edu>

To: <cpaquette@eac.gov>

Sent: Tuesday, June 28, 2005 9:07 AM

Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
> on the topic of functionality, not VVPAT.
>
> The organization of the full-time staff at the Center is as follows:
>
> Merle King - Executive Director
> Ray Cobb - Director
> Tara Robie - Sr. Project Coordinator
> Anthony Peel - Sr. Project Coordinator
> Jessica Bamford - Project Coordinator
>
> Brit is a contractor with the SOS office and although he spends time at
> the Center, he is not on the Center budget. He does not report to me.
>
> The Center is completely funded by the SOS of Ga., as a line item in
> their budget.
>
> The Center staff has had private conversations with our vendor
> regarding VVPAT and I have expressed my opinion to several vendors on
> the legal and operational issues associated with the concept.
>
> I have discussed the proposed work for the EAC with the SOS Elections
> Director and we believe there is not a conflict of interest in the

018330

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as requested.

5. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

Budget

Given the unknown quantity of work involved in the project, it is projected that there will be fixed costs of \$71,100 and variable costs associated with the volume of comments received. The total projected costs are estimated at \$149,050. KSU's indirect rate is 50% of personnel costs.

KSU will invoice the EAC quarterly for the duration of the project.

Budget							3-Jun-05	
EAC TGDC Comment Review Project								
Fixed Costs								
Personnel	June	July	August	September	October	Total		
PM	4000	4000	4000	4000	4000	20000		
Student Asst.		600	600	600	600	2400		
Total						22400		
Consultants								
King (1/3 time)	3500	3500	3500	3500	3500	17500		
Subtotal							39900	
Indirect (50%)							19950	
Fringes (30%) for full-time employees							11250	
							Total Fixed Personnel	71100
Variable Costs								
Graduate Stu.		800	800	800	800	3200		
Consultants		12000	12000	12000		36000		
							39200	
Indirect (50%)							19600	
							Total Variable	58800

018331

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu

[REDACTED]
bcc

Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.

2) Tax ID number

3) Classification and type of business

4) Remittance address, including information for electronic funds transfer (form attached)

5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

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

018332

Draft Budget
EAC TGDC Comment Review Project

25-May-05

Fixed Costs

	June	July	August	September	October	Total
Personnel						
PM	4000	4000	4000	4000	4000	20000
Student Asst.		600	600	600	600	2400
Total						22400

Consultants						
King (1/3 time)	3500	3500	3500	3500	3500	17500

Subtotal 39900

Indirect (50%) 19950

Total Fixed Personnel 59100

Variable Costs

Graduate Stu.		800	800	800	800	3200
Consultants		8000	8000	8000		24000
						27200

Indirect (50%) 13600

Total Variable Personnel 40800

Travel 1000 2000 2000 2000 1500 8500

Phone 70 70 70 70 70 350
Supplies/Copies 200 200 200 200 800

Total Variable Non-personnel 9650

Contract Total 109550

018333

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu
cc [REDACTED]
bcc
Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

018334

CONSULTING AGREEMENT WORK ASSIGNMENT BASED

This Agreement is made effective as of the date of signing by and between the United States Election Assistance Commission, with offices at 1225 New York Avenue N.W., Suite – 1100, Washington, DC 20005, (the "Agency" or "EAC"), and TEM Consulting, LP, with offices at 140 River Road, Georgetown, Texas, 78628 ("Consultant").

The Agency desires to retain Consultant to provide engineering consulting services for the Agency and Consultant is willing to perform such services, on terms set forth more fully below.

In consideration of the mutual covenants and obligations set forth herein, Consultant and the Agency agree as follows:

1. SERVICES TO BE RENDERED

- 1.1 Consultant's Services. Consultant agrees to provide for the Agency engineering consulting services as requested by the Agency from time to time (the "Services"). Details of the specifications and requirements for the Services to be performed by Consultant shall be set forth in written work assignments in the form set forth in Schedule B ("**Work Assignments**"). Each such Work Assignment shall be signed by Agency and Consultant. Consultant shall provide the Services described in each such Work Assignment subject to and in accordance with all terms and conditions of this Agreement. Work Assignments may be signed for the Agency by the Authorized Representative of the Agency or other persons acting at the direction of the Authorized Representative of the Agency. For each Work Assignment, the Agency shall identify a contact person who will provide directions to Consultant for each work assignment.
- 1.2 Work Assignments. Consultant agrees to perform for the Agency the Services described in Schedule C as Work Assignment(s), in accordance with this Agreement.
- 1.3 Service Levels. Consultant warrants that the Services shall be performed with care, skill and diligence, consistent with, or above applicable professional standards currently recognized in the profession, and that Consultant shall be responsible for the professional quality, technical accuracy, completeness and coordination of all Services furnished under this Agreement. Services provided by Consultant shall meet or exceed the service levels, if any, specified on the Work Assignments.
- 1.4 Subcontractors. The Consultant may use subcontractors to provide services under this contract. Consultant shall be responsible for any subcontractor put to work to perform any part of this contract and its work assignments, unless the subcontractor is especially requested by the Agency, in which case the Agency assumes responsibility for that particular subcontractor, the quality of that subcontractor's work, any unnecessary expenses that subcontractor may cause and the entire completion of that subcontractor's contract.

2. COMPENSATION

- 2.1 Fees For Services. The Agency shall pay Consultant the compensation in the amounts and upon the terms set forth in each duly executed Work Assignment entered into between Consultant and the Agency.
- 2.2 Fees For Work Assignment(s). As consideration for the performance of the Services of Work Assignment(s), the Agency shall pay Consultant the compensation, including fees and other costs, as set forth on Schedule C.

**TEM Consulting, LP
STEPHEN BERGER**

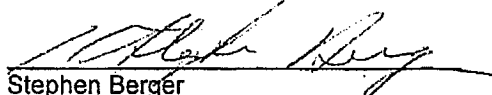
United States Election Assistance Commission

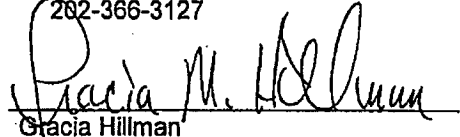
140 River Road
Georgetown, Texas
USA

1225 New York Avenue N.W., Suite -- 1100
Washington, DC 20005
USA

Telephone: 512-864-3365
FAX: 512-869-8709

Telephone: 202-566-3100
FAX: 202-366-3127

By: 
Stephen Berger
President of the General Partner
TEM Consulting

By: 
Gracia Hillman
Chair
U.S. Election Assistance Commission

Date: 22 June, 2005

Date: 16 June, 2005

One Original Signed to Authorized Representative of the Agency and One Copy to Consultant

TEM Consulting

CONFIDENTIAL

**SCHEDULE A
PROFESSIONAL SERVICE INVOICE FORM**

Invoice

TEM Consulting
Attn: Stephen Berger
140 River Rd.
Georgetown, Tx.

Phone: (512) 657-6147
(512) 869-8709 (FAX)
E-Mail: stephen.berger@ieee.org

INVOICE NUMBER:	1001
INVOICE DATE:	June 1, 2005
CUSTOMER	PO XXXX
REFERENCE:	

CLIENT:
United States Election Assistance Commission

1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Telephone: 202-566-3100
FAX: 202-366-3127

DATE	HOURS	SERVICE	RATE	AMOUNT

TOTAL \$

MAKE ALL CHECKS PAYABLE TO:

TEM Consulting, LP.

**SCHEDULE A
EXPENSE INVOICE FORM
Travel Expense Account (TEA)**

Name (please print): TEM Consulting, LP		Address: 140 River Rd., Georgetown, Tx. 78628							
Purpose of Trip:									Telephone # 612-657-6147
Description	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	TOTAL	
Date									
From (origin)									
To (destination)									
Breakfast (including tips)									
Lunch (including tips)									
Dinner (including tips)									
Total Employee Meals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Airfare								0.00	
Lodging (daily rate + tax)								0.00	
Rental Car (total for trip)								0.00	
Taxi, Bus, Train								0.00	
Parking, Tolls								0.00	
Telephone, Fax								0.00	
# Personal Vehicle Miles									
Mileage Rate									
Expense \$0.340	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Miscellaneous Expenses: Detail and explain below								0.00	
								0.00	
								0.00	
								0.00	

Business Meals and Entertainment Expenses			
Date	Name of Person (s), Title, Company, Place of Entertainment	Nature & Purpose of Expense	\$ Amount

Foreign Currencies must be converted into US\$ using exchange rates published in the Wall Street Journal.

			TOTAL EXPENSES	0.00
			LESS OUTSTANDING ADVANCE	
Amount Siemens will pay.			BALANCE DUE	0.00
Miscellaneous Expenses Detail (from above)			Signature:	Date:
Date	\$ Amount	Description	Approval Name (please print):	Charge to Cost Center:
Audited by:			Input by:	Date:

ORIGINAL RECEIPTS MUST REMAIN WITH ORIGINAL TEA

SCHEDULE B
WORK ASSIGNMENT NO. _____
Under Consulting Agreement Dated _____, 200__
Between the EAC and TEM Consulting, LP

DESCRIPTION OF SERVICES	COMPENSATION (Not to exceed)
Contact Person:	

This Work Assignment is entered into subject to and is controlled by all terms and conditions of the Consulting Agreement entered into between the parties and dated effective as of _____, 200__.

TEM Consulting
STEPHEN BERGER

United States Election Assistance Commission

140 River Road
Georgetown, Texas
USA

1225 New York Avenue N.W., Suite – 1100
Washington, DC 20005
USA

Telephone: 512-864-3365
FAX: 512-869-8709

Telephone: 202-566-3100
FAX: 202-366-3127

By: _____
Stephen Berger
President of the General Partner
TEM Consulting

By: _____

Date: _____, 200__

Date: _____, 200__

One Original Signed to Authorized Representative of the Agency and One Copy to Consultant

**SCHEDULE C
WORK ASSIGNMENT NO 1
Under Consulting Agreement Dated June 1, 2005
Between the EAC and TEM Consulting, LP**

DESCRIPTION OF SERVICES	COMPENSATION (Not to exceed)
<p>Assist in preparing material and procedures for the EAC's voting system certification system. See attached Statement of Work.</p> <p>Period of performance: June 6 to July 22, 2005.</p> <p>Total Time and Materials on this work assignment not to exceed: \$25,000.00</p>	<p>Consultant will receive \$135 per hour as compensation for services provided</p> <p>Travel, conference call and other expenses will be invoiced separately</p> <p>Each invoice will be marked with the date of the Consulting Agreement and Work Assignment number.</p>
<p>Contact Person(s): Brian Hancock Phone: (202) 566-3122 Fax: (202) 566-3127 E-mail: BHancock@eac.gov</p>	

This Work Assignment is entered into subject to and is controlled by all terms and conditions of the Consulting Agreement entered into between the parties and dated effective as of June 1, 2005.

**TEM Consulting, LP
STEPHEN BERGER**

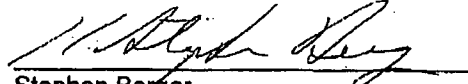
United States Election Assistance Commission

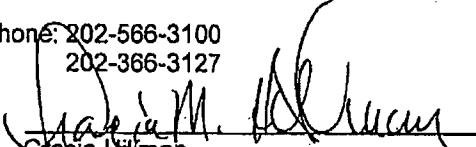
140 River R
Georgetown, Texas
USA

1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
USA

Telephone: 512-864-3365
FAX: 512-869-8709

Telephone: 202-566-3100
FAX: 202-366-3127

By: 
 Stephen Berger
 President of the General Partner
 TEM Consulting

By: 
 Gladia Hillman
 Chair
 U.S. Election Assistance Commission

Date: 22 June, 2005

Date: 16 June, 2005

One Original Signed to Authorized Representative of the Agency and One Copy to Consultant

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 06/16/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 0541	4. ACT NUMBER E4014195
------------------------------	-----------------	--------------------------------	---------------------------

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. 10: CONTRACTOR (Name, address and zip code)

TEM Consulting
140 River Road
Georgetown, TX 78628

Contact: Stephen Berger

COPY

B. TYPE OF ORDER	REFERENCE YOUR
<input type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input checked="" type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

- A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

- A. CORPORATION B. PARTNERSHIP C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Remittance via EFT
See attached form

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

EAC, 1225 NY Ave., Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

16. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE

06/23/05

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the Election Assistance Commission (EAC). Request to provide technical assistance in defining EAC system certification and lab accreditation processes. See attached consulting agreement.				
	Total Cost of Delivery Order \$25,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

Gracia M. Hillman (202) 566-3100

TOTAL FROM 300-A(s)

25,000.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

25,000.00

24. MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)
Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

25B. TELEPHONE NO.

(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia M. Hillman, Chair

26B. TELEPHONE NO.

(202) 566-3100

26C. SIGNATURE

Gracia M. Hillman

H. STEPHEN BERGER
140 River Rd.
Georgetown, TX 78628

stephen.berger@ieee.org

PROFILE

Professional project manager with specialization in:

- ◆ Government and Industry Relations,
- ◆ Advanced technology business planning,
- ◆ Product development and design,
- ◆ Standards development and regulatory management.

25 years of product development and technology planning experience:

- ◆ President of the National Association of Radio and Telecommunications Engineers (NARTE).
- ◆ Former member of the IEEE Standard Board.
- ◆ Chair of the IEEE EMC Society Standards Development Committee.
- ◆ IEEE representative to US Election Assistance Commission Technical Guidelines Committee and chair of IEEE Standards Coordinating Committee 38, voting equipment standards.

Project management experience in Telecommunications, Information Technology and Instrumentation Industries, with strong record, in the areas of EMC (Electromagnetic Compatibility), RF safety and Disability Issues.

SELECTED ACCOMPLISHMENTS

GOVERNMENT AND INDUSTRY RELATIONS

- President of the National Association of Radio and Telecommunications Engineers (NARTE).
- Founded the IEEE Standards Coordinating Committee for voting equipment standards. Representative of the IEEE to both the federal EAC and ex officio member of NASED (National Association of State Election Directors) Voting System Standards Board.
- Member of 2 US Access Board Federal Advisory Committee:
 - Telecommunications Access Advisory Committee (TAAC) and co-chair of the compliance sub-committee (1996-1997)
 - Electronic Information Technology Access Advisory Committee (1998-1999)
- Invited presenter on disability access at EU Ministerial Conference, April 2000 in Lisbon, Portugal

EMC AND ENVIRONMENTAL TESTING AND REGULATORY COMPLIANCE

- Improved test department efficiency by 500%, with no increase in personnel.
- Invented the EHR GTEM, patented, gained FCC approval and implemented its use.

018342

Donald N. Heirman
Don HEIRMAN Consultants
143 Jumping Brook Road
Lincroft, NJ 07738-1442 USA
Phone: + 1 732-741-7723
FAX: +1 732-530-5695
Email: d.heirman@ieee.org
Web site: <http://www.DonHEIRMAN.com>

Donald Heirman is president of Don HEIRMAN Consultants, training, standards, and educational electromagnetic compatibility (EMC) consultation corporation founded in 1997. His work includes consulting with a wide range of private and governmental bodies on EMC matters including implementation of state of the art EMC test facilities and evolving standardization, laboratory competency, and measurement aspects of human exposure to radio frequency energy. He provides workshops and tutorials on many of these topics both in the United States and in Europe.

Previously he was with Bell Laboratories for over 30 years in many EMC roles including Manager of Lucent Technologies (Bell Labs) Global Product Compliance Laboratory, which he founded, and where he was in charge of the corporation's major product safety, telecommunications, and EMC regulatory test facility and its participation in ANSI accredited standards committee and international EMC standardization. The laboratory was one of the first EMC testing labs accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) on a wide range of telecommunication products.

He chairs, or is a principal technical expert contributor to, US and international EMC standards organizations including ANSI ASC C63 (committee vice chairman and chairman of its Subcommittee 1 which is responsible for most of the C63 standards on EMC testing, calibration and instrumentation specifications and techniques) and the International Electrotechnical Commission's (IEC) Special International Committee on Radio Interference (CISPR) where he is a member of the CISPR steering committee and chairman of its Subcommittee A (Radio Interference Measurements and Statistical Techniques). Subcommittee A is responsible for CISPR Publication 16 which is the basic set of standards used worldwide for performing radio interference measurements to meet associated national regulatory requirements. He is a member of the IEC's Advisory Committee on EMC (ACEC) and the Technical Management Committee (TMC) of the US National Committee (USNC) of the IEC. In the TMC, he is Group Manager for electromagnetics which is responsible for ensuring appropriate US participation in the IEC on EMC matters and chairs its Coordinating Committee on EMC which helps formulate US EMC positions among the many USNC technical advisory committees (TAGs) with EMC aspects. He is also an active member of the USNC TAGs for CISPR Subcommittee A and Subcommittee I (EMC of Information Technology Equipment, multimedia equipment and receivers).

Mr. Heirman is past president and now member of the Board of Directors (managing business development) of the National Cooperation for Laboratory Accreditation (NACLA) which recognizes the competency of testing and calibration accreditation bodies in the US via the adherence of these accrediting bodies to ISO guides for competency of accrediting bodies and

018348

Daniel D. Hoolihan is currently President of Hoolihan EMC Consulting, Nottingham Court-Box 367, Lindstrom, Minnesota, 55045.

Hoolihan has been consulting in EMC Engineering since January of 2000. He specializes in EMC-Laboratory evaluations, EMC standards, and EMC Education. He is a consultant to the United States Department of Commerce National Institute of Standards and Technology (NIST) in the area of Telecom Certification Body (TCB) and Conformity Assessment Body (CAB) evaluations. He is also an assessor for the NIST National Voluntary Laboratory Accreditation Program (NVLAP).

Previous to consulting, he worked as Vice-President of Minnesota Operations for TUV Product Service from 1994 to 2000. From 1984 to 1994, he was the Co-Founder and Chief Operating Officer of AMADOR Corporation; a small business specializing in EMC testing of electronic products ranging in size from pacemakers to supercomputers. His first employment out of graduate school (in 1969) was with Control Data Corporation in their internal EMC lab.

Hoolihan has been on the Board of Directors of the EMC Society of the IEEE since 1987. He is the past-president of the EMCS (1998-1999) and has held many positions with the EMCS board in his years of service. He most recently served as the Chair of the 2002 IEEE International Symposium on EMC which was held in Minneapolis in August of 2002. He helped found the EMC chapter of the Twin Cities Section in 1985 and has been active in the local chapter since that time.

He has been actively involved with ANSI-Accredited Standards Committee on EMC since 1985. He is presently on the Steering Committee of C63 as well as chairing Subcommittee 6 (SC-6 - Lab Accreditation) and SC-8 (EMC and Medical Devices).

He is also an active member of the United States Technical Advisory Group on CISPR B; Industrial, Scientific and Medical Equipment.

His formal education includes a Bachelors Degree in Physics from Saint John's University (Minnesota), a Masters Degree in Physics from Louisiana State University (Baton Rouge), and a Masters in Business Administration from the University of Minnesota (Minneapolis).

Daniel D. Hoolihan
651-213-0966
FAX 651-213-0977
Cell Phone 651-269-3569

Carol A. Paquette/EAC/GOV
06/01/2005 11:15 AM

To Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Juliet E.
Thompson/EAC/GOV;twilkey@nycap.rr.com
cc Sheila A. Banks/EAC/GOV, Adam Ambrogi/EAC/GOV, Gavin
S. Gilmour/EAC/GOV, Brian Hancock/EAC/GOV
bcc
Subject proposed consulting contract to assist with NASED/EAC
transition work

Commissioners et al. -

The work on developing the EAC processes, documentation, etc., for transitioning lab accreditation and system certification from NASED to EAC has fallen significantly behind schedule. The project timeline called for completion of this work for Commissioner review by the end of May. We are perhaps 50% complete at this point.

We had requested assistance from NIST to work with Brian Hancock on this effort, but they have not been forthcoming with meaningful help. They provided a point of contact who passed on a lot of reference material for Brian to review, but they haven't identified anyone to help with defining the processes and preparing the documentation. The point of contact has since been diverted by some family medical problems, and Lynne Rosenthal hasn't been able to identify another person.

Prior to his departure, Commissioner Soaries encouraged me to find some additional resources to help move this work to completion. The Chair similarly advised me about two weeks ago when I was speaking to her about my concern over the lagging schedule.

In response to this direction to get help, I sent an email to Steve Berger, David Karmol, Paul Craft, Brit Williams, and Michael Shamos, asking if they could identify any individuals or companies we could contract with quickly to get this work done. Steve Berger responded that he could assist. I checked with EAC Counsel's Office to see if there were any issues regarding EAC contracting with a member of the TGDC. Julie and Gavin informed me that there were no problems with this. Steve is very well-qualified by education and experience to assist us in this effort. Paul Craft and Brit Williams concurred that Steve could more than adequately fill the requirement.

Brian and I have had several conversations with Steve and are convinced that his assistance will enable us to move ahead quickly to meet our revised target completion date of June 30. He has worked on defining similar quality conformance programs for other organizations and is knowledgeable of all the relevant standards, etc., and which need to be applied.

Consequently, I am recommending that the EAC enter into a consulting contract with Steve Berger for a not to exceed amount of \$40,000 and a period of performance from June 1 through July 31. The first milestone is to help Brian complete this work for Commission review by June 30. Steve's time in the month of July would be utilized to respond to questions and comments from the Commissioners to complete the work for Commission approval and establishment of a transition date.

I am available to discuss this matter and answer any questions you may have. If you are in agreement with this course of action, I will ask DeAnna to prepare appropriate consensus vote,

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

018345



"Stephen Berger"
<stephen.berger@ieee.org>

06/01/2005 09:57 AM

Please respond to
stephen.berger@ieee.org

To bhancock@eac.gov, "Donald Heirman"
<[REDACTED]>, "Dan Hoolihan"
<[REDACTED]>

cc cpaquette@eac.gov

bcc

Subject RE: EAC Draft Documents

Brian,

Let me introduce the 3rd member of our "work crew" Dan Hoolihan. Dan has a lot of relevant experience to what we are doing. He is a NVLAP accreditor, very active on the FCC's Technical Competent Body Counsel and also works in international lab recognition areas. I know you will find Dan a valuable resource to have involved.

In talking to Dan this morning about our project we found ourselves discussing whether ISO Guide 65 type topics would be in view for this project. Guide 65 deals with vendor related topics, like their quality system, to assure that the manufactured product is the same as the tested product. ISO Guide 17025 focuses by contrast on lab accreditation. I asked Dan to write up a short discussion and forward it to you, to help us all get a clear focus on what we are doing first, what might come later and where we might find helpful guidance in preparing our materials.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Wednesday, June 01, 2005 8:05 AM

To: Donald Heirman; Stephen Berger

Subject: EAC Draft Documents

Steve, Don,

Nice talking with you yesterday. Both Carol and I look forward to working with you to move the project towards completion.

Attached are three draft documents that will give you an idea of where we see the program headed. The first document is the letter of certification which we plan on sending initially to the current test labs which we would grandfather until the NVLAP portion of the program produces results.

The second document is a series of flow charts which outline the basic steps of the certification and testing, and laboratory accreditation program. The third document is a draft policy guide on the testing and certification program. The policy guide has some obvious gaps in several sections which I have not yet had time to complete. We value your assessment of these documents and look forward to meeting with you, Steve, next week, and with Don as soon as possible.

Thanks again.

018348



"Stephen Berger"

~~stephen.berger@ieee.org~~
t.berger

06/01/2005 09:49 AM

Please respond to
stephen.berger@ieee.org

To cpaquette@eac.gov

cc

bcc

Subject RE: additional contracting information

Carol,

The EIN for TEM Consulting is: 74-2982561

I am attaching our W9 in case you need that in the future.

TEM Consulting is a small business and it is a corporation.

I filled out the EFT form and signed it, the PDF is attached.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Wednesday, June 01, 2005 7:46 AM

To: stephen.berger@ieee.org

Subject: additional contracting information

Steve -

Need a little more information about your business to complete processing of contract.

1) What is your tax ID # (or SSN, if no tax ID)

2) What is the classification of your business: small; other than small, small disadvantaged, small woman-owned

and the type of business: corporation; partnership; sole proprietorship

Also, if you wish to receive payments electronically you will need to complete the attached EFT authorization form. Thanks!

Carol A. Paquette

018347



"Stephen Berger"

To cpaquette@eac.gov

cc

bcc

05/30/2005 10:04 AM

Please respond to
stephen.berger@ieee.org

Subject RE: Dates

Carol,

Hope you don't have to work all of memorial day? I wanted to get back with you on a couple of things.

I haven't heard back from Don or Dan yet, but let's tentatively plan on a conference call tomorrow at 1 ET. Do you have a conference number or would you like me to send out the one I use?

SATO is the travel agency that NIST uses when I come to the TGDC meetings. They don't seem to have the problem with last minute fare increases that we get booking directly. Otherwise the cost seems roughly comparable. For example, Southwest or American are the best connections from Austin. Right now, with 1 week notice I can go to BWI for \$109 each way, \$218 plus tax roundtrip. Less than a week and it goes to \$586 plus tax roundtrip.

I can arrive at BWI by 1:30 out of Austin, and be at your office by 3:30.

So for the week of the 6th, if it gives us enough time I could come in Monday the 6th and coordinate my departure to match your schedule, say leaving late on the 8th?

I am putzing around the house and also working today. So feel free to call, it isn't an inconvenience (512-864-3365). To get the lower airfare I should book today.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Friday, May 27, 2005 5:06 PM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Dates

Steve -

Don't know what SATO stands for, does it mean invitational travel orders (i.e., the government makes your travel arrangements and provides you a ticket)?

Monday is a government holiday which I will be celebrating by trying to complete my review of the Voluntary Voting System Guidelines.

018348

How about a phone call on Tuesday, the 31st? I'm available at 1 or 4:30 Eastern. Wednesday, June 1, is open all day, if that works better for you and your colleagues. Then we could have in person meeting the week of the 6th as you suggest. I'm on leave the 8th to attend an out-of-town graduation.

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

"Stephen Berger" <stephen.berger@cox-internet.com>

05/27/2005 05:00 PM

Tccpaquette@eac.gov

cc

SubjectRE: Dates

Please respond to
stephen.berger@ieee.org

Carol,

Assuming I can travel under SATO, as when I come to TGDC meetings, we don't need to worry about last minute flight costs.

I am working on a meeting at the FCC for June 13-14 and could extend to work with you, which would save some travel costs. I think though that you will want a first meeting sooner. Would you like to have an initial conference call, including Don Heirman and Dan Hoolihan, on Monday and in in-person meeting sometime the week of June 6? With your statement that the contract looks acceptable I am comfortable with going ahead and getting started. I could also fly up next week, but wonder if we wouldn't accomplish more by having a couple of conference calls and doing some preparatory work on our side?

My thought is after an initial conference call we should see what models and similar documents we can gather from sources we are aware of and adapt to the needs of the EAC. So at a first meeting the following week we potentially would come with some model documents and procedures to consider.

Best Regards,

Stephen Berger

TEM Consulting, LP
Web Site - www.temconsulting.com
E-MAIL - stephen.berger@ieee.org
Phone - (512) 864-3365
Mobile - (512) 466-0833
FAX - (512) 869-8709

018349

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]
Sent: Friday, May 27, 2005 3:43 PM
To: stephen.berger@leee.org
Subject: Re: Air Force Contract

Thanks, Steve. I agree with you that the consulting contract is the better way to go. I have reviewed the agreement you sent and it looks fine to me in terms of having all the appropriate clauses and safeguards. I have passed it to our General Counsel to see if she agrees that it is an acceptable contract document. If she gives me the okay we can probably have this in place by next Wednesday (June 1). We should be working on a date for you to come in so we can review work accomplished and what further remains to be completed.

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

"Stephen Berger" 

05/27/2005 04:04 PM

To "Carol A. Paquette" <cpaquette@eac.gov>
cc
Subject Air Force Contract

Please respond to stephen.berger@leee.org
--

Carol,

Attached is my Air Force contract. Besides a lot of boilerplate, the principle different is that this is a firm fixed price contract. You can see that a set of initial deliverables was specified and funded. Options were included that could be exercised at the agencies discretion. We can go that way with your job but I would need a clear set of deliverables to bid on. Of course my bid will be competitive but guarded to be sure that I can provide the deliverables within the bid. I think the work assignment based contract will be both quicker to get in place and provide you a lower final cost. Having a not-to-exceed on the work items should give you the same budget protections that the Air Force is getting with the firm fixed price approach.

Best Regards,

018350



"Stephen Berger"

~~Stephen.Berger@ieee.org~~
t.com>

05/27/2005 09:14 AM

Please respond to
stephen.berger@ieee.org

To cpaquette@eac.gov, stephen.berger@ieee.org

cc bhancock@eac.gov

bcc

Subject RE: Help on establishing equipment certification system

Carol,

I will look forward to talking with you and Brian tomorrow.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Thursday, May 26, 2005 11:28 AM

To: stephen.berger@ieee.org

Cc: bhancock@eac.gov

Subject: RE: Help on establishing equipment certification system

Steve -

1 p.m. tomorrow is good. Brian Hancock will be sitting in on the call. Do you want us to call you or will you call us? My direct dial is 202.566.3125. Thanks!

Carol A. Paquette

Interim Executive Director

U.S. Election Assistance Commission

(202)566-3125 cpaquette@eac.gov

018351



"Stephen Berger"

t.com>

05/27/2005 03:55 PM

Please respond to
stephen.berger@ieee.org

To "Carol A. Paquette" <cpaquette@eac.gov>

cc

bcc

Subject Draft Contract

Carol,

Attached is the draft work assignment based contract I have been using. So far it has worked very well for the kind of assignment we are discussing.

I will send a copy of the Air Force Contract attached to a separate note for you to consider as an alternative.

I look forward to working with you. Thank you very much for the confidence expressed in making this opportunity available.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709



EAC-TEM - Consulting Contract.doc

018352

If this is going in a direction that interests you I think I would suggest that you and I talk to set things up and then have an introductory call with the team to outline assignments and organize what we would do for you.

As I have thought about what I would do were I in your position I think I would make one of our assignments to go over to the FCC laboratory in Columbia and ask their help, borrowing as much as they may feel comfortable in sharing. I have contract with Rashmi Doshi almost weekly and would assume he would be helpful. The positive is that there may be a lot of workproduct from their system that could be adopted for EAC use. I would also assume that there is a lot of experience that could be gathered in to the benefit of the EAC. I think the principle challenge would be to 'right-size' the system to the EAC and voting equipment vendors. I believe the FCC manages something like 25,000 grants a year and has a system of 500 commercial test labs doing the testing required.

Probably my biggest general worry for the EAC is that it would be easy to create an overly complex system that would not be appropriate for this sector. However, there is a lot of experience out there that could be gathered in.

I will be in meeting from about 2:30 to 6:30 ET, but call me on my mobile before then if you want to talk further. Tomorrow I have an early flight from Tucson but would be available until about 10:30 ET.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

018350

Carol A. Paquette/EAC/GOV
05/18/2005 03:10 PM

To pcraft@dos.state.fl.us; [REDACTED]; stephen.berger@i
eee.org; dkarmol@ansi.org; shamos@cs.cmu.edu
cc
bcc
Subject EAC needs technical assistance to define system
certification process

Gentlemen:

As you may be aware, the EAC is supposed to take over the lab accreditation and voting system certification processes from NASED this fiscal year. Brian Hancock has been working very diligently to get the procedures defined, the forms, etc., designed, report formats specified, etc. Our legal counsel has been working on legal aspects. However, we just do not have adequate numbers of staff personnel to get this work completed in a timely fashion. Neither Brian nor counsel can devote full time to this effort because of the press of other EAC business and our general lack of staff resources.

We are looking for either individual consultants or companies with experience in doing this type of work. Our original completion date was the end of May, which we are not close to meeting. We are now targetting the end of June to complete documentation of the procedures, criteria, forms, etc., so this transition can happen by August. But this date cannot be met without assistance. Please forward any recommendations you might have as soon as possible. Since we have our own procurement authority we can turn around contracts quickly and we have adequate budgetary resources available to cover this work. We just need to identify some qualified sources who can go to work immediately. Thank you for your assistance.

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

018354



"Merle King"
<mking@kennesaw.edu>
10/14/2005 11:24 AM

To gvogel@eac.gov
cc
bcc
Subject Reponse to FOIA

Ms. Vogel - Attached is a draft of my response. Please advise if I have adequately justified my University's position on nondisclosure.

I am seeking review by our legal staff and will fax you a copy on letterhead by close of business, today.

Regards,

MSK

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EAC_Contract_Confidentiality.doc

018358

October 14, 2005

Ms. Gaylin Vogel
U.S. Election Assistance Commission
1225 New York Ave., NW – Suite 1100
Washington, DC 20005

Dear Ms. Vogel:

Disclosure of the confidential content of the contract between Kennesaw State University (KSU) and the Election Assistance Commission (EAC) would be detrimental to KSU's current and future competitive position as a contractor. The disclosure of our pricing structure, methods for organizing work, and descriptions of software products designed to support the contract, would place us at a competitive disadvantage in bidding on comparable projects.

We request that information in our contract with the EAC be treated confidentially until such time that the products of our current contract (the public comments database and related documents, including the edited draft of the Voluntary Voting System Guidelines) are no longer in use by the EAC.

Sincerely,

Merle S. King
Chair, CSIS Department

018356



"Merle King"
<mking@kennesaw.edu>
10/13/2005 09:24 PM

To gvogel@eac.gov
cc
bcc
Subject FOIA Request

Gaylin - I received the fax and will respond, ASAP.

Thanks,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

018357

Gaylin Vogel/EAC/GOV
10/24/2005 04:34 PM

To mking@kennesaw.edu
cc
bcc
Subject FOIA

Dear Mr. King:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with Kennesaw State University. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018358



"Stephen Berger"
<stephen.berger@cox-internet.com>

11/04/2005 05:12 PM

Please respond to
stephen.berger@ieee.org

To gvogel@eac.gov

cc

bcc

Subject RE: FOIA

Dear Gaylin,

This note is to further document the reasons for our request that our hourly labor rate be withheld under the FOIA request you have received.

In any competitive bid situation competitive advantage is gained by the ability to deliver higher quality of service at a lower price. It is therefore the combination of quality of service and price that combines to provide a competitive offering. Having full visibility to the quality and price provides a competitor to bid against a known quantity while withholding one of these items assures that competitive bids remain truly competitive. As the seniority of our staff and their quality level is well known the only item that remains unknown to competitors is the price offered. Therefore we believe that the hourly rate offered should be considered a confidential item and withheld from this request.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Monday, October 24, 2005 3:37 PM

To: stephen.berger@cox-internet.com

Subject: FOIA

Importance: High

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

018359

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018360



"Stephen Berger"

[Redacted]

10/25/2005 03:46 PM

Please respond to
stephen.berger@ieee.org

To gvogel@eac.gov

cc

bcc

Subject RE: FOIA

Gaylin,

It was a pleasure to speak with you this afternoon. I appreciate your time in discussing this issue.

I have reviewed the documents requested under FOIA. I would request that the hourly rate cited in these documents be redacted as that rate for the level of service is a primary point of competition in bidding contracts. Beyond that I do not believe we need to request any other material be withheld.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - www.temconsulting.com

E-MAIL - stephen.berger@ieee.org

Phone - (512) 864-3365

Mobile - (512) 466-0833

FAX - (512) 869-8709

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

Sent: Monday, October 24, 2005 3:37 PM

To: stephen.berger@cox-internet.com

Subject: FOIA

Importance: High

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

Gaylin Vogel

Law Clerk

U.S. Election Assistance Commission

1225 New York Avenue, NW Suite 1100

Washington, DC 20005

018361

tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018362

Gaylin Vogel/EAC/GOV
10/24/2005 04:36 PM

To [REDACTED]
cc
bcc
Subject FOIA

Dear Mr. Berger:

On October 12, 2005 you were informed via fax that a third party through the Freedom of Information Act (FOIA) has requested a copy of the contract and corresponding documents with TEM Consulting. The purpose of the letter was to provide you with an opportunity to specify provisions in the responsive documents that you believe are protected from disclosure under FOIA. We required you to identify the specific provisions in the responsive documents and the applicable FOIA exemption. As the EAC did not get such a response, we must assume that you do not have an objection to the disclosure of the contract in its entirety as noted in our initial letter. The EAC is under a tight timeline to respond to FOIA requests. We must respond to this FOIA in the near future. If you believe you have provided specific information, consistent with the above, please let me know immediately.

Thank you,

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018363

Gaylin Vogel/EAC/GOV
10/17/2005 09:50 AM

To ~~Gaylin.Vogel@eac.gov~~
cc
bcc
Subject Fw: FOIA Docs

I got delayed delivery message for this one. Did you get it?

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

----- Forwarded by Gaylin Vogel/EAC/GOV on 10/17/2005 09:47 AM -----

Gaylin Vogel/EAC/GOV
10/14/2005 12:42 PM

To stephen.berger@cox-internet.com
cc
Subject FOIA Docs

Steve:

Attached are the responsive documents to the FOIA request. When we send it out we redact any personal information such as home information. Please let me know if you have any further questions.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018364

Gaylin Vogel/EAC/GOV
10/17/2005 09:49 AM

To [REDACTED]
cc
bcc
Subject Fw: the attachments

Did you get this?

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

----- Forwarded by Gaylin Vogel/EAC/GOV on 10/17/2005 09:46 AM -----

Gaylin Vogel/EAC/GOV
10/14/2005 12:43 PM

To [REDACTED]
cc
Subject the attachments

I jumped the gun with the send button.



TEM Docs II.pdf



TEM Docs.pdf

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018368

Gaylin Vogel/EAC/GOV
10/14/2005 12:42 PM

To: ~~Steve Rosenberg~~
cc
bcc
Subject: FOIA Docs

Steve:

Attached are the responsive documents to the FOIA request. When we send it out we redact any personal information such as home information. Please let me know if you have any further questions.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018366



Gaylin Vogel/EAC/GOV

10/14/2005 04:12 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL

cc

bcc

Subject Re: Response to FOIA 

Mr. King:

The EAC has received your letter stating that KSU wishes to classify certain contract information as confidential or a trade secret. In order for the EAC to review this request we will need you to identify the specific provisions and connect it to the specific Freedom of Information Act (FOIA) exception (most probable is exception 4 relating to Trade Secrets.) You will also need to justify to the EAC why it should withhold the information.

In order to assist you in your review I have attached the documents that the EAC has identified as responsive to the request involving communications with KSU.

If you have any questions please do not hesitate to contact me. In the event that you need to reach me over the week my cell is 202-491-3998.

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>



GVogel@eac.gov KSU Docs.pdf

018367



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

OFFICE OF THE CHAIR

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

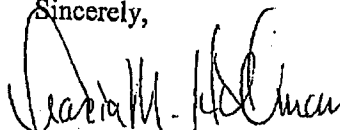
Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Sincerely,



Gracia Hillman, Chair

Earle Holley
Kennesaw State University

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-3127
Toll free: 1 (866) 747-1471

018368

ORDER FOR SUPPLIES AND SERVICES IMPORTANT: See Instructions in GSAR 853.370-300-1 for distribution PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 7/22/05 2. ORDER NUMBER: 3. CONTRACT NUMBER: EAC-0544 B4019088

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	F	G/L DEBT
W/ITEM	CC-B	PRT./CRFT.		AI	LC	DISCOUNT	

7. TO: CONTRACTOR (Name, address and zip code)
Kennesaw State University
 1000 Chastain Road, MS #0102
 Kennesaw, GA 30144

POC: Mr. Earle Holley. Vice President for Business & Finance
 Phone: (770) 423-6021 Fax: (770) 423-6794

B. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
 58-0965786

10A. CLASSIFICATION
 A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION B. PARTNER-SHIP C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT.

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE
 U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission

18. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 7/27/2005

19. PAYMENT/DISCOUNT TERMS
 Net 30

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission. To provide technical services to host proposed guidelines and receive comments, and to assist EAC in the review and analysis of comments.				
	TOTAL COST OF CONTRACT: \$175,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission (202) 566-3100

22. SHIPPING POINT 23. GROSS SHIP WT.

TOTAL FROM 300-A(s)	175,000.00
GRAND TOTAL	175,000.00

24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 U.S. Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

26A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana M. Scott

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Gracia Hillman, Chair

28C. SIGNATURE

25B. TELEPHONE NO.
 (202) 566-3100

26B. TELEPHONE NO.
 (202) 566-3100



Office of Sponsored Programs

August 25, 2005

Ms. Carol Paquette
U.S. Election Assistance Commission
1225 New York Avenue, N.W. Suite 1100
Washington, D.C. 20005

Re: EAC-0544, Kennesaw State University

Dear Ms. Paquette,

Please find enclosed one copy acknowledging receipt and acceptance of EAC-0544, Contract for Technical Assistance for the EAC for the Collection, Management, Review, and Response to the Public Comments Received on the Voluntary Voting System Guidelines. As this is a cost reimbursement type (Time and Materials) contract, we have enclosed our budget for this work. We will expect to be reimbursed for the expenses outlined on the attached budget.

Please let me know if you have any questions with any of the foregoing.

Kind regards,

A handwritten signature in cursive script that reads "Carolyn Elliott-Farino".

Carolyn Elliott-Farino
Associate Director



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

OFFICE OF THE CHAIR

July 22, 2005

Mr. Earle Holley
Vice President for Business & Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, Georgia 30144

Dear Mr. Holley:

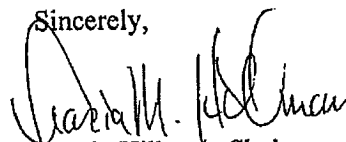
Enclosed is a signed contract in the amount of \$175,000.00 for the provision of technical services to assist the Election Assistance Commission (EAC) with the collection and review of public comments on the draft Voluntary Voting System Guidelines. The work effort also includes updating the referenced external standards (e.g., IEEE, ANSI) in the Guidelines and to expand the Glossary.

The adoption of new voting system guidelines is one of the major EAC responsibilities mandated by the Help American Vote Act. We expect to receive a substantial volume of comments during the course of the 90 day comment period. EAC is a very small organization and does not have sufficient internal staff to manage this workload. The purpose of this contract is to help us keep up with the review and classification of comments for further consideration and to assist EAC staff in updating portions of the Guidelines, such as the referenced standards, to include the most recent editions.

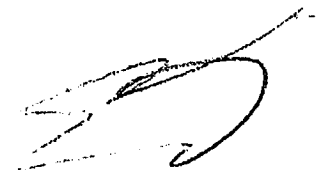
To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy to the attention of Carol Paquette, who will be coordinating this work effort for the Commission.

We look forward to working with Kennesaw State University on this very important EAC product.

Sincerely,



Gracia Hillman, Chair



Earle Holley
Kennesaw State University

Budget
EAC TGDC Comment Review Project

17-Aug-05

Fixed Costs

Personnel	July	August	September	October	November	Total
Project Manager (King) 33%	3322	3322	3322	3322	3322	16610
Project Coordinator	4000	4000	4000	4000	4000	20000
Faculty(2) @P-T Rate		6000	6000	6000	6000	24000
Student Asst.		1200	1200	1200	1200	4800
System Admin.	1000	1000	1000	1000	1000	5000
Graduate Students		1000	1000	1000	1000	4000
Total						74410

Indirect (50%) 37205

Fringes (30%) 22323

Total Personnel 133938

Consultants 4000 4000 5000 5000 18000

Travel 2400 5000 5000 5000 4200 21600

Supplies/Copies 300 220 600 260 1380

Project Total 174918

018372

CONTRACT FOR TECHNICAL ASSISTANCE TO THE EAC FOR THE
COLLECTION, MANAGEMENT, REVIEW, AND RESPONSE TO THE PUBLIC
COMMENTS RECEIVED ON THE VOLUNTARY VOTING SYSTEM GUIDELINES

1.0 Background. On May 9, 2005, the EAC received the initial set of recommendations for the HAVA-mandated Voluntary Voting System Guidelines from the Technical Guidelines Development Committee (TGDC). After performing its due diligence review of this document, the EAC made several changes and published the revised document for a 90 day public comment period. This period began on June 29, with publication of a notice in the Federal Register.

The EAC has established several alternative methods for submitting comments:

- On-line electronic comment form at www.eac.gov
- E-mail to votingsystemguidelines@eac.gov
- Postal mail to Voting System Guidelines Comments at EAC
- FAX to Voting System Guidelines Comments at 202.566.3127

The on-line comment form is associated with an application developed to assist with the management, tracking, and review of comments. This application will permit the manual entry of comments received from other sources so that all comments will be stored and managed from a single source. All comments will be posted for public review on the EAC website.

All comments will need to be reviewed and categorized into editorial, substantive, and other general categories useful for management purposes. Substantive comments will be assessed to determine if they indicate a need to modify the Guidelines. This may require some research and analysis, including consultation with NIST and/or the TGDC. At the conclusion of the comment period, EAC will be required to summarize the numbers and types of comments received and their disposition.

2.0 Objective. The objective of this contract is for EAC to obtain assistance with the posting and initial analysis and categorization of the comments and to obtain technical assistance in updating the referenced standards and glossary sections.

3.0 Scope. EAC shall provide the contents of the website temporarily hosting the Voluntary Voting System Guidelines, to include the on-line commenting application and database of comments. EAC shall forward all comments received from other sources for timely posting to the comment database by the Contractor. The Contractor shall be responsible for all the research, analysis and support activities necessary to successfully complete the tasks described below.

4.0 Tasks.

1. Host document for public review and post comments received. The Contractor shall host the Voluntary Voting System Guidelines document and commenting

application on their website and make them available for public access from the start of the contract until the close of the comment period (September 26, 2005). This access shall be provided by a hot link from the EAC homepage.

The Contractor shall perform initial screening of comments for profanity or other offensive content. Originators of such comments will be informed that such material cannot be posted for public consumption. These comments will be retained in the database, but not approved for public posting. All other comments will be posted to the website for public review.

The EAC will forward to the Contractor all comments received by other means than the on-line comment form for entry into the comment database for public posting and analysis. The Contractor shall provide appropriate quality control to ensure that all comments are captured correctly. Comments will be entered verbatim as received, with no corrections or excerpting.

Hosting of comments will extend for an estimated 30 days beyond the close of the comment period to allow sufficient time to review and determine their disposition. All comments shall be copied to CDs for transfer and retention by the EAC at the conclusion of the contract.

2. Recommend a comment classification schema and organize comments accordingly. The Contractor shall recommend a classification schema for categorizing comments relative to the degree of analysis required. For example, comments dealing with editorial points, typographical errors, and grammar can be handled very straightforwardly. Comments that are more technical in nature may require considerable analysis and perhaps research in order to make a determination on their disposition. Upon approval of the schema by EAC, the Contractor shall organize comments in this manner and periodically provide reports to the EAC on the number and kinds of comments received, and recommendations for the disposition of substantive comments. Comments shall be mapped to relevant portions of the Guidelines document. Periodic teleconferences will be conducted to review status of work, discuss comments and recommendations, and identify issues that will require consultation with NIST or other sources for resolution.
3. Update standards referenced in Guidelines. There are several places in the Guidelines that refer to standards promulgated by other organizations, e.g., ANSI, IEEE, IEC, MILSTD. The Contractor shall research all standards references to identify the latest version and ensure that this is the version referenced in the Guidelines. All references must include the date and version number, if appropriate. In addition, the Contractor shall research commercial practice and other sources of standards to identify replacements for the MILSTD references no longer maintained by the Department of Defense. The Contractor will edit references to standards in the body of the Guidelines to the title of the standard only and key the entry to the References section. This will facilitate the future

issuance of technical addenda to the References as versions of standards evolve without having to create change notices for the body of the document.

4. Develop a comprehensive Glossary of election terms related to voting systems and certification. The Glossary in the 2005 Guidelines has been expanded from the 2002 Voting Systems Standards. However, it needs further work. All key terms in the body of the document should be included in the Glossary. In addition, some terms are defined somewhat differently by various jurisdictions (e.g., absentee voting). Conversely, some concepts are referred to by different terms in different jurisdictions (e.g., ballot type, ballot style). The Contractor shall make recommendations to EAC for additional terms and additional definitions to be included in the Glossary.
5. Maintain master copy of Guidelines and make revisions as directed by EAC. EAC intends to revise the Guidelines throughout the comment period to expedite the process of issuing the final Guidelines at the end of that period. The Contractor shall maintain the master copy of the Guidelines and make revisions as directed by EAC. The Contractor shall maintain strict configuration management and version control of all changes.
6. Attend EAC meetings with statutory boards. HAVA mandates that all guidance issued by the EAC must be reviewed and commented on by the Board of Advisors and the Standards Board. The Board of Advisors is scheduled to meet in Portland, Oregon, August 3-5. The Standards Board is scheduled to meet in Denver, Colorado, August 24-25. The Contractor shall attend these meetings to maintain awareness of concerns and issues raised by these EAC advisory groups.
7. Attend public hearings on Guidelines. One public hearing was conducted in New York City on June 30. Two additional hearings are planned. One is at Caltech in Pasadena, California, on July 28. The other is scheduled for Denver, Colorado, on August 23. The Contractor shall attend these hearings to maintain awareness of the concerns and issues that members of the election community and the public express regarding the Guidelines.

5.0 Contract Type. The contract type will be Time and Materials in the amount of \$175,000.

6.0 Place of Performance. The principal place of performance will be the Contractor's place of business. Project meetings may occasionally be conducted at EAC offices in Washington, D.C. Some travel will be required to attend EAC public hearings and other meetings related to Guidelines review, which are scheduled for various locations.

7.0 Period of Performance. The period of performance is from date of award until December 30, 2005.

018375

8.0 Schedule of Deliverables.

1. Project plan – 5 days after contract award
2. Progress reports – monthly
3. Comment summaries – weekly
4. Comment classification schema – 15 days after contract award
5. Updated standards references – 45 days after contract award
6. Revised Glossary – 60 days after contract award
7. Briefings – as required

9.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Brian Hancock.

10.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington, D.C. 20005.

11.0 Accounting and Appropriation. Funds in the amount of \$175,000.00 are available for this task order.

12.0 General Provisions:

1. *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
2. *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial data, the contract clauses in this document shall take precedence.
3. *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
4. *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

018376

5. *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
6. *Other ~~Complications~~ ^{Requirements}.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
7. *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C 423 relating to procurement integrity.
8. *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
9. *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

018377

MEMORANDUM

July 15, 2005

TO: EAC Commissioners

FROM: Tom Wilkey, Executive Director

SUBJECT: Award of Contract for Technical Assistance to the EAC for the Collection, Management, Review, and Response to Public Comments Received on the Voluntary Voting System Guidelines

On June 29, 2005, EAC formally opened the ninety day public comment period on the Voluntary Voting System Guidelines. In light of our limited staff resources, EAC will require assistance in the review, posting, and analysis of these comments. This work will require personnel who have knowledge and experience with election administration processes and terminology, voting system technology, the testing of voting systems, and the application of standards. It will also require the ability to electronically host the document for public review, as well as the on-line commenting application that has been developed.

Kennesaw State University houses a unique facility, the Center for Election Systems, which possesses all of these capabilities. The Center provides voting system certification and acceptance testing, voting system configuration, election official and poll worker training, ballot generation, election day technical support, and election monitoring for all jurisdictions in the State of Georgia. This is the only institution of its kind in the United States and thus qualifies for FAR Subpart 6.302-1 exception to the requirement for full and open competition. We have been conducting a series of discussions with this institution regarding EAC's requirements in order to arrive at a mutually agreeable statement of work and cost estimate.

The Commissioners have previously reviewed and approved the attached statement of work for this effort. We have reviewed Kennesaw's cost estimate for this effort and find it reasonable for the experience levels and types of personnel needed to perform this work.

RECOMMENDATION:

Approve the award of a contract to Kennesaw State University in the amount of \$175,000.

Attachment

018378



"Merle King"
<mking@kennesaw.edu>
06/08/2005 07:51 PM

To cpaquette@eac.gov
cc
bcc
Subject Proposal

Carol - I have taken another cut at the EAC TGDC Guidelines Proposal.
Please see attached.

I have made two modifications to the budget. The budget is now at
\$149,050. Let me know if that creates issues:

1. I forgot to include fringes for full-time employees in the original
2. I have added additional consultant capacity regarding the need to provide maintenance of the guidelines and travel to all board meetings by the KSU team.

I am tracking down a couple of pieces related to Tax ID and the ETF form. I am not sure what "Cognizant Federal Contract Audit Agency" means. Our budget people might, but if you could help clarify that piece it would help.

We are closing out our fiscal year, so things have ground to a halt in terms of support from our business office. Sorry for the delay

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731



EACTGDGGuidelinesContract060505.doc

018379

Kennesaw State University
Computer Science and Information Systems

Contract Proposal

"EAC TGDC Guidelines Management"

(Election Assistance Commission Technical Guidelines Development Committee
Guidelines Management)

June 4, 2005

Contact Information

Contract Manager

Mr. Earle Holley
Vice-President for Business and Finance
Kennesaw State University
1000 Chastain Road, MS #0102
Kennesaw, GA 30144
770-423-6021
Fax (770) 423-6794

The Vice-President for Business and Finance will be the signatory on the contract.

Project Manager

Merle S. King
Department of Computer Science and Information Systems
Kennesaw State University
1000 Chastain Road, MS #1101
Kennesaw, GA 30144
770-423-6005
Fax 770-423-6731

Tax ID #

TBD

018380

Classification and Type of Business

Public, State University

Remittance Address, Including Information for Electronic Funds Transfer (form attached)

Cognizant Federal Contract Audit Agency

TBD

Deliverables

1. KSU will Maintain the master working copy of the EAC TGDC Guidelines. This would include constant and frequent communication with the EAC to incorporate their decisions on the disposition of comments submitted in response to the Guidelines. Changes to the document will be made as soon as responses are received from the EAC.
2. KSU will organize the discussion process for the EAC board(s) meetings to comment on Guidelines. Board meeting dates and locations will be announced by the EAC. The KSU teams will attend the board meetings, propose a recommended organization for the review of the Guidelines, and collect and assimilate information from these meetings.
3. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
4. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to KSU. KSU will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their disposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as requested.

5. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

Budget

Given the unknown quantity of work involved in the project, it is projected that there will be fixed costs of \$71,100 and variable costs associated with the volume of comments received. The total projected costs are estimated at \$149,050. KSU's indirect rate is 50% of personnel costs.

KSU will invoice the EAC quarterly for the duration of the project.

Budget							3-Jun-05	
EAC TGDC Comment Review Project								
Fixed Costs								
Personnel	June	July	August	September	October	Total		
PM	4000	4000	4000	4000	4000	20000		
Student Asst.		600	600	600	600	2400		
Total						22400		
Consultants								
King (1/3 time)	3500	3500	3500	3500	3500	17500		
Subtotal							39900	
Indirect (50%)							19950	
Fringes (30%) for full-time employees							11250	
							Total Fixed Personnel	71100
Variable Costs								
Graduate Stu.		800	800	800	800	3200		
Consultants		12000	12000	12000		36000		
							39200	
Indirect (50%)							19600	
							Total Variable	58800

018382

Personnel

Travel	2000	4000	4000	4000	4000	18000
Phone	70	70	70	70	70	350
Supplies/Copies		200	200	200	200	800

Total Variable Non-personnel 19150

Contract Total 149050

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 📧

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, Carol Julian. Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

018386

We have been hard-hit by Dennis. We have had building problems and were without power for 4 hours today. Things are a bit hectic here.

Talk to you tomorrow,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

018385

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu
cc [REDACTED]
bcc
Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.

2) Tax ID number

3) Classification and type of business

4) Remittance address, including information for electronic funds transfer (form attached)

5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

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

018388

Carol A. Paquette/EAC/GOV
06/01/2005 09:56 AM

To mking@kennesaw.edu
cc
bcc
Subject EFT form

Merle -

Forgot to attach this form to previous email.



EFT form~9075810.rtf

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

018387

Carol A. Paquette/EAC/GOV
07/06/2005 06:07 PM

To: "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject: Re: Follow Up

Merle -

I expect to get your contract signed in the next day or two. However, I still need those couple bits of information - I think it was tax ID number, cognizant federal contract auditing agency and maybe something else - before it can be processed through finance. Will also be forwarding you some email traffic regarding some issues with the way the current website is working so you can avoid these problems.

The Commissioners have a problem with Brit working on the Guidelines comments. Their view is that there is an inherent conflict of interest for Brit to have been on the TGDC that came up with the basic recommendations and then also to be part of the EAC comment review team. So we will not be able to contract with him for this purpose. I know he has suggested he would resign from the TGDC, but that doesn't really fix this problem.

Attached is the final SOW. Let me know if you have any issues or questions with it. Thanks!



SOW guidelines review.doc

I'll forward your message to Tom. His email address is twilkey@eac.gov.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/06/2005 04:03 PM

To: cpaquette@eac.gov
cc
Subject: Follow Up

Carol - Any decision yet on the contract with KSU and Brit?

I have attached a word document regarding a training program that we are doing for election observers at the Carter Center. Tom Wilkey, Brit and I were discussing the usefulness of a similar program for NIST scientists - to familiarize them with the life cycle of an election. I do not have Tom's email address at the EAC. Could you forward this proposal to him?

Thanks, and let us know.

- Merle

018388

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu

cc [REDACTED]

bcc

Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

018389

malfunctions in the 2004 election, but there were many instances of procedural glitches. The need for management guidelines has long been recognized in the election community. The EAC would like to initiate the development of such guidelines or best practices, as a complementary product to the Voluntary Voting System Guidelines. In EAC's view, this work would require participation of a working group of election officials. However, an entity is needed to manage the development process and to provide research, documentation and other capabilities necessary to this work.

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

Carol A. Paquette/EAC/GOV
06/10/2005 08:43 AM

To mking@kennesaw.edu
cc
bcc
Subject proposal

Merle -

The proposal looks fine. Based on a conversation with Steve Berger a few days ago, I have another task to add. Sorry for the piecemeal approach; this will be the last "add-on".

The new task is as follows:

There are several places in the Voting System Guidelines (especially in Volume II on testing), that refer to "external" standards: e.g., ANSI, IEC, MILSTD. We need to create a references section in the document where all these materials are referenced in their latest version. It will require some research to determine what the latest version is. As versions change, EAC can issue an addendum to the references without having to dig into the entire document with changes. Then the text reference can be simply the title of the reference. Also, if there are commercial standards that replace the MILSTDs, we'd like to reference those instead, since many of the MILSTDs are no longer maintained by DoD.

The cognizant federal contract audit agency is whatever organization has been named to audit any federal grants or contracts that the University has. Either your budget or grants/contracts people should know who this is.

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

018391

ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

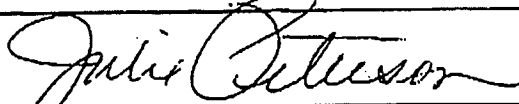
Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c). The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		Kennesaw State University			
Address	1000 Chastain Road				
City	Kennesaw	State	GA	Zip	30144-5591
Taxpayer ID Number (TIN)	58-0965786				

Financial Institution Name		Bank of America			
Financial Institution Phone Number		1-800-333-9473			
Financial Institution Routing Transit Number (RTN)		026009593			
Depositor Account Title		Kennesaw State College Operating Account			
Depositor Account Number		002320738197			
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person		Julie Peterson			
Phone	(770) 499-3378				

MUST HAVE SIGNATURE	
Company/Payee Authorized Signature	



**Computer Science and Information Systems Department
 College of Science and Mathematics
 Kennesaw State University**

Fax Cover Sheet

Date: 7-19-05 Total Number of Pages: 2

To: Carol Raquette From: Mark King

Fax # 202-566-3127 Fax # 770-423-6731

Message:

Tax Id info
 - Wferbe

Carol A. Paquette/EAC/GOV
05/26/2005 07:57 AM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Follow-up to Monday's Meeting

Merle -

This is a good summary. A few additional things came to mind as I was reviewing this:

1) I think we would also want you to maintain and revise the master working copy of the Guidelines, under strict version control, so we can be working on updates during the comment period. We want to do everything we reasonably can to minimize the time needed at the end of the period to wrap everything up. I envision the process working as follows. As you note in your paragraph 3, the reviewers will categorize comments and make recommendations to EAC on their disposition. In turn, we would advise you of the Commission's decision on your recommendations and you could make appropriate changes to the document.

2) We expect some comments may come in the form of "white papers," not necessarily related by the author to a specific section of the Guidelines. For example, Ted Selker at MIT offered to provide his specification for audio-verified audit trails for inclusion in the initial set of TGDC recommendations. It was too late in the process for additional material of this scope to be considered, so I told him he should submit it during the comment period. I understand that we may have a similar paper to consider on cognitive disabilities. The point being that comments may arrive in all shapes and sizes and we just have to make sure we have a process for tracking and handling them all. We're doing a walkthrough of the comments web application today and I will find out if data can be entered into the database manually, so we can have a single source for capturing all comments, whether received by web form, email attachment, or snail mail.

3) Speaking of the web application, I'm going to forward you the link and password for the demo version, so you can have a look at it and see if there are modifications we should make.

4) Just a little more detail on your paragraph 5. There will be 2 hearings and one combined Board meeting dealing with the Guidelines. The first hearing is June 30 in New York City. The second is July 26; location still to be determined, but will be west of Mississippi. Board meeting will be sometime in July, again the location hasn't been determined as yet. I anticipate that the Board meeting will be 1.5 - 2 days. Would have your team organize the discussion for this meeting, so we can get through the entire document and cover all their concerns.

Your estimated cost looks fine; I anticipate it will increase somewhat with the additional work outlined above. I will look into what we can do to get a separate contract in place for Brit. Call me if we need to discuss any of this. Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
05/25/2005 05:35 PM

To cpaquette@eac.gov
cc
Subject Re: Follow-up to Monday's Meeting

018393

Carol - The prior email only addresses the Guidelines. We thought that had the highest priority and we (Brit, Kathy Rogers, and I) need some time to discuss the Management Guidelines work.

Talk to you soon,

Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 5/25/2005 5:30:38 PM >>>
Merle -

Thanks for getting back to me so quickly on this. I will review this evening and get back to you tomorrow. Just at a glance this appears to

only include the Guidelines review assistance. So can I assume that there will be another paper coming on the Management Guidelines work?

Appreciate you and Brit traveling to DC to have this conversation. I agree that it was very helpful in fleshing out the concept for both of these tasks.

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

"Merle King" <mking@kennesaw.edu>
05/25/2005 04:51 PM

To
cpaquette@eac.gov
cc

Subject
Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline

018394

Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.
2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.
3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:
 - a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;
 - b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.
 - c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.
 - d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.
4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.
5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.
6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.
7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound,

018395

we
would ask that the EAC consider an addendum to this contract to
facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget.
Please let me know your thoughts.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

018396



"Merle King"
<mking@kennesaw.edu>
06/28/2005 09:07 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: website

Carol - The Center staff has never given testimony to the GA Legislature. I have given testimony once, at a NIST meeting, but it was on the topic of functionality, not VVPAT.

The organization of the full-time staff at the Center is as follows:

Merle King - Executive Director
Ray Cobb - Director
Tara Robie - Sr. Project Coordinator
Anthony Peel - Sr. Project Coordinator
Jessica Bamford - Project Coordinator

Brit is a contractor with the SOS office and although he spends time at the Center, he is not on the Center budget. He does not report to me.

The Center is completely funded by the SOS of Ga., as a line item in their budget.

The Center staff has had private conversations with our vendor regarding VVPAT and I have expressed my opinion to several vendors on the legal and operational issues associated with the concept.

I have discussed the proposed work for the EAC with the SOS Elections Director and we believe there is not a conflict of interest in the proposal. I think we can be impartial and objective in our review of comments. Our position has always been to enforce the law, rules and regs.

There is also a separation of responsibility component to the proposal. The work with the EOC will be through my department (Computer Science and Information Systems). It will not be with the Center for Election Systems.

Hope this helps.

- Merle

Merle S. King
<http://science.kennesaw.edu/csis>
Chair, CSIS Department
Kennesaw State University
1000 Chastain Road, MB #1101
Kennesaw, GA 30144-5591
voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
Merle -

01839

Discussed transferring the Guidelines document and comment application with the Commissioners and the Executive Director (Tom Wilkey) this morning, along with the other tasks related to reviewing the comments that you had provided a proposal for. Being ever cognizant of how the EAC is perceived, the Commissioners asked me to check to see if the Center or Kennesaw ever provided testimony to the GA legislature or has otherwise taken a public position on the topic of voter verified audit trails? We know Brit's views, but he was always speaking for himself on the topic. The question is whether the Center itself has taken a position on this high profile issue. Also, my understanding is that the Center is pretty much fully funded by the GA Secretary of State's office. Would that relationship in any way impinge on your ability to be objective and impartial when reviewing and advising on the disposition of comments? Can you advise? Thanks!

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

"Merle King" <mking@kennesaw.edu>
06/27/2005 05:14 PM

To
cpaquette@eac.gov
cc
"Ken Honea" <khonea@kennesaw.edu>
Subject
website

Carol -

I noticed that you got the glynn.com site up and running on Saturday.

We have reserved the following url:
<http://guidelines.kennesaw.edu/guidelines> and put the content there.
The firewall is properly configured so that it can be linked when you are ready.

Please advise on how we should proceed.

Thanks,

Merle

018398



"Brit Williams"

06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette" <cpaquette@eac.gov>

cc

bcc

Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully support the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

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

From: "Merle King" <mking@kennesaw.edu>

To: <cpaquette@eac.gov>

Sent: Tuesday, June 28, 2005 9:07 AM

Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
> on the topic of functionality, not VVPAT.
>
> The organization of the full-time staff at the Center is as follows:
>
> Merle King - Executive Director
> Ray Cobb - Director
> Tara Robie - Sr. Project Coordinator
> Anthony Peel - Sr. Project Coordinator
> Jessica Bamford - Project Coordinator
>
> Brit is a contractor with the SOS office and although he spends time at
> the Center, he is not on the Center budget. He does not report to me.
>
> The Center is completely funded by the SOS of Ga., as a line item in
> their budget.
>
> The Center staff has had private conversations with our vendor
> regarding VVPAT and I have expressed my opinion to several vendors on
> the legal and operational issues associated with the concept.
>
> I have discussed the proposed work for the EAC with the SOS Elections
> Director and we believe there is not a conflict of interest in the

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> proposal. I think we can be impartial and objective in our review of
> comments. Our position has always been to enforce the law, rules and
> regs.
>
> There is also a separation of responsibility component to the proposal.
> The work with the EOC will be through my department (Computer Science
> and Information Systems). It will not be with the Center for Election
> Systems.
>
>
> Hope this helps.
>
> - Merle
>
>
>
> Merle S. King
> <http://science.kennesaw.edu/csis>
> Chair, CSIS Department
> Kennesaw State University
> 1000 Chastain Road, MB #1101
> Kennesaw, GA 30144-5591
> voice: 770-423-6354; fax: 770-423-6731
>
>
>>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
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> EAC
> is perceived, the Commissioners asked me to check to see if the Center
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> Kennesaw ever provided testimony to the GA legislature or has otherwise
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> taken a public position on the topic of voter verified audit trails? We
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> know Brit's views, but he was always speaking for himself on the topic.
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> impartial when reviewing and advising on the disposition of comments?
> Can
> you advise? Thanks!
>
>
> Carol A. Paquette
> U.S. Election Assistance Commission
> (202)566-3125 cpaquette@eac.gov
>
>
>
> "Merle King" <mking@kennesaw.edu>



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

August 30, 2005

Ms. Bobbie Ann Brinegar
Washington, D.C. Director
Miami-Dade Election Reform Coalition
1725 19th Street, NW #B
Washington, DC 20009

Dear Ms. Brinegar:

This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3rd FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005.

The revised request (August 3, 2005) sought "all documents relating to meetings that were not publicly noticed, including all telephonic meetings or conferences, [in] which..." Chair Gracia M. Hillman, Vice Chairman Paul S. DeGregorio, Commissioner Ray Martinez or interim Executive Director Carol Pacquette were in attendance. The request notes that this includes "all lists of such meetings, and all notes made at such meetings or telephone calls." The letter also request copies of all FOIA requests made to the EAC.

With regard to your request for all prior FOIA requests, you will find copies of all responsive documents, attached. You will not be charged for processing and copying costs.

With regard to your request for "all documents relating to meetings that were not publicly noticed," the EAC must provide a bifurcated response. First, the EAC has not been able to search the personally held files of the Commissioners or previous interim Executive Director. Unfortunately, each of these individuals has been traveling for all but a few days over the last month and a half. As such, they have not had the opportunity to review their files. While the Commissioners will continue to travel in September, it is hoped the travel will be less extensive. In an effort to take all reasonable steps to provide you the documents you seek, the EAC will review the files maintained by the Commissioners and respond to you within 10 working days.

It is important to understand that, generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting). However, it is possible that individual Commissioners or the Interim Executive Director (or their assistants) may have personally maintained a few document files in a "meeting associated" manner. Because this possibility exists, the EAC will coordinate with the Commissioners in

order to determine if we can reasonably accommodate your request. However, this effort is a result of the EAC's desire to take every reasonable step to provide the documents you seek. Generally, without clarification, your FOIA request does not meet the definition of proper request under FIOA.

A proper FOIA request must reasonably describe the records sought (5 U.S.C. §552(a)(3)(A)). Such a request would enable a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort."¹ FOIA does not allow requesters to "conduct fishing expeditions" through agency files² or require agency staff to have "clairvoyant capabilities."³ Finally, Federal Agencies are not required to conduct "unreasonably burdensome" searches for records.⁴ Your request requires the EAC to identify any document that was created as a result of any type of discussion (including telephonic) between a Commissioner or interim Executive Director and any other person (including EAC staff). Given that such conversations represent the majority of our Commissioner's time and that the EAC staff generally does not maintain records based upon "meeting connectivity," your request requires both an "unreasonably burdensome" search and fails to "reasonably describe" the records sought. As was noted in the EAC letter requesting clarification (July 29, 2005):

[T]he vast majority of documents created or obtained by the EAC were likely created or obtained as a result of or in preparation for a meeting with a Commissioner. Notwithstanding this fact, in many cases it will be almost impossible to determine, with any certainty, which specific documents were "meeting associated," as such information is not ordinarily maintained on a document. Like most organizations, our documents are identified by subject matter and the individual or organization that created it. In short, your request, as stated, would require EAC personnel to search every document in possession of the Commission and speculate as to whether it was created as a result of or in preparation for a meeting with one of our four Commissioners.

Absent questioning every staff member on every document in the EAC's possession there is no reasonable way to determine if a particular document was used in a non-publicly noticed meeting. Even if the EAC took this burdensome course of action, the results would be purely speculative. Requester's should frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome.⁵ The rationale is that FOIA was not intended to reduce

¹ H.Rep.No.93-876 93rd Cong., 2d Sess. 6 (1974); S.Rep.No.813 89th Cong., 1st Sess. 8 (1965); Marks v. United States, 578 F.2d 261, 263 (9th Cir. 1978) (FOIA provision that request reasonably describe records sought relates not only to subject matter but also to place of search).

² Freeman v. United States Dep't of Justice, No. 90-2754, slip op. at 3 (D.D.C. Oct. 16, 1991) ("The FOIA does not require that the government go fishing in the ocean for fresh water fish.")

³ Hudgins v. IRS, 620 F.Supp. 19, 21 (D.D.C.1985) (Hogan, J.) ("[A]n agency is not required to have 'clairvoyant capabilities' to discover the requester's need.")

⁴ Van Strum v. EPA, 1992 WL 197660, (9th Cir. Aug. 17, 1992) (accepting agency justification in denying a request or seeking clarification that a request was burdensome because it would put an inordinate search burden on Agency resources and sought vast amount of materials.

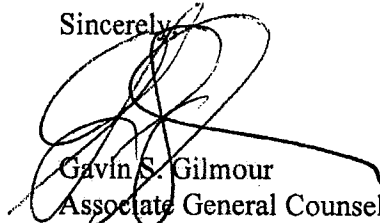
⁵ Judicial Watch, Inc. v. Export-Import Bank, 108 F.Supp.2d 19, 28 (D.D.C.,2000)

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government agencies to full-time investigators on behalf of requesters.⁶ Therefore, agencies are not required to perform searches incompatible with their own document retrieval systems.⁷

This letter is not a final response to your FOIA request. You will hear from us within the next 10 working days. I continue to encourage you to further clarify your FOIA request consistent with the conclusions, above. I offer you my assistance in this endeavor. You may reach me at (202) 566-3100 or ggilmour@eac.gov.

Sincerely,



Gavin S. Gilmour
Associate General Counsel
U.S. Election Assistance Commission

Attachments:

1. EAC FOIA;
2. Your revised FOIA request (August 3, 2005).

⁶ Id. at 28

⁷ Id. citing Assassination Archives and Research Ctr. v. CIA, 720 F.Supp. 217, 219 (D.D.C.1989) (internal citations omitted).

018403



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

September 15, 2005

Ms. Bobbie Ann Brinegar
Miami-Dade Election Reform Coalition
1725 19th Street, NW #B
Washington, DC 20009

Dear Ms. Brinegar:

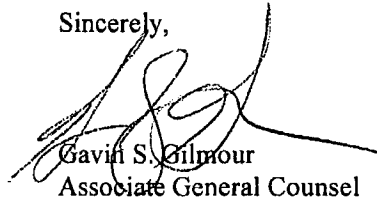
This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3rd FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005. This letter supplements our previous communication of August 30, 2005.

In our previous letter (August 30th), the EAC (1) provided all documents responsive to your request for the agency's prior FOIA requests; (2) informed you of our determination that the remainder of your request was not a proper FOIA request, as it failed to reasonably describe the records sought and required an unreasonably burdensome search for records; and (3) informed you that we would, nonetheless, perform a reasonable search for records that involved meetings with third parties. Attached please find a copy of our August 30th letter.

Each of the individuals noted in your request letter (and/or their assistant) searched their files for meeting associated records. As they could not reasonably search all records held by the EAC and speculate as to their potential association with a meeting, they looked for documents filed (including e-mails) as "meetings." Moreover, because you did not define the broad term "meeting" (which could include any time two individuals communicate) we defined the term consistent with your correspondence. We provided documents, filed as noted above, in which one of the individuals you identified met with a non-federal employee or organization. The result of our records search is enclosed. A few of the documents have had small portions redacted, such as personal phone numbers, as release of this information would constitute an unwarranted invasion of personal privacy (5 U.S.C. §522(b)(6)).

At this time, Commissioner DeGregorio has not completed the search of his records. His efforts were cut short by an official trip to Hungary. He will return from his overseas trip on the 21st of September. This letter is not a final response to your FOIA request. The EAC will provide our final response by September 26, 2005. In the interim, if you have any questions, you may reach me at (202) 566-3100 or ggilmour@eac.gov.

Sincerely,



Gavin S. Gilmour
Associate General Counsel

Attachments:

1. EAC August 30, 2005 letter to MDERC
2. Responsive documents

Gaylin Vogel/EAC/GOV
09/01/2005 11:01 AM

To d [REDACTED]
cc
bcc
Subject FOIA Response

Bobbie:

Here are the documents I tried to Fax to you yesterday.



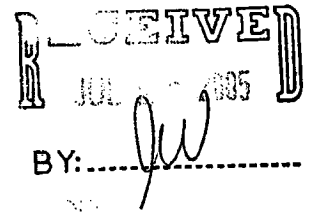
MDERC FOIA to BB.pdf

Gaylin Vogel
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3116
<http://www.eac.gov>
GVogel@eac.gov

018403



miami-dade election reform coalition



Bobbie Ann Brinegar
Washington, D.C. Director
1725 19th St NW #B
Washington, D.C. 20009
Tel: 202-441-8068

FOIA Officer
U.S. Election Assistance Commission
Record Information/Dissemination Section
1225 New York Ave. NW -Suite 1100
Washington, D.C. 20005

July 21, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19th St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Gracia M. Hillman was in attendance after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
2. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Paul S. DeGregorio was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meeting or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
3. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Ray Martinez was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or

www.reformcoalition.org

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miami-dade election reform coalition

made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

Bobbie Ann Brinegar
1725 19th St NW #B
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar



miami-dade election reform coalition

Bobbie Ann Brinegar
Washington, D.C. Director
1725 19th St NW #B
Washington, D.C. 20009
Tel: 202-441-8068
www.reformcoalition.org

FOIA Officer
U.S. Election Assistance Commission
Record Information/Dissemination Section
1225 New York Ave. NW -Suite 1100
Washington, D.C. 20005

August 3, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19th St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Gracia M. Hillman participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
2. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Paul S. DeGregorio participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
3. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Ray Martinez participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.

www.reformcoalition.org

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miami-dade election reform coalition

4. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Carol Pacquette participated in or attended during the period she served as Acting Executive Director of the U.S. Election Assistance Commission (EAC). This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.

5. All requests that have been made to the U.S. Election Assistance Commission (EAC) under the Freedom of Information Act (FOIA).

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

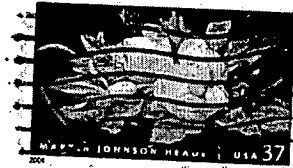
Bobbie Ann Brinegar
1725 19th St NW #B
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar

Ms. Bobbie Brinegar
Apt. B
1725 19th St. NW
Washington, DC 20009

RECEIVED
AUG 05 2005



U.S. ELECTION ASSISTANCE COMMISSION
FOIA OFFICER
1225 New York Ave. NW-Suite 1100
WASHINGTON, D.C. 20005

20005-6400



018410



miami-dade election reform coalition

September 19, 2005

Via E-Mail and Facsimile

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005

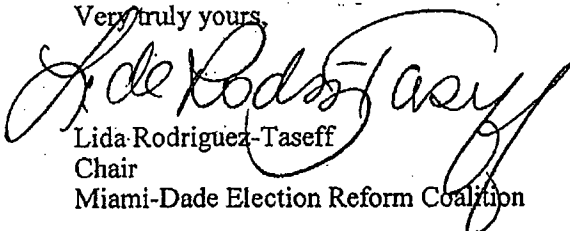
Dear Mr. Gilmour:

We are in receipt of your letters dated August 30, 2005 and September 15, 2005 and respond as follows.

First, in your August 30, 2005 letter, you correctly point that in your July 29, 2005 letter requesting clarification, you informed us that the EAC's documents "*are identified by subject matter and the individual or organization that created it.*" Based upon that statement, we clarified our request to ask for "all documents relating to meetings that were not publicly noticed." Our clarification was based upon two assumptions: (i) that EAC members were required to maintain logs of who they met with and who they had telephone conversations with and (ii) that one of the EAC's subject matter categories for document indexing would be "meetings not publicly noticed.." In your August 30, 2005 letter, you have now further clarified that "generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting." However, you do not clarify whether the EAC members are in the practice of maintaining logs.

Under cover of letter dated September 15, 2005, you provided in excess of 150 pages of documents which we are in the process of reviewing. It is also our understanding that you might be providing additional documents from Commissioner DeGregorio upon his return from an official trip. We will be providing you with further comments as soon as we complete our review of the documents you have provided thus far.

Very truly yours,



Lida Rodriguez-Taseff
Chair
Miami-Dade Election Reform Coalition

Page 1



Kathryn Sheely, Law Clerk
(202) 483-1140 ext 214
sheely@epic.org

Marc Rotenberg
President

July 5, 2005

VIA Fax 202-566-3127

Julie Thompson, General Counsel
United States Election Assistance Commission
1225 New York Avenue N.W., Suite 1100
Washington, DC 20005

EPIC NATIONAL OFFICE
1718 Connecticut Ave NW
Suite 200
Washington DC 20009
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)

RE: Freedom of Information Act Request

EPIC WEST COAST OFFICE
944 Market Street
Suite 709
San Francisco CA 94102

Dear Ms. Thompson:

This letter constitutes a request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC). +1 415 462 6161 (tel)
+1 415 482 8527 (fax)

On June 30, 2004, the Election Assistance Commission (EAC) submitted a Report to Congress titled "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office." In order to prepare this report, the EAC sent the 2004 Voter Registration Survey to 55 state election jurisdictions.¹ The Report was based on the response from 48 states, the District of Columbia, and three U.S. territories.² EPIC requests copies (including but not limited to electronic records) of each of the surveys returned to the EAC by the state election jurisdictions. www.epic.org

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester. EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of whom report on technology issues for major news outlets. The newsletter reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed

¹ "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office," the United States Election Assistance Commission, p. 1, June 30, 2005.

² *Id.* at i.

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books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our Web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requester under the FOIA. See *Electronic Privacy Information Center v. Dep't of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested records with only duplication fees assessed. Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," 5 U.S.C. § 552(a)(4)(A)(iii), any duplication fees should be waived.

As the FOIA requires, I will look forward to your response within twenty (20) working days. If you have any questions about handling this request, you may telephone me at (202) 483-1140 ext. 214.

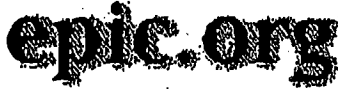
Sincerely,



Kathryn Sheely
Law Clerk, EPIC

cc: Lillie Coney

ELECTRONIC PRIVACY INFORMATION CENTER



May 10, 2005

Fax 202-566-3127

The Honorable Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20008
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Commissioner DeGregorio,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the Technical Guidelines Development Committee (TGDC) from March 23, 2004 to the present (including but not limited to electronic records) including records regarding appointments to the TGDC, disclosure statements by members of the TGDC, meetings, hearings, and work of the TGDC related to voting technology standards. Please, also provide all printed meeting and hearing transcripts for the TGDC.

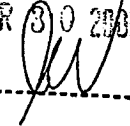
For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director

Chair, Gracia Hillman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

RECEIVED
MAR 30 2005
BY: 

Re: Freedom of Information Act Request

Dear Commissioner Hillman:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents [or documents containing the following information] be provided to me: Complete testimony (including appendices) of the Election Assistance Commission to the U.S. House Of Representatives, Committee on House Administration, from 9 February 2005. Specifically, I request the results of the Military and Overseas Absentee Ballot Survey for the 2004 election noted as Appendix 5 in the available testimony.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am an Assistant Professor at the United States Military Academy, West Point, New York. As such, I am affiliated with an educational institution and this request is made for a scholarly or scientific purpose and not for a commercial use.

I am willing to pay fees for this request up to a maximum of \$25.00. If you estimate that the fees will exceed this limit, please inform me first.

I do request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. This information will support research for my dissertation and will be publicly available.

I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk, a CD-ROM, or by email at brian.durant@usma.edu.

My office telephone number is (845) 938-5096. I can generally be contacted during the hours of 8 a.m. to 5 p.m., as necessary, to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,



Brian D. DuRant
Lieutenant Colonel, U.S. Army
Department of Behavioral Sciences and Leadership
United States Military Academy
West Point, NY 10996

A33005-864

018415

FairVote

THE CENTER FOR VOTING AND DEMOCRACY

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Ryan O'Donnell

Senior Analysts

Terry Bouricius

Steven Hill

Caleb Kleppner

FOIA Officer

Election Assistance Commission

1225 New York Avenue N.W., Suite - 1100

Washington, DC 20005

March 17, 2005

Dear FOIA Officer,

I would like to formally submit a FOIA request for documents related to the Technical Data Packages that have been submitted to the EAC, or its predecessor (FEC) or related agencies, such as the NIST, between April 30, 2002 and the present. In particular, I am seeking:

1. A copy of the first page or cover page of the Technical Data Package (TDP) for each application received after the adoption of the revised Voting System standards, and
2. The portion of each of the above TDPs that response to Volume 1, Section 2.2.8.2 Voting variations, subsections a. through o. This section includes the sentence, "The TDP accompanying the system shall specifically identify which of the following items *can* and *cannot* be supported by the system, as well as *how* the system can implement the items supported."

I understand that TDPs may contain proprietary information and that each vendor is required to identify which information is and is not proprietary; however, I presume that information about which items in 2.2.8.2 can and cannot be supported by the system is not proprietary. If any of the information is proprietary, I request that you send me those portions that are publicly available under FOIA.

The FairVote – the Center for Voting and Democracy is a public interest group that educates about the electoral process. We request these documents for use in our educational efforts about the capabilities of different types of voting equipment. We therefore request that you waive any fees from compiling, copying and mailing the documents to me.

If you have any questions about this request, please don't hesitate to call me at 203-781-8406 or email me at ck@fairvote.org.

Please mail document to me at:

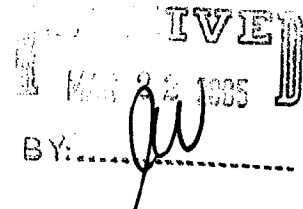
Caleb Kleppner
196 Lawrence St
New Haven CT 06511

Web Site

www.fairvote.org

Sincerely,


Caleb Kleppner



A30205.818

196 Lawrence St, New Haven CT 06511 · (203) 781-8406 · ck@fairvote.org

018418

w wkq days: 8/17/2004



July 20, 2004

VIA FACSIMILE

United States Election Assistance Commission
1225 New York Avenue N.W.
Suite - 1100
Washington, DC 20005
(202) 566-3100
fax (202) 566-3127

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

FOIA REQUEST

Dear Mr. John Vergelli:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. §. 552, on behalf of the Electronic Privacy Information Center, I request access to and copies of all agency records of complaints and agency responses regarding electronic voting, direct recording electronic (DRE) devices used to count voting ballots, touch screen voting machines, and optical scanners. I also request access to and copies of all agency records of complaints and agency responses regarding voting ballot counting software from September 2000 to the present. Additionally, I request access to and copies of all agency records of communications between the agency and any other party discussing or interpreting Help America Vote Act of 2002, Section 301(a)(2)(B); 42 U.S.C. §15481(a)(2) (B).

Please redact any personal information incidentally submitted in conjunction with any complaint.

For purposes of fee assessments, we request that EPIC be placed in the category of "news media" requester EPIC is a non-profit, educational organization that routinely and systematically disseminates information to the public. This is accomplished through several means. First, EPIC maintains a heavily visited Web site (www.epic.org) that highlights the "latest news" concerning privacy and civil liberties issues. The site also features scanned images of documents EPIC obtains under the FOIA. Second, EPIC publishes a bi-weekly electronic newsletter that is distributed to over 15,000 readers, many of who report on technology issues for major news outlets. The newsletter

018417

reports on relevant policy developments of a timely nature (hence the bi-weekly publication schedule). It has been published continuously since 1996, and an archive of past issues is available at our Web site. Finally, EPIC publishes and distributes printed books that address a broad range of privacy, civil liberties and technology issues. A list of EPIC publications is available at our Web site.

For the foregoing reasons, EPIC clearly fits the definition of "representative of the news media" contained in the FOIA and Department of Commerce regulations. Indeed, the U.S. District Court for the District of Columbia has held that EPIC is a "news media" requester under the FOIA. See Electronic Privacy Information Center v. Department of Defense, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on our status as a "news media" requester, we are entitled to receive the requested records with only duplication fees assessed under 15 C.F.R. § 4.11(c). Further, because disclosure of this information will "contribute significantly to public understanding of the operations or activities of the government," as described above, any duplication fees should be waived. This information is being sought on behalf of EPIC for dissemination to the general public.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

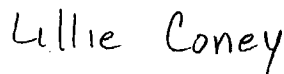
As I am making this request as a news media organization and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request. Thank you for your assistance.

Very truly yours,



Amanda S. Reid

Electronic Privacy Information Center
1718 Connecticut Ave., N.W.
Suite 200
Washington, DC 20009 USA



111
* +1 202 483 1140 x224 (tel)
* +1 202 483 1248 (fax)
* reid@epic.org
* http://www.epic.org

018418

The Mercury News
The Newspaper of Silicon Valley
MercuryNews.com

750 Ridder Park Drive
San Jose, CA 95190
(408) 920-5000

Elise Ackerman
San Jose Mercury News
750 Ridder Park Drive
San Jose, CA 95190
408-271-3774

April 14, 2004

FEDERAL ELECTION COMMISSION
FOIA Officer, Press Office
999 E St., N.W.
Washington, DC 20463
(202) 694-1220
fax (202) 501-3283

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I request access to and copies of any communications on file with the Federal Election Commission with the following companies: Ciber Inc., Wyle Labs or Wyle Laboratories, SysTest or American Management Systems. I would also like to review any correspondence between the FEC and a member of the ITA Technical Subcommittee of the National Association of State Election Directors (NASED), also known as the ITA subcommittee or the Voting Systems Board. I would like to review any documents that fit this request from 1990 to the present date.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$40.00. However, please notify me prior to your incurring any expenses in excess of that amount.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on an issue that is of current interest to the public, namely the testing of voting machines and the drafting of voting machine standards.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information.

The public has an urgent need for information that deals with the integrity testing of voting systems that will be used in the November election.

I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Very truly yours,



Elise Ackerman

FLORIDA ITINERARY

August 29 – September 1, 2005

Monday, August 29, 2005

Destination: Orlando, FL

Departure: National Airport
7:15 p.m.
US Airways Flight# 1189

Arrival: Orlando, FL
9:23 p.m.

Ground Transportation: Winstar Limo, 407-832-3427 (\$45)
The driver will meet you in the Baggage Claim Area

Hotel: **Rosen Centre Hotel**
9840 International Drive
Orlando, Florida 32819
Confirmation# RR61173B7

Conference Contact: Julie Shaw, Executive Director, ADAWG
Cell phone: [REDACTED]

Tuesday, August 30, 2005

10:00 – 11:00 a.m. **Orlando Sentinel**
633 N. Orange Avenue
Orlando, FL
(407) 420-5418

(Please allow 30 minutes for travel)

Editorial Board Members: Paul Owens and Marianne Arneberg

Contact: Nancy Kunzman, [REDACTED]

12:00 noon – 1:30 p.m. **Rosen Centre Hotel**
Your Presentation
Junior Ballroom G

018421

After presentation: Orange TV, "Elections and You The Voter"
Taped interview with Bill Cowles (5 – 10 minutes)
(To be shown in February)
Bill Cowles will drive you over to the studio
Bill's Cell phone: [REDACTED]

Contact: Sultana F. Ali, OrangeTV Producer
Cell phone: [REDACTED]

Wednesday, August 31, 2005

Departure: Orlando International Airport
10:15 a.m.
Southwest Airline Flight# 2558

Arrival: Fort Lauderdale/Hollywood International Airport
11:10 a.m.

Car: Alamo Rent A Car
Confirmation#: HY0051298690

Directions: Start out towards E. Las Olas Blvd. Turn left onto Las Olas Blvd. Drive 1.3 miles. Turn right onto Seabreeze Blvd. Drive 1.4 miles. Go straight on SE 17th Street. Drive for 0.1 miles. Turn right onto SE 23rd Avenue. Drive a short distance. Turn right onto SE 17th Street. Drive a short distance. Keep slight left to stay on SE 17th Street.

Hotel: Hyatt Regency Pier 66 Resort
2301 SE 17th Street Causeway
Fort Lauderdale FL 33316
(954) 525-6666

Thursday, September 1, 2005

10:00 a.m. Brenda C. Snipes, Supervisor of Elections
Broward County Elections Office
115 South Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

Contact: Clarise, [REDACTED]

Directions/Parking: See enclosed map. Take parking ticket for validation.

018422

2:30 p.m.

Miami Dade Election Board
Lester Sola, Supervisor of Elections
2700 Northwest 87 Avenue
Miami, FL

Contact:

Rosey Pastrana, (305) 499-8548
(Office has its own parking lot)

Car Drop Off:

Alamo Car Rental
3355 NW 22nd Street
Miami

Directions:

See enclosed map.

Departure:

Miami International Airport
5:55 p.m.
American Airlines Flight# 428

Arrival:

National Airport
8:21 p.m.

018423

**HONOLULU, HAWAII
NACRC**

July 14 – July 20, 2005

Thursday, July 14, 2005

Destination: Honolulu, Hawaii

6:00 a.m. Departure to airport

Departure: National Airport
7:45 a.m.
United Airlines – Flight # 605
(Check waiting list for first- class seating)

Arrival: Chicago O'Hare International Airport
8:39 a.m.

Departure: 9:55 a.m.
United Airlines – Flight# 1

Arrival: Honolulu Airport
1:50 p.m.

**Ground
Transportation:** Taxi - \$25.00 - \$35.00

Hotel: Hilton Hawaiian Village Beach Resort & Spa
20005 Kalia Road
Honolulu, HI 96815
(808) 949-4321

Friday, July 15, 2005

8:30 – 10:00 a.m. Your Presentation
EAC Update/HAVA Deadline for Compliance

018424

Saturday, July 16, 2005

Free Day

Sunday, July 17, 2005

12:00 p.m. Lunch (You guys will discuss)
ACCESS BOARD of Hawaii
Joan Bird, HAVA Coordinator
(She will meet you in the Lobby of the hotel. She has your Bio).
Home: [REDACTED]

Monday, July 18, 2005

11:00 a.m. Editorial Board
The Honolulu Advertiser
605 Kapiolani Blvd.
Honolulu, HI

Contact: Sara Montgomery
Editorial Page Assistant
(808) 535-2414

1:00 p.m. League of Women Voters
Jean Aoki
49 South Hotel Street, Room 314
Honolulu Hawaii 96813
(808) 531-7448
(808) 537-6267

Tuesday, July 19, 2005

12:30 p.m. Pick-up for meeting at Hawaii Office of Elections
(Either Michael or Wayne will pick you in front of the hotel. Look for a white 15 passenger van with the State of Hawaii logo on the doors. They also will drop you off at the airport.)

Contact#: (808) 453-8683

018425

1:00 p.m.

Hawaii Office of Elections

802 Lehua Avenue
Honolulu, HI 96782
808.453.8683

Dwayne Yoshina, Chief Election Official

Standards Board Members

Scott Nago, Section Head, Counting Center Operations
Glen Takahashi, Honolulu Election Administrator

Departure:

Honolulu Airport

4:20 p.m.
United Airlines – Flight# 2

Wednesday, July 20

Arrival:

Chicago O'Hare Airport
5:18 a.m.

Departure:

6:00 a.m.,
United Airlines – Flight# 636

Arrival:

National Airport
8:45 a.m.

018420

Summary Schedule

Tuesday, April 5, 2005

- 1902 Depart Miami International Airport, American Airlines 2169
Flight Time: 3 hours 28 minutes
Time Change: - 1 hour
- 2130 Arrive El Dorado Airport, Colombia - Met by Control Officer Colleen Hoey
- 2150 Depart Airport for Casa Dann Carlton Hotel, Calle 94 No. 19-71, Bogota
571.633-8777 Hotel Reservation Confirmation Number: 9441705

Remain Overnight (RON) Casa Dann Carlton Hotel, **Confirmation# 9441705**

Wednesday, April 6, 2005

Ms. Hillman attends Organization of American States 3rd Inter American Meeting on Electoral Technology
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

Thursday, April 7, 2005

Ms. Hillman attends Organization of American States 3rd Inter American Meeting on Electoral Technology
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

Friday, April 8, 2005

- 0815 Depart Hotel for Consejo Nacional Electoral (Drive Time: 40 minutes)
Political Officer Brian Walch will brief you enroute to CNE.
- 0900 Meeting with President of Consejo Nacional Electoral, Dra. Nidia Restrepo de Acosta
Magistrado Guillermo Reyes, National Registry.
(Both speak English)
Avda El Dorado, #46 20 Piso 6
POC Yuceire Moreno 220-0805, 2880
- 1000 Depart CNE enroute Universidad Externado, Calle 12 No. 1-17 Este (Drive Time: 20
minutes). Directions: We will meet at the parking lot off of the Circunvalar, closest to the
auditorium. Take the Circunvalar heading south, get to Egipto church and make a U turn
heading north again. Entrance to University on your left.
- (T)1030 Off the Record Meeting with International Relations Students at Universidad Externado,
Largest International Relations Program in Colombia (simultaneous translation provided)
students studying the United States. You would give a brief background on your career
and your work on elections, including EAC and League of Women Voters, and then take
questions from the students. This would be an off the record event and very informal.
Embassy Public Affairs Section would arrange and staff. PAS POC Pilar Cabrera 310
806-0456.
- 1140 Depart Universidad Externado with Public Affairs Section enroute restaurant for lunch.
- (T)1200 Lunch with Colombian political science professors on U.S. elections (Public Affairs
Section will arrange and host).
- 1330 Depart Lunch enroute Embassy with Public Affairs Section (Drive Time: 20 minutes).

SCHEDULE as of APRIL 4, 2005 1600h

1400 Courtesy Call on Ambassador Wood
1430 Meeting with Consul General Ray McGrath on U.S. Voting Overseas
1515 Depart Embassy enroute Museum TBC

Saturday, April 9, 2005

(\$50 exit fee for official passports – can be paid in U.S. dollars)
0550 Depart Hotel for El Dorado Airport (Drive Time 30 minutes)
0808 Depart El Dorado Airport, American Airlines 2170
Flight Time: 3 hours 35 minutes
Time Change: + 1 hour
1243 Arrive Miami International Airport
1624 Depart Miami International Airport American Airlines 1332

PORTLAND/SALEM, OREGON
April 1 – April 4, 2005

Friday, April 1

Arrival: 7:42 p.m.

**Ground
Transportation:** Taxi

Hotel: **The Benson**
309 SW Broadway
Portland, OR 97205
(503) 228-2000
Confirmation#: WX072932

Saturday, April 2

8:30 a.m. Pick-up for Voter Advocacy Breakfast

Contact: Frank Garcia

9:00 a.m. Voter Advocacy Breakfast Meeting, MAC Club

1:00 p.m. Multnomah County Elections/Vote By Mail Tour

3:00 p.m. Back to the Benson (Free Time)

7:00 p.m. Dinner – “Welcome Committee”

Sunday, April 3

1:00 p.m. Lunch/Sight Seeing - “Welcome Committee”

6:00 p.m. Dinner w/Paddy McGuire & John Lindback

018429

Monday, April 4

7:00 a.m. **Transport from Benson Hotel to Salem**

Contact: **Paddy McGuire**

8:00 a.m. **Arrival to State Capitol**

9:15 a.m. **Transport to Statesman Journal, Salem**

9:30 a.m. **Statesman Journal Editorial Board**

10:30 a.m. **Transport to State Capitol**

10:45 a.m. **Vendor Fair**

12:00 a.m. **Lunch Meeting w/Bill Bradbury & HAVA Steering Committee**

1:45 p.m. **Transport to Oregonian, Portland, OR**

3:00 p.m. **Oregonian Editorial Board**

4:00 p.m. **Transport to Portland Airport**

Contact: **Paddy McGuire**

Departure **Portland Airport**
United Airlines Flight# 6396
7:10 p.m.

Arrival: **San Francisco International Airport**
8:52 p.m.

Departure: **USAir Flight# 159**
9:50 p.m.

Arrival: **Philadelphia Airport**
5:59 a.m.

018430

Maryland State Board of Elections Meeting

Monday, March 14, 2005

PLACE: 151 West Street, Suite 200
Annapolis, Maryland 21401

TIME: 10:30 a.m.

CONTACT: Mary Cramer Wagner
Director, Voter Registration Division
(410) 269-2850

Directions

- Take Route 50 East towards Annapolis.
- Take Exit #24 Rowe Blvd. (Stay right off of exit). Proceed approximately 1 1/2 miles on Rowe Blvd. (There is bridge construction taking place on both Weems Creek Bridge and College Creek Bridge) Continue on Rowe Blvd through 2 traffic lights.
- Rowe Blvd will fork. Bear right at light onto Calvert Street. Proceed to the traffic light where Calvert Street meets West Street.
- Turn right onto West Street and continue to 151 West Street on left hand side.

Parking space, SBE 4, has been reserved for you.

018431

NEW YORK ITINERARY
December 14 – December 16, 2004

Tuesday, December 14, 2004

Destination: New York City

Confirmation#: 4G5XJ2

Departure: National Airport
3:30 p.m.
Delta – Flight # DL 1958

Arrival: New York LaGuardia International Airport
4:36 p.m.

**Ground
Transportation:** Taxi - \$45.00 (flat rate)

Hotel: Metropolitan Hotel
569 Lexington Avenue
New York, NY 10022
(212) 752-7000

Wednesday, December 15, 2004

8:30 a.m. The State of Our Elections: What Went Right and Wrong in the
Administration of the 2004 Elections
(your portion of the meeting is from 9:00-11:00 a.m.)
Carnegie Corporation of New York
437 Madison Avenue, 26th Floor
(Between 49th & 50th Streets)
New York, NY

Contact: Ronnie Garwood


**Fellow
Presenters:** Miles Rapoport, Demos
Norm Ornstein, American Enterprise Institute
Adam Cohen, New York Times, Editorial Board
Thomas Mann, The Brookings Institution

018432

2:30 p.m. **Demos Meeting**
220 5th Avenue, 5th Floor
New York, NY

Agenda: First hour – NVRA
 Second hour – Election Day

Attendees: Miles Rapoport, Demos
 Lucy Mayo, Demos
 Steve Carbo, Demos
 Joanne Chasnow, Project Vote
 Doug Hess, Project Vote

Contact: Lucy Mayo
 (212) 633-1405, ext. 772

7:00 p.m. **Jezabel's**
630 9th Ave, Manhattan
(212) 582-1045

Thursday, December 16

12:30 p.m. **Sandy Cloud**
Office: (212) 545-1300, ext. 224
Union League Club
38 East 37th Street (off Park Avenue)

Contact: Kathleen Harley-King
 (202) 682-2322, ext. 21

Destination: **Washington, D.C.**

Departure: **New York LaGuardia International Airport**
Delta Airlines, Flight# DL 1967
7:30 p.m.

Arrival: **National Airport**
8:44 p.m.

Contact Information

Cheryl

Cell: [REDACTED]

Home: [REDACTED]

018430

CALIFORNIA ITINERARY
October 27 – November 3, 2004

Wednesday, October 27, 2004

Destination: Norwalk, CA

Departure: Dulles Airport
4:20 p.m.
United Airlines – Flight # 195
Confirmation #: 826895020

Arrival: Los Angeles Airport
6:43 p.m.

**Ground
Transportation:** Conny McCormack will be at the luggage carousel
for that United flight. Call her when you get off the
plane.
Cell: [REDACTED]

Hotel: Marriott
13111 Sycamore Drive
Norwalk, California 90650
Phone: 1-562-863-5555
Fax: 1-562-868-4486

Confirmation#: 84819217

018434

Thursday, October 28

***Robert Huff from LA County Elections will drive you to Cal State Long Beach.
Cell: [REDACTED] He will call you at the Marriott Hotel or on your cell
phone to coordinate pick-up times.***

12:00 p.m. California State University, Long Beach

1250 Bellflower Blvd.
University Student Union, Room 307
Long Beach, CA

Contact:

Brigette Young
Office: (562) 985-2402
Cell: [REDACTED]
Room 307: (562) 985-4994

Attendees:

Charles Noble, Chair and Professor, Dept. of Political
Science, Director, International Studies Program
Liesl Hass, Professor, Dept. of Political Science
Cora Goldstein, Professor, Dept. of Political Science
Richard Haesly, Professor, Dept. of Political Science
Pam Fiber, Professor, Dept. of Political Science
Katie Mac, Student Poll Worker Coordinator, County of
Los Angeles Registrar-Recorder/County Clerk
Kim Hinckson, Student Govt. Advisor (Project Manager)
Associated Students, CSULB
Brigette Young, Development Associate, Associated
Students, CSULB Students, CSULB
Michele Deane, Program Director for Girls Today Women
Tomorrow

1:00 p.m.

Lunch with Brigette, Michele and CSULB staff

018435

4:00 p.m. **Los Angeles Conservation Corps (LACC)**
2130 East 1st Street
Los Angeles, CA
Contact: **Michele Deane**
Cell: [REDACTED]

5:30 p.m. **The Bev Smith Show**
[LACC Office, (323) 526-3039]
Studio: (412) 325-4197
Producer: Lawrence Gaines, [REDACTED]

Friday, October 29

***Last minute media requests may alter schedule**

10:00 a.m. **Commissioner Hillman to address Los Angeles**
County Grand Jury
13-303 Criminal Courts Bldg. 210 W. Temple St.
Los Angeles, Ca 90012
Contact: Bob Dobson [REDACTED]

11:30 a.m. **Reception (informal lunch/meeting)**
League of Women Voters Office
3250 Wilshire Blvd. Suite 1005
Los Angeles, CA
(20 League leaders from all over LA County will attend).
Contact: Thea Brodkin, [REDACTED]

1:30 p.m. **Braille Institute (early voting site)**
741 N. Vermont Ave.
Los Angeles, CA
Contact: Eleanor Wright, [REDACTED]

2:00 p.m. **NAACP**
3910 MLK Blvd.
Los Angeles, CA
Contact: Geraldine Washington [REDACTED]

4:00 p.m. **Edison International (telephone call)**
Contact: Fred Grigsby, [REDACTED]

Saturday, October 30

9:45 a.m. **Registrar-Recorder/County Clerk simulation (within walking distance from hotel)**
Kris Heffron, Chief Deputy
Office: (562) 462-2716
Cell phone: [REDACTED]
12400 Imperial Hwy.
Norwalk, CA

11:30 a.m. Tiny Lopes
Home: [REDACTED], Cell: [REDACTED]
Lunch
Marriott Hotel

Sunday, October 31, 2004

11:00 a.m. Brunch reception at Conny's home.

Monday, November 1

10:00 a.m. **National Association of Latino Elected Officials (NALEO) to observe their voter hotline.**
1122 W. Washington Blvd., 3rd Floor, LA 90015.
Contact: Maria de la Cruz Garcia, [REDACTED]

12:00 Noon Lunch

1:30 p.m. **Orange County Board of Elections**
1300 South Grand Avenue, Building C
Santa Ana, CA 92705
Contact: Steve Rodermund, [REDACTED]

Riverside County Board of Elections

2724 Gateway Drive
Riverside, CA 92507-0918

Contact:

Barbara Dunmore, [REDACTED]

Tuesday, November 2 – Election Day

9:00 a.m. Visit polling places with other VIP visitors (Dushyant Bala will be driving)

Wednesday, November 3, 2004

9:30 a.m. Attend Board of Supervisors Meeting at Hall of Admin.
Receive scroll – Robert Huff will probably drive her there.

12:30 p.m. **John Mack (lunch)**
Los Angeles Airport Marriott
5855 West Century Blvd.
[REDACTED]

Destination: Washington, D.C.

Departure: L.A. International Airport
4:10 p.m.
United Airlines – Flight # 202

Arrival: Dulles Airport
11:47 p.m.

OHIO ITINERARY

October 18 – 22, 2004

Monday, October 18, 2004

Destination: Columbus, OH

**Scheduled
Pick-up:** 5:45 p.m.

Departure: **National Airport**
7:50 p.m.
US Airways – Flight # 3215
Confirmation #: 826895020

Arrival: **Columbus, OH**
9:14 p.m.

**Ground
Transportation:** Taxi **OR**
Urban Express Transportation – a van service
that runs every hour; located outside of the
baggage claim area to the left of a digital
clock. Van is there 20 minutes before the
hour (\$10.00).

Hotel: The Columbus, Renaissance Hotel
50 North 3rd Street
Columbus, OH
(614) 228-5050
Confirmation#: 82785618

018439

Tuesday, October 19

9:30 a.m. **Northern Kentucky University**
The Columbus, Renaissance Hotel – Lobby
Contact: Missy Gish, Outreach & Community Engagement
Specialist
Cell: [REDACTED]
Dr. Joan Ferrante, Interim Director of the Scripps
Howard Center for Civic Engagement

11:00 a.m. **Depart for Elections Officials luncheon (closed event)**
Contact: Matt Damschroder, Director of Franklin County
Election Board, (Rep)
Office: (614) 462-6686
Cell: [REDACTED]

11:30 a.m. **Luncheon with local Election Officials (closed event)**

2:00 p.m. **Poll Worker Training Class**
Mt. Vernon Avenue AME Church

3:45 p.m. **Columbus Dispatch Editorial Board Meeting or Square Press Corps press conference**

4:20 p.m. **Return to Hotel**

6:30 p.m. **Private Dinner with Franklin County Board of Elections Key Staff**
Matt Damschroder will pick you up

Other
Attendees: Mike Hackett, Deputy Director; Libbie Worley, Chris
Wilson, Renee Kelco, Karen Cotton, Jeff Graessle)

8:30 p.m. **Return to Hotel**

Wednesday, October 20

- 8:00 a.m.** **Matt Damschroder, Cell: [REDACTED] and
Mike Hackett, Cell: [REDACTED] will pick you up
from the hotel.**
- 8:10 a.m.** **Tour of the Franklin County Board of Elections
Office
280 East Broad Street, 1st Floor
Office: (614) 462-3100**
- 9:00 a.m.** **Depart for Ashland**
Contact: Ray Butler, Community Liaison Officer
Mahoning County Board of Elections
Cell: [REDACTED]
Work: (330) 783-2474
Home: [REDACTED]
- 10:30 a.m.** **Tour of Ashland County Board of Elections
Kathy Howman, Director (Rep)**
[REDACTED]
- 12:00 p.m.** **Lunch with Summit County Election Officials
Bryan Williams, Director (Rep)**
[REDACTED]
- 1:00 p.m.** **Tour of Summit County Election Office**
- 2:00 p.m.** **Depart for Youngstown**
- 3:30 p.m.** **Arrive at hotel**
Holiday Inn, Youngstown South
7410 South Avenue
Boardman, OH
(330) 726-1611
Confirmation# 61177128
- 5:00 p.m.** **Dinner with Mahoning County Election Officials**

018441

Thursday, October 21

- 9:00 a.m. Mahoning County Board of Elections Meeting**
(Community leaders have been invited)
Michael Sciortino, Director (Dem), Standards Board
Member and President of the Association of Ohio
Election Officials
Office: (330) 783-2474
- 12:00 p.m. Lunch with Cuyahoga and Mahoning Directors**
- 2:00 p.m. Depart for Cleveland**
Michael Vu, Director (Dem)
2925 Euclid Ave.
Cleveland, CA
Cell: [REDACTED]
Office: (216) 443-6455
- 4:00 p.m. Meet with Congresswoman Stephanie Tubbs
Jones at the Cuyahoga County Board of Elections**
Contact: Beverly Charles, Scheduler for Congresswoman
Tubbs Jones
Office: (216) 522-4900
Cell Phone: [REDACTED]
- 5:00 p.m. Childer's Car Service will pick up for trip to
Toledo**
Driver's Cell:
- 7:00 p.m. Arrive in Toledo**
Wyndham Hotel
Two SeaGate/Summit Street
Toledo, OH
(419) 241-1411 (Checkout - 12:00 p.m., noon)
- Presenters**
Dinner: Real Seafood Company
22 Main Street
Toledo, OH

Friday, October 22

- 8:00 a.m. University of Toledo College of Law Conference
Faculty member will pick up all presenters**
- 9:45 a.m. Presentation**
- 12:00 p.m. Lunch with Professor Friedman and other presenters**
- 1:30 p.m. Conference Call with Senator Fedor
Cell: [REDACTED]**
- 4:05 p.m. Depart Toledo Airport (30 minute layover in
Cincinnati)**
- 8:00 p.m. Arrive at National Airport**



**KANSAS CITY
BOARD OF ELECTION COMMISSIONERS**

LINDA S. TARPLEY, Chairman
ROSA JAMES, Member
SHARON TURNER BUIE, Director
F. RUSSELL MILLIN, Attorney



CHERYL LYNN BISBEE, Secretary
BRUCE B. WAUGH, Member
RAY S. JAMES, Director
DAVID RAYMOND, Attorney

February 3, 2004

**Gracia Hillman
EAC Commissioner
*Itinerary***

Tour KCEB		9:00 A.M.*
Visit Johnson County Election Office		10:30 A.M.
Lunch		Noon
Visit Jackson County Election Office		1:30 P.M.
Poll Visits:	8/7 Country Club Congregational Church of Christ 205 W. 65 th St.	3:00 P.M.
	14/9 Lucile Bluford Library 31 st & Prospect	4:00 P.M.
Dinner		5:00 P.M.
Chat with League of Women Voters of Greater Kansas City		6:00 P.M.
Observe Absentee Ballot Count		7:00 P.M.
Observe ballot preparation and tabulation process		8:00 P.M.

*KCEB driver will be waiting for you at 9:00 A.M. at main entrance of Hyatt

Contact: Sharon Turner Buie
Residence: 
Cell: 





Gracia
Hillman/EAC/GOV
12/13/2004 04:20 PM

To sbanks@eac.gov
cc
bcc
Subject Fw: NCBCP Follow-up Meeting Requested

Please call Melanie to set up a date in January for the meeting she requested.

----- Forwarded by Gracia Hillman/EAC/GOV on 12/13/2004 04:20 PM -----
"Melanie Campbell" <melaniec@ncbcp.org>

12/13/2004 02:44 PM

To ghillman@eac.gov
cc execasst@ncbcp.org
Subject RE: NCBCP Follow-up Meeting Requested

Thanks Gracia for meeting with me today. I will send out the EAC Announcement for the executive director position today to our e-mail lists.

I look forward to another opportunity to follow-up with you as we all continue to assess what worked and what didn't work in the 2004 Election as far as the implementation of HAVA and other election systems issues.

I would like to schedule another time in January to share with you the results of our Election Day Poll, what we learned from our hotlines (1-866-OUR-VOTE and our Tom Joyner registration hotline 1-866-316-VOTE) and information on the poll locator website we utilized during the 2004 Election. I would like to bring our hotline vendor, Ken Smukler and NCBCP Board member, Rene Redwood, to join us for that follow-up meeting.

Please let me know when your schedule will allow a follow-up meeting hopefully in January.

018445

Thanks.

Melanie

Melanie L. Campbell
Executive Director & CEO
National Coalition on Black Civic Participation, Inc.
1900 L Street, NW
Suite #700
Washington, DC 20036
(202) 659-4929
melaniec@ncbcp.org
bigvote.org
voicesoftheelectorate.org
unity04.net

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From: ghillman@eac.gov [mailto:ghillman@eac.gov]
Sent: Monday, December 13, 2004 12:07 PM
To: melaniec@ncbcp.org
Subject: EAC Executive Director

Happy Holidays!!

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

018448



Gracia Hillman/EAC/GOV
01/10/2005 05:58 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, DeForest Soaries Jr./EAC/GOV@EAC, Juliet E. Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,
cc dmurphy@eac.gov, aambrogi@eac.gov, Spring A. Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

018447

January 11, 2005

****DRAFT****

Line 1 Name
Line 2 Organization
Line 3 Street Address
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman
Chair

018448

**Karen
Lynn-Dyson/EAC/GOV**
02/28/2005 05:13 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Carol A. Paquette/EAC/GOV@EAC, Sheila A.
cc Banks/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Spring A.

bcc.

Subject Working group meeting on State-wide VR databases
set for March 23-24 in D.C.

Commissioners-

At a session today, in which we discussed the upcoming public hearing on state-wide VR databases, set for Boston, on April 26, 2005, it was agreed that we will hold our working group meeting on state-wide VR databases on March 23 and 24, here in Washington..

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

018449



Gracia Hillman/EAC/GOV
02/26/2005 02:28 PM

To "Sheila Banks" <sbanks@eac.gov>
cc
bcc
Subject Fw: Meeting with Ted Selker, MIT/Calech Voting Project

Please handle. I am interested in meeting with him.

Sent from my BlackBerry Wireless Handheld

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

From: "Sarah Dionne" [dionne@media.mit.edu]
Sent: 02/25/2005 05:47 PM
To: ghillman@eac.gov
Subject: Meeting with Ted Selker, MIT/Calech Voting Project

Hello Ms. Hillman,

Ted Selker will be in DC next week and he was hoping to be able to meet with you.

He will be arriving Wednesday, March 2 and would have time after 4:00 that day or Thursday morning before 10:00.

Please let me know what could work with your schedule.

Thank you.

sarah
:.....
Sarah Dionne
Administrative Assistant
Context-Aware Computing Group
Ambient Intelligence Group
20 Ames Street, E15-322
Cambridge, MA 02139
phone: 617.253.0291
fax: 617.258.0910

p.s. I will be out of the office Monday so I will be able to confirm any suggested meeting time on Tuesday.



"Clark, Brad, ROV"
<brad.clark@acgov.org>

To sbanks@eac.gov

cc

04/20/2005 07:16 PM

bcc

Subject Re: Meeting with EAC

Thanks. I don't think that it will go beyond an hour. Of course Conny McCormack will be there which is bound to add a few minutes. Lol.

Brad

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

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

From: sbanks@eac.gov <sbanks@eac.gov>
To: Clark, Brad, ROV <brad.clark@acgov.org>
Sent: Wed Apr 20 14:46:32 2005
Subject: Re: Meeting with EAC

Brad,

Just a note to let you know that I have confirmed your meeting with the Chair and the Vice Chair on Thursday, May 5 at 10:00 a.m. Do you think this meeting will last 2 hours?

Sheila

018451



"David Capozzi"
<capozzi@ACCESS-BOA
RD.GOV>

05/02/2005 05:01 PM

To **"Sbanks@eac.gov"** <Sbanks@eac.gov>
"James R. Harding (hardinj@vr.doe.state.fl.us)"
cc <hardinj@vr.doe.state.fl.us>, "Ed. D. James R.
Harding (JRFSU@comcast.net)"

bcc

Subject Access Board meeting;

Sheila:

Thanks for calling today. We are glad that the Chairman can attend the Board meeting. We are looking for about 30 minutes including questions and answers focusing on what the EAC has accomplished so far -- especially the voting systems guidelines and the work that Jim and JR have contributed. It would be interesting for people to learn more about what comes next as well. Here is a link that describes more about the Board and its members:

<http://www.access-board.gov/indexes/aboutindex.htm>

BOARD MEETING

Day and Date: Wednesday, May 11, 2005

Location: The Westin Embassy Row
2100 Massachusetts Avenue, NW
Washington, DC

Time: 1:30 - 3:00 p.m.

- I. Introductory Remarks - Jan Tuck, Chair
- II. Roll Call
- III. Approval of the March 9, 2005 Draft Meeting Minutes
- IV. Committee Reports
 - A. Ad Hoc Committee on Board Election Process
 - B. Planning and Budget Committee
 - C. Technical Programs Committee
 - D. Executive Committee
 - § Editorial Corrections to Revised ADA and ABA Accessibility Guidelines (Voting)
- E. Public Rights-of-Way
- VI. New Business
 - A. Presentation from the Election Assistance Commission
- VII. Adjourn

018452

David M. Capozzi
Director, Technical and Information Services
U.S. Access Board
1331 F Street, NW
Suite 1000
Washington, DC 20004-1111

202-272-0010 (Voice; direct dial)
[REDACTED] (cell)

capozzi@access-board.gov (e-mail)
<http://www.access-board.gov> (web site)

018453



"Leslie Reynolds"
<reynolds@ssso.org>

03/03/2005 01:40 PM

To "'Anna Anaya (E-mail)'" <secstate@state.nm.us>,
"Bill Bradbury" <oregon.sos@state.or.us>, "Cathy
Cox" <ccox@sos.state.ga.us>, "Chet Culver"
"Meredith B. Imwalle" <mimwalle@ssso.org>, "Sheila
Banks" <sbanks@eac.gov>

cc

bcc

Subject NASS Executive Board Meeting with the EAC
Commissioners on Tuesday, March 22, 2005

Good Afternoon:

For the most part, the details and arrangements for the NASS Executive Board meeting with the EAC Commissioners are complete and I wanted to get this out to you for your information.

The meeting will take place on Tuesday, March 22, 2005 from 2:00pm – 4:00pm. The meeting will be held in the EAC Conference Room. The EAC is located at 1225 New York Avenue, N.W. Suite 1100.

The Executive Board members attending in person will be:

Hon. Rebecca Vigil-Giron, NM, NASS President
Hon. Donetta Davidson, CO, NASS President-elect
Hon. Deb Markowitz, VT, NASS Treasurer
Hon. Mary Kiffmeyer, MN, NASS Immediate Past President
Hon. Pedro Cortes, PA, NASS Eastern Region VP
Hon. Ron Thornburgh, KS, NASS Midwestern Region VP
Hon. Joe Meyer, WY, NASS Western Region VP
Hon. John Gale, NE, NASS Executive Board Member at Large

Meredith Imwalle, NASS Communications Director will be attending the meeting in person

Paddy McGuire, OR Deputy Secretary of State will participate via phone on behalf of the Hon. Bill Bradbury, OR, NASS Executive Board Member at Large
Charlie Krogmeier, IA First Deputy Secretary of State will participate via phone on behalf of the Hon. Chet Culver, IA, NASS Secretary
Leslie Reynolds, NASS Executive Director will participate via phone.

This is a busy time in Washington and hotel rooms were difficult to come by. Government rates were impossible to come by. For those who requested we find them a room, we have made reservations at the Four Points by Sheraton. I have confirmed these rooms with my personal Amex. It would be greatly appreciated if you could transfer the charges to your card when you check in! This hotel is about a block and a half from the EAC. The address is:

1201 K Street, N.W. Washington, DC
202-289-7600
202-349-2215 Fax

Rebecca Vigil-Giron, arrive 3-21-05 and depart 3-23-05, confirmation #107353401
Donetta Davidson, arrive 3-21-05 and depart 3-23-05, confirmation # 707354376
John Gale, arrive 3-21-05 and depart 3-22-05, confirmation # 867353401
Mary Kiffmeyer, arrive 3-21-05 and depart 3-22-05, confirmation # 187353402
Joe Meyer, arrive 3-21-05 and depart 3-23-05, confirmation # 527353401

Secretaries Markowitz, Cortes and Thornburgh will be arriving and departing on March 22, 2005 and therefore did not request a room.

The EAC will hold their monthly public meeting that morning from 10am – 12:00pm. Obviously you are

018454

welcome to attend. I do not know what the public meeting agenda is yet.

Finally, Chair Hillman sent an email to Sec. Vigil-Giron in the middle of February saying that she planned to send her a list of topics that the EAC would like to discuss prior to the meeting. She requested that we do the same. Therefore, if you have any topics you would like addressed, please feel free to send them to me and I will make sure that they are included on the list Sec. Vigil-Giron sends back.

Thanks so much. Sorry I will miss you all when you are in town, but it is spring break for the kids' school and we are off to Florida.

Leslie D. Reynolds
National Association of Secretaries of State
Executive Director
444 N. Capitol Street, N.W. #401
Washington, DC 20001
www.nass.org
202-624-3525
202-624-3527 Fax

018455



"Wendy Weiser"
<wendy.weiser@nyu.edu
u>

05/13/2005 06:52 PM

To aambrogi@eac.gov

cc

Subject Re: Monday 5/16 database meeting

Adam,

I successfully changed my train to one that is supposed to arrive at Union Station at 11:00 am on Monday. I therefore plan to come meet the Commissioner at 11:30 am. If the train is delayed, I will leave you a message.

As for the meeting attendees, they are:

Wendy Weiser, Brennan Center for Justice at NYU School of Law
Justin Levitt, Brennan Center for Justice at NYU School of Law
Lloyd Leonard, League of Women Voters
James Dickson, American Association of People with Disabilities
Steven Carbo, Demos
Jonah Goldman, Lawyers Committee for Civil Rights Under Law
Laleh Ipsahani, American Civil Liberties Union
Tanya Clay, People for the American Way
Larry Gonzalez, NALEO (arriving late)

Possible additional attendees include:

Jo-Anne Chasnow, Project Vote
Heather Thompson, Appleseed Foundation
Jeanette Senecal, League of Women Voters

Thank you. I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

18456

>>> <aambrogi@eac.gov> 05/13/05 12:07PM >>>

Wendy:

Just making sure you received my phone message from yesterday. Depending on when you get into DC, the Commissioner would like to have a discussion with you over lunch prior to the meeting. Would 11:30 be OK?

Let me know. Best,
Adam

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

"Wendy Weiser" <wendy.weiser@nyu.edu>

05/12/2005 04:30 PM

To aambrogi@eac.gov
cc
Subject Monday 5/16 databse meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

018457

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

018458



**Raymundo
Martinez/EAC/GOV**

05/16/2005 10:17 AM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC

bcc

Subject Fw: Monday 5/16 database meeting

Gracia/Paul:

Attached is the list of participants for today's meeting with the advocacy community regarding the proposed guidance on statewide voter registration lists.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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----- Forwarded by Raymundo Martinez/EAC/GOV on 05/16/2005 10:14 AM -----



**Adam
Ambrogi/EAC/GOV**

05/16/2005 10:07 AM

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

cc

Subject Fw: Monday 5/16 database meeting

Attached is email from Wendy noting the attendees at this meeting (start time: 1 PM).

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

----- Forwarded by Adam Ambrogi/EAC/GOV on 05/16/2005 10:03 AM -----

018459

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

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

Commissioners -

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

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

018460



"Bobbie Brinegar"
<dcbobbie@verizon.net
>

05/18/2005 11:51 AM

To sbanks@eac.gov
cc
bcc
Subject June Meeting with Gracia Hillman

Hello,

As per our conversation, I would like to set up a meeting with the chairwoman in mid June or as soon as her schedule allows.

I represent two organizations here in D.C., VerifiedVoting.org and the Miami-Dade Election Reform Coalition. At the March EAC meeting one of the panelists mentioned the Miami-Dade Election Reform Coalition as a non-partisan election reform community group that might serve as a model for community involvement on election related matters. I would like to share a little about the Coalition and talk about the possibility of having some leaders from Miami-Dade County present to the EAC.

Thanks very much for your consideration,

Bobbie

Bobbie Ann Brinegar
www.VerifiedVoting.org
www.reformcoalition.org



Phone: [REDACTED]
Fax: 202-588-7087

018461



"Bobbie Brinegar"
<dcbobbie@verizon.net
>

05/26/2005 09:48 AM

To sbanks@eac.gov
cc
bcc
Subject RE: June Meeting with Gracia Hillman

Thank you, Sheila.

Bobbie Ann Brinegar



Phone: [Redacted]
Fax: 202-588-7087

From: sbanks@eac.gov [mailto:sbanks@eac.gov]
Sent: Thursday, May 26, 2005 9:46 AM
To: dcbobbie@verizon.net
Subject: Re: June Meeting with Gracia Hillman

Ms. Brinegar,

Sorry for the delay in getting back to you.


Chair Hillman suggested that you meet with our Research Director, Karen Lynn-Dyson, and I understand that you met her at our May 24 public meeting. She has your information and will be in contact very soon.

Regards,

Sheila A. Banks
Special Assistant to Chair Gracia Hillman
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, D.C. 20005
Telephone: 202.566.3111
Fax: 202.566-1392
www.eac.gov

018462

**Karen
Lynn-Dyson/EAC/GOV**
07/22/2005 04:30 PM

To Amie J. Sherrill/EAC/GOV@EAC
Joseph D. Hardy/EAC/GOV@EAC, Sheila A.
cc Banks/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC
bcc
Subject Re: Council for Excellence in Gov't meeting 

This will be a 20-30 minute free exchange with the Council's CEO and Vice President for Programs. The Vice Chair should read the proposal that is in the updated notebook which Joe Hardy has prepared for all of the Commissioners.

I'm hoping we can have a video , but will have to see if we can find a VCR around here!!

Also, there will be a follow-on 20 minute presentation by the law clerks, that will focus on an idea they have for an EAC voter information/education outreach project. They will be making a powerpoint presentation.

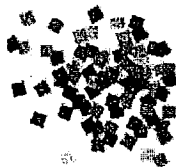
Let me know if you need other material.

Thanks

K

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

Amie J. Sherrill/EAC/GOV



**Amie J.
Sherrill/EAC/GOV**
07/22/2005 04:12 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Council for Excellence in Gov't meeting

Karen,

Is there an agenda, list of attendees, etc. that I can give to the VC to better prepare him for the meeting Tuesday?

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

018468

**Jeannie
Layson/EAC/GOV**
06/15/2005 12:18 PM

To pdegregorio@eac.gov, ghillman@eac.gov,
rmartinez@eac.gov
aambrogi@eac.gov, cpaquette@eac.gov,
cc sbanks@eac.gov, jthompson@eac.gov,
twilkey@nycap.rr.com, asherrill@eac.gov

bcc

Subject New York Times ed. bd. meeting

Commissioners,
I've arranged an ed. bd. meeting (Adam Cohen and others) with the New York Times for Friday, July 1. They are going to get back to me with available times, but I wanted you to know it's in the works. After I get the particulars, I'll give you a memo with all of the details.

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

018464



Kbrace@aol.com
06/17/2005 12:41 PM

To sbanks@eac.gov
cc Kbrace@aol.com
bcc
Subject Re: Meeting with Chair

Hey there --

Thanks for getting back to me. 10am on Monday is fine. See you then.

Kim

In a message dated 6/17/2005 10:09:27 A.M. Eastern Daylight Time, sbanks@eac.gov writes:

How about 10:00 a.m. on Monday, June 20?

018465



"Payton, Maria"
<mpayton@ciinternational.com>

06/24/2005 02:43 PM

To sbanks@eac.gov
cc
bcc
Subject Schedule Meetings with EAC Commissioners

Hi Sheila,
I just wanted to confirm the times and also say thank you very much for your help.

Monday, June 27, 2005

Gracia Hillman (Chair) - From 09:00 - 10:00 - 202-566-3111 - Jeff will initiate the call
Tom Wilkey (Executive Director) - From 10:00 - 11:00 - 202-566-3114 - Jeff will initiate the call

Tuesday, June 28, 2005

Paul DeGregorio (Vice - Chair) - From 14:30 - 15:30 - 202-566-3106 - Jeff will initiate the call

Ray Martinez - waiting for response.

Please call with any questions.

Maria Payton

Maria da Luz Payton

Operations Coordinator

CI International

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Cell: [REDACTED]

Fax: 303.679.3586

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9150 W Jewell Avenue, Suite 106
Lakewood, CO 80232

018468



**Gracia
Hillman/EAC/GOV**
07/14/2005 08:15 PM

To Sheila A. Banks/EAC/GOV@EAC
cc
bcc
Subject Re: Joe Leonard Meeting

Certainly. Joe should plan to sit in. We can meet in my office.

Sent from my BlackBerry Wireless Handheld
Sheila A. Banks

From: Sheila A. Banks
Sent: 07/14/2005 04:22 PM
To: Gracia Hillman
Subject: Joe Leonard Meeting

Madame Chair,

Joe Leonard has asked if he could bring Alaina Beverly, Director of Reauthorization, with him to the meeting on July 22, at 11:00 a.m.

Thanks,
Sheila

018467

File Folder for Martinez
entitled 'Few/Martinez
Meeting 1/12/04'

THE PEW CHARITABLE TRUSTS

*One Commerce Square
2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077*

*Telephone: 215.575.9050
Facsimile: 215.575.4823*

DATE: DECEMBER 15, 2004

TO: THE HONORABLE RAY MARTINEZ III
U.S. ELECTION ASSISTANCE COMMISSION
FAX: 202-566-1389

FROM: REBECCA W. RIMEL
PHONE: 215-575-4700

NUMBER OF PAGES INCLUDING COVER SHEET: THREE

018469

THE PEW CHARITABLE TRUSTS

One Commerce Square
2005 Market Street, Suite 1700
Philadelphia, Pennsylvania 19103-7077

Rebecca W. Riviel
President

Direct Telephone: 215.575.4700
Facsimile: 215.575.4833
www.pewtrusts.org

December 15, 2004

The Honorable Ray Martinez III
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

Dear Mr. Martinez:

I am writing to invite you to join the board of The Pew Charitable Trusts for a discussion on election reform while we are visiting Miami, January 10-14, 2005. Given your leadership on states' implementation of the federal Help America Vote Act of 2002, we would welcome the chance to hear your insights about the process. Our five-day educational trip to Florida is being planned to provide our board with opportunities to learn about a range of critical issues facing the country and to talk with policy makers, experts and a number of the Trusts' grantees. We would be most honored to have the opportunity to meet with you during our stay.

The Pew Charitable Trusts supports initiatives that inform the public on key topics and trends, promote engagement in civic life, and advance policy solutions on important challenges facing the American people. For more than a decade, the Trusts has sought to facilitate the federal policy debate on such issues as environmental protection, public health, and genetics and technology. Recognizing the growing influence of states, the Trusts several years ago began to develop a number of programs directed at state policy change. Most recently, our board approved a plan to launch a "center on the states," which will allow us to work on a broader range of policy issues and improve the effectiveness of our efforts by becoming more active participants in the process.

During the last decade, the Trusts has supported three nonpartisan initiatives aimed at improving the nation's elections. As you know, in the aftermath of the 2000 election, the Trusts established Electionline.org, a project to help monitor, assess and facilitate effective election reform and restore the public's confidence in the right to vote. I was delighted to learn that you use Electionline.org regularly and consider it a comprehensive and credible resource. The Trusts also has played a significant role in reforming the nation's campaign finance system and in encouraging young people between the ages of 18 and 25 to vote.

Given your legal expertise in election issues and your service on the U.S. Election Assistance Commission, our board would benefit greatly from hearing your observations about election reform in Florida and nationally, both in terms of progress that has been made and work that remains to be done. Doug Chapin, director of Electionline.org, also will be joining us for this off-the-record conversation, which will be moderated by Sue Urahn, director of Policy Initiatives and the Education program at the Trusts. This session is scheduled for Wednesday, January 12, from 9 a.m. to 10:30 a.m. in the Marbella Room on the lobby level of the Biltmore Hotel in Coral Gables. We would appreciate it if you would speak to the board for 15 to 20 minutes, leaving ample time for questions and an open dialogue.

018470

Letter to The Honorable Ray Martinez III

December 15, 2004

Page 2

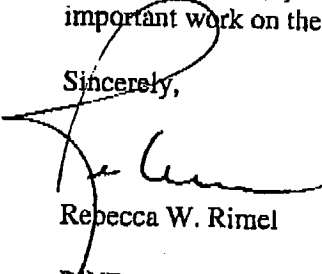
By way of background, our board consists of members of the Pew family as well as other business, health and academic professionals. Included among its membership are several physicians, a lawyer, an investment advisor, a rancher, a former banker, a recently retired Fortune 500 CEO and a former university executive. In addition, our board members serve on other corporate, university and charitable boards.

We would be very grateful if you would agree to take part in what promises to be a lively and informative discussion. If you are able to join us, we would, of course, be happy to cover any expenses you might incur, including hotel and travel.

Should you accept our invitation, my colleague Laura Shell will be in touch with your office closer to the event to confirm final logistical arrangements, while Sue will coordinate with you and Mr. Chapin on the content of the session. In the interim, please do not hesitate to contact Laura at 215-575-4701 with any questions.

Thank you for your thoughtful consideration of our invitation, and I hope to see you in January. In the meantime, you have my warm regards and best wishes for continued success in your important work on the U.S. Election Assistance Commission.

Sincerely,



Rebecca W. Rimel

RWR:scm

cc: Sue Urahn
Laura Shell

01847F

THE PEW CHARITABLE TRUSTS

One Commerce Square
2005 Market Street, Suite 1700
Philadelphia, PA 19103-7077

Telephone: 215.575.9050
Facsimile: 215.575. [PCT fax ext.: 4924, 4939, 4888 or 4890]

Date: December 22, 2004

To: RAY MARTINEZ c/o ADAM AMBROGI

Organization: US EAC
Fax: 202-566-1389
Telephone: 202-566-3105

From: CLARE COTUGNO
Phone: 215-575-4839

Number of pages including cover sheet:

17

PCT Board Bios
& Session Prep for Board

Additional comments:

Per my voice mail.
Dont hesitate to phone if there's a
transmission problem or
other questions.
Thanks.

BOARD DIRECTOR BIOGRAPHIES

ROBERT H. CAMPBELL (Bob)

Bob Campbell enjoyed a lengthy career at Sun Co., Inc., beginning in 1960 as an engineer. He rose through the company to become president and CEO in 1991, and retired as chairman and CEO in 2000. Currently, he serves on the boards of CIGNA Corporation, Hershey Foods Corp., Hypercar, Inc., Rocky Mountain Institute and Vical, Inc. In addition, Mr. Campbell has been a director on the boards of the Philadelphia National Bank, National Industrial Advisory Council of the Opportunities Industrialization Centers of America and Elwyn Institute. He received his bachelor's degree in chemical engineering from Princeton University, a master's degree in chemical engineering from Carnegie Mellon University and a second master's in management from the Massachusetts Institute of Technology. Mr. Campbell joined the board in 2001.

SUSAN W. CATHERWOOD

Susan Catherwood serves on the University of Pennsylvania board of trustees and is board vice chair of the Christopher Ludwick Foundation and the Executive Service Corps of the Delaware Valley. Ms. Catherwood is also a director on the board of The Glenmede Trust Company and is a board member of the United Way of Southeastern Pennsylvania, the World Affairs Council, the Monell Chemical Senses Center and the Thomas Harrison Skelton Foundation, among others. A graduate of Stanford University with a bachelor's degree in history and political science, she has a particular interest in culture, public policy, health and education. Ms. Catherwood has been a member of the Trusts' board since 1988.

GLORIA TWINE CHISUM

Dr. Chisum earned her bachelor's and master's degrees from Howard University and a PhD from the University of Pennsylvania. At the University, she served in a variety of capacities including trustee, vice chair of the trustees and chair of the Commission on Strengthening the Community. Ms. Chisum is a retired research psychologist who headed the vision laboratories of the U.S. Naval Air Development Station in Warminster, PA. She is a member of the Philadelphia Compact Leadership Group and has previously served on the boards of the Free Library of Philadelphia, the Annenberg Research Institute, the William Penn Foundation, Fischer & Porter Company and the former Meritor Savings Bank. Dr. Chisum joined the board in January 2004.

ALAN J. DAVIS

Alan Davis is a partner at the law firm of Ballard Spahr Andrews & Ingersoll. His practice areas include commercial litigation, securities, criminal and municipal law. Mr. Davis has served as city solicitor of Philadelphia, chief assistant district attorney of Philadelphia, chief labor negotiator for the Southeastern Pennsylvania Transportation Authority (SEPTA), the School District of Philadelphia, and the City of Philadelphia. He is a past chairman and present member of the Executive Committee of the University of Pennsylvania Law School Inn of Court and a fellow of the American College of Trial Lawyers and International Academy of Trial Lawyers. He has been a lecturer at the University of Pennsylvania Law School and is active in various civic and charitable organizations. Mr. Davis is a graduate of the University of Pennsylvania (AB, with honors, 1957), and Harvard University (LLB, *magna cum laude*, 1960), and was editor of the Harvard Law Review. Mr. Davis joined the board in January 2004.

THOMAS W. LANGFITT, MD (Tom)

Tom Langfitt served as the president of the Trusts until 1994 and as chairman and chief executive officer of The Glenmede Corporation until May 1997. Prior to joining the Trusts, he was the Charles Harrison Frazier Professor and director of the division of neurosurgery at the University of Pennsylvania. During his 25-year tenure at Penn, Dr. Langfitt also served as vice president for health affairs, responsible for the university's hospital and health profession schools. His research interests include head injury, intracranial pressure, cerebral blood flow and metabolism. He is a graduate of Princeton University and the Johns Hopkins University School of Medicine and is the author of more than 200 publications. Dr. Langfitt is a fellow of the College of Physicians and a member of the American Philosophical Society and the Institute of Medicine. He is a director on the board of The Glenmede Trust Company, the University of Pennsylvania Medical Center, the National Museum of American History and the Greater Philadelphia Urban Affairs Coalition. He also has affiliations with Harvard Medical School and Princeton University. Dr. Langfitt has been a member of the Trusts' board since 1980.

PAUL F. MILLER, JR.

Paul Miller formerly served on the Trusts' investment committee and is a retired investment company executive. A founding partner of Miller, Anderson & Sherrerd, he has served as a trustee of the University of Pennsylvania, and on the boards of the Ford Foundation, Colonial Williamsburg, the Science Center of New Hampshire and on the board of overseers of the Wharton School. Mr. Miller is a member of the Financial Analysts of Philadelphia, the World Wildlife Fund, where he also serves as a director, and various other organizations. He earned his bachelor's degree from the University of Pennsylvania and has received honorary degrees from both Penn and Washington and Lee University. Mr. Miller joined the board in February 2004.

ARTHUR E. PEW III (Art)

Art Pew received a bachelor's degree in mechanical engineering from Princeton University. He has worked with the Burlington Northern Railroad, Pennsylvania Railroad and Chicago & Northwestern Railway in a number of professional capacities. His fondness for trains has continued through retirement. Mr. Pew is a director on the board of The Glenmede Trust Company and also currently serves on the boards of the Minnesota Transportation Museum, Museum of Transportation and Development, Osceola & St. Croix Valley Railway, Manitou Island Association and the Corporation of the Bermuda Biological Station for Research. His other interests include culture and health issues. He is the brother of Andy Pew and half brother of Sandy Pew. Mr. Pew has been a member of the Trusts' board since 1994.

MARY CATHARINE PEW, MD (Cathy)

Cathy Pew is a staff pediatrician with the Community Health Centers of King County in Washington State. She earned her medical degree at the University of Pennsylvania and holds a bachelor's degree in molecular biology from Yale University. Throughout her career, she has maintained a strong interest in issues related to child development and behavioral problems as well as children in crisis. Dr. Pew is fluent in Spanish and is a member of the American Academy of Pediatrics and Ambulatory Pediatric Association. She is the daughter of J. N. Pew, 3rd and the sister of Joe Pew IV and Howdy Pew. Dr. Pew joined the Trusts' board in 2000.

J. HOWARD PEW II (Howdy)

Howdy Pew attended the University of Vermont, holds a bachelor's degree in liberal arts from The Pennsylvania State University and earned a master's degree in wildlife biology from the

University of Montana. Howdy is a director on the board of The Glenmede Trust Company. He is an avid outdoorsman and a strong advocate for the environment, and has a particular interest in natural resource issues and public policy. Howdy is the son of J. N. Pew, 3rd and the brother of Joe Pew IV and Cathy Pew. Mr. Pew has been a member of the Trusts' board since 1972.

J.N. PEW IV, MD (Joe)

Joe Pew IV, a graduate of the University of Pennsylvania School of Medicine, is a physician at the Reading (PA) Hospital and Medical Center, and Community General Hospital. Dr. Pew is a director on the board of The Glenmede Trust Company and includes among his memberships the American Medical Association, the American College of Physicians, American Red Cross, French & Pickering Creek Conservation Trust and the Pennsylvania Medical Association. His special interests are in the areas of health, public policy and the environment. He is the son of J. N. Pew, 3rd and brother of Howdy Pew and Cathy Pew. Dr. Pew has been a member of the Trusts' board since 1988.

R. ANDERSON PEW (Andy)

A director of Sun Company, Inc., Andy Pew served as president of the Helios Capital Corporation (a Sun subsidiary) and corporate secretary for Sun Company. He received his bachelor's degree from Temple University and a master of science degree in management from the Massachusetts Institute of Technology. Mr. Pew is currently director and chairman of the board of The Glenmede Corporation and is involved with many local civic organizations including the Children's Hospital of Philadelphia, Bryn Mawr College, the Curtis Institute of Music, the Academy of Music and Jackson Laboratory. He is an active pilot and chairman of the board for the Aircraft Owners and Pilots Association. Mr. Pew is the brother of Art Pew and half brother of Sandy Pew. He has been a member of the Trusts' board since 1967.

SANDY PEW

In addition to owning and operating the North Ridge Ranch in Montana, Sandy Pew leads study trips for individuals and groups in the Northern Rockies. These guided journeys focus on the wildlife in Grand Teton, Yellowstone and Glacier National Parks as well as the national forests of the area. Mr. Pew received a bachelor of science degree in range and animal science from Arizona State University. Sandy is a director on the board of The Glenmede Trust Company and, with interests in religion, the environment and education, he has served on the boards of many conservation and educational organizations, including the Yellowstone Center for Mountain Environments, the Mountain Research Center at Montana State University, the Glacier Fund, the Fountain Valley School in Colorado Springs and Teton Science School in Wyoming. He is the half brother of Andy Pew and Art Pew. Mr. Pew has been a member of the Trusts' board since 1994.

REBECCA W. RIMEL

President & Chief Executive Officer

Rebecca joined the Trusts' staff in 1983 and became executive director in 1989 and president and chief executive officer in 1994. She came to the Trusts from the University of Virginia Medical Center, where she was head nurse in the emergency department and assistant professor of neurosurgery, the first nurse to hold a faculty position in the university's medical school. She has authored or coauthored numerous scientific articles relating to head injury and is active on many boards. Rebecca serves on several boards including Deutsche Banc Scudder Funds and is emeritus trustee of Monticello-The Thomas Jefferson Foundation. She has been appointed to President Bush's Council on Service and Civic Participation and is a member of the Greater

018475

Philadelphia Chamber of Commerce Executive Committee and the American Philosophical Society, as well as a fellow of the College of Physicians of Philadelphia. Rebecca received a BS degree, with distinction, from the University of Virginia and an MBA from James Madison University. Ms. Rimel has been a member of the Trusts' board since 1994.

ROBERT G. WILLIAMS (Bob)

Bob Williams retired in 1993 from the Markel Corporation, where he was owner and chair. Previously, he had served 24 years at The Girard Bank in a variety of positions ranging from security analyst to vice chairman and director. Currently, Mr. Williams serves as chairman of the board of The Glenmede Trust Company and is a member of several other boards, including the Coriell Institute for Medical Research, Estaugh Corporation, Upland Corporation and the Elizabeth Haddon Housing Corporation. He is a graduate of Babson College and Harvard Business School and has interests in health, the arts and the environment. Mr. Williams has been a member of the Trusts' board since 1996.

ETHEL BENSON WISTER (Peppi)

Peppi Wister is a director of The Glenmede Corporation and Glenmede Trust Company. Ms. Wister has been involved with many cultural organizations and currently serves on the board of Philadelphia Television Network, Inc. and is a committee member of the Academy of Music. She is also the recipient of numerous awards, including the 1997 Arts Award from the Concerto Soloists Orchestra and the 1998 Guest of Honor Award from Scheie Eye Institute. Ms. Wister has been a member of the Trusts' board since 2003.

018478

**ELECTION REFORM: MAKING EVERY VOTE COUNT
WEDNESDAY MORNING, JANUARY 12**

Moderator:
Susan Urahn

Guests:
Doug Chapin
Ray Martinez III

Overview

Since the 2000 election, Florida has been the poster child for election reform. George W. Bush's narrow 537-vote victory over Al Gore that year catapulted the state into the international spotlight and subjected its electoral process to withering scrutiny. As the national drama over the outcome of the presidential election continued, Florida and its election officials were the subject of nearly daily reports about the conduct of the vote. And the halting effort to conduct a recount triggered widespread frustration, both with the highly decentralized nature of the American electoral system and the lack of formal or informal national voting standards.

The events in Florida became the catalyst for nationwide changes in election reform. In 2002, Congress enacted the Help America Vote Act (HAVA), which promised \$3.86 billion to help states address their election problems and established a new federal agency, the Election Assistance Commission (EAC), to dole out the funds and provide states with information and guidance on election administration. In exchange for the federal grants, states were required to meet certain national mandates, including provisional voting, statewide computerized voter databases and voting technology upgrades. But while states immediately received about \$650 million to begin updating voting equipment, Congress and the White House took more than a year to appoint the EAC, which in turn delayed the distribution of additional HAVA funds to the states.

As both states and the EAC fought to catch up, predictions about the nation's electoral readiness in 2004 became dire. Some states, including Florida, rushed to purchase touch-screen voting machines, only to find themselves mired in lawsuits over voter-verifiable paper trails. States adopted different interpretations of HAVA's voter identification and provisional ballot provisions. Democrats and Republicans exchanged heated accusations about fraud among absentee ballots, and each party deployed thousands of lawyers and activists to monitor the polls.

Much to the country's surprise and relief, no major glitches occurred on November 2. For Florida, the margin of victory in the presidential race, combined with a relatively smooth Election Day and more widely publicized problems in Ohio and elsewhere, took the state off election reform's center stage. But as many experts noted, there were a number of places in the country where, if the vote had been closer, scrutiny of the

election process would have produced the same sort of consternation as did the events of four years ago. And states are far from meeting all of the HAVA mandates—or receiving the full appropriation promised by Congress. More than 40 states, for example, received waivers until 2006 on the requirement that they establish statewide voter registration databases, which will help guarantee that voter lists are accurate.

This session's speakers—Doug Chapin, director of the Trusts-supported Electionline.org initiative, and Ray Martinez III, a member of the federal EAC—will offer a retrospective look at the states' progress on election reform since 2000, as well as an analysis of what challenges lie ahead as the nation turns its attention to the 2006 and 2008 elections.

SPEAKERS' BIOGRAPHIES

Doug Chapin

Doug Chapin is director of Electionline.org, created by the Trusts in March 2001 to monitor, assess and help advance states' election reform efforts in the aftermath of the 2000 elections. Mr. Chapin has worked on the legal and policy aspects of election issues for more than 15 years. Prior to joining Electionline.org, Mr. Chapin worked at the law firm of Skadden, Arps, Slate, Meagier & Flom, counseling clients on compliance with federal, state and local laws regulating campaign finance, lobbying, gifts to public officials and conflicts of interest. At Dickstein, Shapiro, Morin & Oshinsky, he established the firm's disclosure program under the Lobbying Disclosure Act and litigated redistricting cases in state and federal court.

Mr. Chapin served for three years as elections counsel to the Democrats on the U.S. Senate Rules Committee, where he worked on campaign finance reform, election administration, disabled voting and other issues. He also spent five years as director of research and statistics at Election Data Services, a political consulting firm, and was a statistician for the Federal Election Commission. Mr. Chapin received a law degree from Georgetown University Law Center, a Master's degree in public administration from Harvard's Kennedy School of Government and a Bachelor's degree in politics from Princeton University.

Ray Martinez III

Ray Martinez is one of four members of the U.S. Election Assistance Commission (EAC). Mr. Martinez was nominated by President Bush and confirmed by unanimous consent of the U.S. Senate in December 2003. Previously, he was an attorney in Austin, Texas, focusing primarily on government affairs and administrative law matters for county governments and other public entities. He also served as executive director and legal counsel of the Every Texan Foundation, a nonpartisan voter registration and education effort aimed at increasing voter participation in Texas.

Before beginning his law practice, Mr. Martinez served as deputy assistant to the President for Intergovernmental Affairs, assisting former President Clinton with policy

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issues involving the nation's governors and other state elected officials. He also helped develop long-term strategies to stimulate economic growth along the U.S./Mexico border region and helped established the U.S./Mexico Border Health Commission, now headquartered in El Paso, Texas. He served as regional director for the U.S. Department of Health and Human Services (HHS) in Dallas, where he focused agency resources on public health issues such as full implementation of the Children's Health Insurance Program. He also served as White House liaison to HHS and as special assistant to the President in the White House Office of Political Affairs. Prior to his service in the federal government, Mr. Martincz worked as a legislative liaison for the Texas Attorney General's office, and on staff at the Texas legislature. A native of Texas, he received his law degree from the University of Houston Law Center and his Bachelor's degree from Southwestern University.

DRAFT

018479

Article 1



THE AMERICAS

Voting confusion raises fears of more polling day glitches.

By HOLLY YEAGER

525 words

20 October 2004

Financial Times

London Ed3

Page 8

English

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The electoral reforms launched after the contested 2000 US election have only been partially implemented, and some voting procedures across the US remain confused, a report on possible election glitches said yesterday.

The study by electionline.org, a non-partisan research group, comes amid growing concern that "overtime" will be required to determine the outcome of this year's presidential contest. High voter turnout, close contests in battleground states and legal challenges could potentially delay results. Democrats, Republicans and activist groups, have lined up thousands of lawyers to monitor polling stations on election day. The campaigns have also been raising money for any recounts.

"What happened in (the) 2000 (election) might never be repeated again, but some of the ingredients that produced chaos four years ago still exist," said Doug Chapin, director of electionline.org.

Many states moved to install touch-screen voting machines. But uncertainty about the ability to provide a paper receipt to voters, and to conduct a recount if a contest is close, has stalled adoption of that technology.

A separate area of concern is so-called provisional ballots. The Help America Vote Act, passed after the 2000 debacle, gave voters who show up at a polling stations and believe they are registered - but do not find their names on the voter rolls - the right to cast a ballot. This would be counted only if the voter's eligibility was subsequently confirmed.

But states have set up different procedures for determining voter eligibility, with some 28 mandating that ballots cast in the wrong precinct should not be counted.

"Many people are afraid provisional ballots will become the hanging chads (of Florida) of 2004," Mr Chapin said.

The US Justice department stepped in to a dispute surrounding this issue on Monday, asking a federal judge in Michigan to dismiss a lawsuit brought by Democrats attempting to require the state to count ballots cast in the wrong precinct.

About a dozen other lawsuits are pending across the country that could effect the conduct of the vote.

Mr Chapin also identified three areas in which reform did not keep pace with expectations after 2000: the Pentagon reversed course and did not institute an Internet voting system for military personnel overseas; only 15 states have statewide databases required by the voting law; and the federal government has dispensed only a portion of the money pledged to help states with these reforms.

In Florida, where early voting began Monday, civil rights groups complained that an area with a high concentration of black voters was inadequately served by a single early-voting site. The Republican secretary of state said additional sites would be added.

Cornell Belcher, a Democratic pollster who studies African-American and young voters, said the hot-button issue for black women this year was not the war in Iraq or the economy.

"What's at stake is their belief in our Democratic democratic system," he said.

The single comment he hears most often is: "Is my vote going to be counted?" www.ft.com/uselections IT Review, Separate Section

018480



Dow Jones & Reuters

The Beacon Journal

Found on Ohio.com

A

Problems at polling places; No major meltdowns reported, but minor troubles snarl voting process

By Deborah Hastings

Associated Press

442 words

3 November 2004

Akron Beacon Journal (OH)

4X

9

English

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Machines malfunctioned, tempers flared and edgy voters often waited in lines for hours Tuesday to pick a president in a contentious race watched by thousands of monitors who expected the worst.

By midday, several local snarls had been reported but no widespread allegations of voting problems.

"So far, it's no big, but lots of littles," said Doug Chapin, director of the Election Reform Information Project, a nonpartisan research group. "We know of no major meltdowns anywhere along the lines some people were worried about."

Hyper-vigilance appeared to be the order of the day, which in some states prompted poll closures and unfounded complaints.

In the battleground state of New Jersey, for example, a suspicious substance later determined to be spilled salt prompted the two-hour closure of a Mount Laurel precinct. In Pennsylvania, zealous GOP election monitors complained that some Philadelphia voting machines already had thousands of recorded votes when the polls opened at 7 a.m.

Local election officials quickly explained that voting machines registered every vote ever cast on them -- like mileage on a car odometer -- and that did not constitute evidence of fraud.

"It's absolutely ridiculous," said Deputy City Commissioner Ed Schulgen.

In other states too close to call -- including Iowa and Michigan -- the liberal group MoveOn.org was accused of disrupting local precincts. In Ohio, a woman filed a lawsuit on behalf of voters who didn't receive absentee ballots on time, asking they be allowed to cast provisional ballots. Later in the day, a Toledo federal judge granted her request.

New touch-screen voting machines, which have been criticized by computer scientists and various states as susceptible to hacking and malfunction, were used Tuesday in 29 states and the District of Columbia. Only in Nevada, for this election, did the machines produce the paper records that make recounts reliable.

In Florida, which gave the 2000 election to President Bush on the basis of 537 votes, nearly half the state's voters were using the ATM-like machines.

Chellie Pingree, president of Common Cause and a former international election monitor, said a toll-free voting hot line established by her citizens' lobbying group had logged 20,000 calls by 10 a.m.

Provisional ballots, new this election, also prompted disaster fears because they could delay any recount efforts. Any voter whose name does not appear on precinct rolls is entitled to cast a provisional -- or paper -- ballot. But elections officials must individually certify them as being cast by registered voters before they can be counted.

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018481



Dow Jones & Reuters

The Atlanta Journal-Constitution

Metro News

Voting machines get an A+

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Staff

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Georgia's touch-screen voting machines passed a major test Tuesday.

A record 3.2 million voters cast ballots across the state, and no widespread equipment problems were reported. Just 24 minutes after the polls closed, unofficial results began flowing in to state election workers headquartered in Atlanta. In an exit poll of 1,618 Georgians conducted for The Atlanta Journal-Constitution and other media, 90 percent said they believed their votes would be counted accurately.

And on Election Day, Secretary of State Cathy Cox's worries were about long lines and provisional ballots. She wasn't having to defend the performance of the touch-screen machines she purchased in 2002 to replace the state's former patchwork of lever, optical scan and punch-card voting systems.

"They liked the machines," Cox said of Georgia voters. "They're frustrated with how long it takes to go through the check-in process. That's part of what we'd like to attack next."

Only a few minor problems with voting equipment were reported. Election officials had trouble programming voter access cards used to cast ballots, delaying the opening of some polls in Rockdale, Twiggs and Hancock counties.

Touch-screen voting also is used in parts of Florida, California, Nevada and other states. Officials in Maryland, the only other state that votes exclusively on touch-screen machines, also were crowing about their Tuesday success.

Like Cox, Maryland's chief election official hopes that problem-free elections eventually will snuff out criticism from some computer scientists, political activists and others who believe that electronic voting can be manipulated to produce fraudulent results.

"The fact that elections went so well across the country . . . it's got to start quieting down a bit," predicted Linda Lamone, Maryland's administrator of elections.

But that's not likely to happen, countered Doug Chapin, director of electionline.org, an election reform project financed by the Pew Charitable Trusts.

"Anyone who had an opinion on electronic voting before Nov. 2 saw nothing on Nov. 2 to change their opinion," Chapin said. "The people who make the machines, bought the machines or like the machines saw nothing that would dissuade them from making, buying or liking them in the future. People who have concerns about the machines saw nothing that would dissuade them from having continued concerns."

Forsyth County computer programmer Roxanne Jekot of countthevote.org said it's "foolish" for anyone to immediately declare electronic voting a rousing success. She said she is withholding judgment for now.

"I really don't have any comment until I can get some numbers and do some evaluation and take a look at what the end result was," Jekot said.

Georgia Tech researchers have devised a survey that seeks voters' opinions on their experiences in casting ballots. The

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survey can be accessed at www.ittac.org/voting.php, or a paper copy can be obtained by calling 1-866-948-8282.

Cox's office will begin meeting soon with an advisory panel of local elected officials to talk about how to streamline the voter check-in process in hopes of ending long waits at the polls. Among the ideas --- one already used in Forsyth County --- is the automation of a statewide voter registration database so that voters' names can be looked up on laptop computers at the polling place rather than manually.

Electionline.org's Chapin said that "on first blush . . . it's a positive sign" that there were no major national problems reported with electronic voting. But he was cautious about drawing any broad conclusions just two days after the election.

"We don't know yet if the absence of reported problems so far means that there weren't any problems," Chapin said. "Or if it's like the old joke about the guy who fell off the tall building --- they knew he was an optimist because halfway down they heard him say, 'So far, so good.'" Photo Touch-screen machine instructions helped voters cast ballots Tuesday at City Hall in Morrow. / JOHNNY CRAWFORD / Staff

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National/Foreign
VOTING ERRORS TALLIED NATIONWIDE

Brian C. Mooney GLOBE STAFF

2,133 words

1 December 2004

The Boston Globe

THIRD

A1

English

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More than 4,000 votes vanished without a trace into a computer's overloaded memory in one North Carolina county, and about a hundred paper ballots were thrown out by mistake in another. In Texas, a county needed help from a laboratory in Canada to unlock the memory of a touch-screen machine and unearth five dozen votes.

In other places, machine undercounting or overcounting of votes was a problem. Several thousand votes were mistakenly double-counted in North Carolina, Ohio, Nebraska, and Washington state. Some votes in other areas were at first credited to the wrong candidates, with one Indiana county, by some quirk, misallocating several hundred votes for Democrats to Libertarians. In Florida, some machines temporarily indicated votes intended for challenger John F. Kerry were for President Bush, and vice versa.

In the month since the election, serious instances of voting machine problems or human errors in ballot counts have been documented in at least a dozen states, each involving from scores of ballots to as many as 12,000 votes, as in a North Carolina county. On Election Day, or in later reconciling tallies of ballots and voters, local officials discovered problems and corrected final counts. In some cases, the changes altered the outcomes of local races. But in North Carolina, the problems were so serious that the state may hold a rare second vote, redoing a contest for state agriculture commissioner decided by fewer votes than the number of ballots lost.

After the disputed vote in Florida four years ago, Congress passed the Help America Vote Act of 2002 and authorized \$4 billion so states could create central computerized voter lists and replace outdated voting systems such as punchcards by 2006. But many states have not completed the overhaul, and this year's election unearthed enough problems both with older technologies and newer electronic touch-screens that two federal agencies plan unprecedented nationwide inquiries. The investigations by the Government Accountability Office and US Election Assistance Commission will begin early next year and be completed by mid-2005, at the earliest.

In addition, minor presidential candidates requested recounts in four states a partial one completed yesterday in New Hampshire, and statewide in Ohio, New Mexico, and Nevada.

None of the recounts or inquiries is expected to affect the results of the presidential election, which Bush won by more than 3.3 million votes.

Those who believe that either or both of the past two presidential elections were manipulated by a vague conspiracy to elect Bush have done statistical analyses of voting patterns in Florida and argued that the voting discrepancies were much larger and systemic, but their studies have not stood up to scrutiny from academics and other analysts.

Most of the concerns, which have rocketed through the Internet, center on computerized voting or tabulating machines, including some that do not keep a paper record for audits and recounts. Some computer scientists acknowledge that these systems could be vulnerable to tampering.

"I would hesitate to take seriously the conspiracy theories, but there are certainly gaps and vulnerabilities that have got to be addressed," said DeForest B. Soaries, chairman of the US Election Assistance Commission, which was created by the 2002 law and plans to conduct hearings around the country on the voting.

"We are convinced that while the election went relatively smoothly compared to what many had expected, that does not eliminate the need to study the results and collect data to document machine malfunctions and other administrative matters," Soaries said.

Print Results

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Since 2000, watchdog groups have intensified their monitoring and cataloging of complaints and errors. The nonpartisan Verified Voting Foundation and other groups built a database of more than 30,000 "election incidents" reported across the country this year. Most were routine, but nearly 900 involved significant e-voting problems, including malfunctions that shut down machines, lengthening waits at the polls. There were 42 reports of total breakdowns of machines in New Orleans and 28 in Philadelphia and "15 reports of catastrophic machine failure" in Mercer County, Pa.

The most serious problems occurred in North Carolina, where 4,438 e-votes disappeared in Carteret County. In at least five other counties, major double-counting or undercounting was discovered and corrected by North Carolina officials during their tabulations.

Johnnie McLean, deputy director of the State Board of Elections, attributed many mistakes to "the human element, brought on by fatigue." In Carteret, for example, election workers apparently did not notice the "Voter Log Full" message on the black box as the UniLect touch-screen failed to record the electronic votes, she said.

"If we had problems in the past, they were not magnified like this," McLean said, referring not only to the closeness of the statewide race, but also the extraordinary scrutiny of voting since 2000.

Examples of other major problems that were reported on and after Nov. 2, then later corrected, include:

Thousands of ballots were mistakenly double-counted in Sandusky County, Ohio; Sarpy County, Neb.; and Grays Harbor County, Wash. Democrats in Washington must decide by Friday whether to seek a second recount in the closest governor's race in state history. One recount has been held, reducing Republican Dino Rossi's 261-vote lead to 42 votes over Democrat Christine Gregoire.

In Gahanna, Ohio, a suburb of Columbus, Bush was temporarily credited with 3,893 more votes than he actually received in a precinct where only 638 voters cast ballots on a Danaher electronic voting machine.

In Franklin County, Ind., a tabulator credited about 600 straight-ticket Democratic votes to Libertarian Party candidates.

In Collin County, Texas, the memory card of a Diebold Election Systems touch-screen machine had to be sent to a laboratory in Canada a week after the election to extract information about 63 votes cast before the machine froze and was taken out of service.

In South Florida's Broward County, "multiple misrecordings" occurred when votes for Kerry on touch-screens made by Election Systems & Software Inc. appeared as Bush votes, and there was at least one account of a Bush vote going to Kerry, the Verified Voting group reported. Broward voters discovered the problem on screens that allowed them to check their selections before entering them electronically.

The long list of documented problems has fueled the suspicions of conspiracy theorists, activists, and the minor presidential candidates who requested the New Hampshire and Ohio recounts.

Ohio decided the 2004 contest, but since the 2000 election, Florida remains the focus of the doubters and the devotees of various scenarios that suggest skulduggery, in part because early exit polls overstated Kerry's strength.

No group has been more aggressive than Seattle-based Black Box Voting, which bills itself as "consumer protection for elections." Led by founder Bev Harris, the organization is seeking election records from around the country for audits of the results. The primary focus is Florida, where internal computer records have been requested in all 67 counties, and the results in glitch-plagued Volusia County, in the east-central part of the state, are being contested.

Four years ago, during vote-counting on election night, a faulty memory card initially deducted 16,022 votes from Democrat Al Gore's vote total in Volusia. Despite spending about \$300,000 to upgrade equipment and avert a repeat, there were memory card problems this year in tabulators for six Volusia precincts. The optically-scanned paper ballots were re-fed into other counting machines to reach an accurate tally, a county election official said.

"All day long, I get desperate calls from people who are in so much pain," said Harris, the Black Box founder, who said she is convinced fraud occurred in some places Nov. 2. "They say: Can you fix it? Can you solve it? Can you turn around the presidential election? We're not trying to turn the election around. We're trying to get elections to be more transparent, because with the new machines, it's not transparent."

Deanie Lowe, Volusia's supervisor of elections, said she has complied with Harris's record requests and offered to recount, free of charge, any three of Volusia's 179 precincts selected by Harris.

Print Results

Harris, however, said records for all precincts were not turned over, and Black Box will seek a 50-precinct recount in the county, which Kerry won but by a smaller margin than Gore did in 2000.

Much of the postelection focus on Florida resulted from a pair of analyses that claimed Bush's vote totals in the state were inflated by two vote-counting technologies.

The first analysis originated on the Web and cited results in rural, overwhelmingly Democratic counties in Florida's panhandle, where Bush crushed Kerry. All use optical scanners. What the analysis failed to note is that Bush routed Gore by nearly equal margins four years ago in the same conservative counties that have been tilting Republican for years in national elections. A team of Miami Herald reporters reviewed 17,000 ballots in three of the counties, basically confirming the election results.

Then, a broadly reported second study by a team at the University of California at Berkeley, using an academic statistical method, asserted that "Irregularities associated with electronic voting machines may have awarded 130,000 excess votes to President George W. Bush in Florida." In Broward County alone, the study said, Bush "appears to have received approximately 72,000 excess votes." Palm Beach and Miami-Dade counties, which also use touch-screens, were also cited as anomalies.

But if Bush had actually received 72,000 fewer votes in heavily Democratic Broward, his total this year would have been less than it was in 2000 even though nearly 132,000 more ballots were cast. Kerry won all three key counties, Broward by more than 209,000 votes.

Bush carried the state by 380,978 votes, or about 5 percent of 7.6 million cast.

If recounts are the skeptics' best hope to uncover systemic irregularities, they got off to a rocky start in New Hampshire. Completed yesterday at the request of independent candidate Ralph Nader, the Granite State re-tally of 50,600 votes in 11 towns and city wards that use optical scanners increased Kerry's total by 87 votes and Bush's by 62.

Secretary of State William M. Gardner said scanned ballots have worked well in New Hampshire. Indeed, the largest discrepancies found this year were in a legislative race involving hand-counted ballots, he said.

On deck is Ohio, which tipped the Electoral College to Bush. At the earliest, the recount of 88 counties won't begin until Dec. 13, according to the secretary of state's office, the same day the Electoral College is scheduled to formalize Bush's reelection. The recount could take anywhere from a few days to a few weeks. Minor presidential candidates Michael Badnarik and David Cobb of the Libertarian and Green parties, respectively, have said they would formally seek the recount once the state certifies the official results Monday. They will incorporate the review of 155,000 provisional ballots, which were not included in preliminary tallies that showed Bush winning Ohio by 136,483 votes, or about 2.5 percent.

How long the recount takes will depend on whether Badnarik and Cobb ask for a manual inspection of any or all of the 5.5 million ballots, said Carlo LoParo, spokesman for Ohio's secretary of state, J. Kenneth Blackwell.

Of complaints about long lines that discouraged some from voting and allegations that there was a shortage of machines in some urban Democratic areas, LoParo said such decisions in Ohio are made by county boards of elections with two Republicans and two Democrats.

Long waits in Ohio and elsewhere resulted from the system being overwhelmed by a high turnout, said Doug Chapin, director of the nonpartisan electionline.org, which monitors reform efforts.

More attention should be paid to providing an adequate number of machines in polling places, he said, as well as "finishing the job" mandated by the Help America Vote Act. Forty states, for example, have yet to comply with a mandate to establish a central, statewide database of registered voters. That will reduce questions about voter eligibility at election time, Chapin said.

Whatever the outcome of the recounts and the official inquiries by federal agencies, the impetus for improve voting systems will not fade, he said.

"This is not a fringe issue, because a sizable group is interested in pursuing this as a policy issue going forward," Chapin said. "There's now a critical mass of people involved who want to address the problems that occurred in 2004. This issue is not going to go away."

SIDEBAR: ELECTION DAY PROBLEMS PLEASE REFER TO MICROFILM FOR CHART DATA.

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I. In Focus This Week

Lawmakers, Election Officials Push for Change After Vote

By Dan Shuey
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State lawmakers and election officials have for the most part put the election behind them, but not the problems that occurred in a number of states and localities.

With a few months to go before most state legislatures open sessions early, top election officials and politicians are beginning to lay out their plans for changing the way elections are administered based on the lessons they learned on November 2.

The plans being floated for deliberations next year range from the practical, the addition of early or no-excuse absentee voting in states that do not allow such options for voters now, to the innovative, which in Florida is a call for an election "season" that lasts two weeks rather than a traditional Election Day.

Problems a month ago at the polls have prompted calls for updated or standardized voting machines in New York and New Mexico. And it appears likely that the debate over the need for voter-verified paper audit trails with electronic voting machines will again be rekindled in a number of state legislatures.

A review of press reports from the past few weeks preview the focus of discussions in a number of states.

- 2 Florida election officials have proposed creating an election season which would do away with a set election day and allow voting through an extended time period, the *Miami Herald* reported.
- 2 In Iowa, Secretary of State Chet Culver has said he will ask the state legislature to approve same-day voter registration, and to also consider a mail-in election system, according to the *Iowa City Press-Citizen*. In Connecticut, the *Record Journal* reported that lawmakers there are also considering same-day voter registration.
- 2 The *Albuquerque Journal* reported New Mexico Gov. Bill Richardson, has proposed several changes he would like to see for the next election, including standardizing voting machines in all counties, requiring voting machines to leave a paper trail and developing new standards concerning the ratio of voting machines per voter in order to prevent long lines.
- 2 New York City Mayor Michael Bloomberg publicly criticized the voting machines that were used in the November election, saying they were over 40 years old, and based on a patent developed by Thomas Edison which is almost 140 years old, *Newsday* reported. After noting the current voting machines "belong in the New York Historical Society" rather than polling places, Bloomberg said that the state lawmakers need to enact legislation to free up \$200 million in federal

funds to buy new voting machines.

- ☒ Texas state Rep. Aaron Peña, proposed H.B. 168, which would require voting machines to give voters paper receipts. If passed, the bill would go into effect January 1, 2006. A companion bill has also been submitted in the Texas State Senate, as reported by *The Valley Morning Star*.
- ☒ According to the *Miami Herald*, Florida Gov. Jeb Bush has supported a series of changes that will revise the way in which felons can regain the right to vote. They would include easing restrictions in clemency rules which will allow more felons the right to vote, as well as hiring more staff in order to handle the backlog of felons who have applied to have their rights restored. The changes will be introduced by the clemency board in early December.
- ☒ Illinois election officials have called for legislation which would create a statewide standard for counting provisional ballots, the *State Journal-Register* reported. In the 2004 elections, different counties used different standards as to where provisional ballots could be cast and for what races they could be cast for.
- ☒ According to *The Journal Inquirer*, Connecticut will be holding legislative hearings on adding no-excuse absentee voting for the next election.

electionline.org will continue to update the progress of election administration bills filed in state legislatures.

File Folder fr. Martinez
entitled 7/22/05

Planning Session on state
Voter Registration Databases

NAS
Technology Refresh
Proposal

EAC follow-on proposal

Discussion document

In my survey of the state and Academy technology experts, everyone noted the significance of the January 1, 2006 deadline. Further, there was a broad consensus that many states are in danger of falling short of deploying a HAVA-compliant system by that date. Short-term measures that the EAC and Academies might undertake together fell into two broad categories: technical and administrative.

Prior to January 2006

The following technically-oriented objectives were mentioned as useful activities to undertake prior to January 2006

- Developing a list of common criteria (perhaps derived from some reasonable amalgamation of current state requirements for their VR systems).
- Providing advice to support conversions of county data to the statewide system to establish a baseline population in the database.
- Describing plausible quick-fix "disposable" approaches that bring states into compliance that do not constrain the eventual architecture of better systems.
 - For example, it might be useful to develop criteria and procedures that would enable counties to feed their individual lists into a state system by whatever means feasible, e.g. upload through the Internet, CDs, etc, and then coalesced into a single database system that assigns the necessary unique ID.
- Planning for election day use of the systems.
 - A real problem is capacity planning for the peak query load that will occur on election day. This could be done through a contract with a service provide to provide server farm capability.
- Developing a set of best practices that will allow states to fail or succeed en masse. (The "en masse" notion is based on the idea that if a large number of states are in the same situation regarding compliance, they may have greater leverage in negotiating with the Justice Department subsequent to January 2006. The availability of a set of "best practices" to which these states adhere could be an important part of demonstrating a good faith attempt to comply with the HAVA requirements.)

One administratively oriented objective was mentioned for consideration prior to January 2006: the formation of a state consortium that would begin to enable states to pool knowledge and exert greater leverage over contractors. Code sharing is already in place through govcc, but higher-level knowledge sharing is very much needed. (Higher-level knowledge includes contract terms, RFPs, architectures, problem reporting, data

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US ELECTION ASSISTANCE COMMISSION
Workshop for Voter Registration Database
Technology Officers
Meeting Summary

The United States Election Assistance Commission engages in research and technical assistance activities to support State-level implementation of the provisions of the Help America Vote Act (HAVA). One such provision is the requirement for all States to provide statewide voter registration bases at all voting locations not later than January 1, 2006. These databases, described in Section 303 of HAVA, are required to host information in a single environment accessible to authorized users but protected from inappropriate use, interface with other State-level systems, assign unique identifiers to legally registered voters, and, generally, serve as the single point of information for all Federal voter registration information in a specific State.

In order to support States' efforts on this important topic, the EAC convened a workshop for chief information technology officers responsible for the development and operations of these databases. This workshop, held in June 2005 at the National Academy of Sciences in Washington, DC, afforded State technology officials an opportunity to share experiences, ideas, challenges and constraints with their peers from around the country. This peer dialogue was supplemented by participation from a cadre of NAS technology experts. These experts brought unique perspectives and valuable technology knowledge to bear on the challenges articulated by the participants. Before the meeting, participants were provided the following topics for consideration:

- Software Development
- Databases
- Networking & Communication
- Security & Privacy
- Training & Human Resources

Over the course of the two days, participants were asked to contribute their perspectives on the key elements and challenges of meeting the requirements for statewide voter registration databases articulated in HAVA. This meeting summary provides an overview of the key observations and challenges articulated by the participants as well as a summary of suggested action items in each of these themes.

Software Development

While software development itself (e.g. architecture, testing) did not resonate as a primary challenge for the IT participants, they did articulate challenges around contract management and vendor selection and performance. Specifically, States were concerned about the RFP development process and a sense that vendors were "re-selling" the same product because States were not communicating about what was already available. Additionally, by not sharing information (e.g. request for proposals), States were repeating the same mistakes, rendering them insufficiently prepared to hold vendors accountable and secure the best services.

Suggested Action Items

Participants suggested the following types of activities and resources would be helpful to them:

- Developing a community of practice with the following features:
 - Online learning community to share, information, documents, code bases, and other resources
 - A place (online) to share success stories and “get the word out” about new requirements.
- Fostering “user groups” where States using the same vendor could gather to share information either in person or electronically

Databases

It was generally agreed that “databases” as a topic focused on the interoperability capacity of the systems as compared to the requirements of HAVA. Participants noted that the language in HAVA requiring database to interact with other databases is not completely clear. Participants struggled with feeling under prepared to assess their own compliance, asking the question “how good is good enough?”

In addition to the question of with which databases the voter registration list is required to interact, participants were also concerned about the effect of time on their databases’ performance and ability to auto-interact. That is, if solutions are developed to challenges identified over time, participants worry that the revised databases might become too cumbersome to work effectively.

Beyond these technical challenges, participants articulated challenges they described as “political.” These challenges included securing county buy-in, fostering collaboration among diverse stakeholders, and balancing Federal and State legal requirements in their work. Participants encouraged their peers to include all stakeholders early in the process, to create buy-in by being inclusive in RFP development and vendor selection, and to always focus on the fact that “at the end of the day, you want the system to work.”

Suggested Action Items

Participants suggested the following types of activities and resources would be helpful to them:

- A compliance checklist focused on the technical requirements of the VR databases
- Testing guidance from the Election Assistance Commission
- A joint Federal-State testing plan
- Standards for best practices in design and interoperability
- A reference architecture that would be HAVA compliant

Security & Privacy

Two primary themes emerged as part of the security and privacy conversation:¹ internal and external concerns. Internal concerns deal with ensuring those that have access only have appropriate access to appropriate information, as mandated by HAVA and in accordance with State law. To this end, participants discussed the need for role-based access. This type of access assigns certain permissions to certain users (based on their role and level of need) and thus ensures that only those that “need to know” have access to sensitive information.

External access recognizes that counties have different perceptions of privacy constraints and that they use information differently. For instance, many counties sell their voter registration lists to candidates in various elections. Clearly, there must only be non-private information on that list. This is a requirement for privacy; the database must *contain* but not *provide* that information on the sellable list.

Additionally, participants were concerned about the perception of privacy in their home States. Real social problems such as stalking and violence against public officials (e.g. judges) have created fear over inappropriate access to address or even voting district information. This fear has resulted in the cancellation of certain public Web-based applications through which voters can determine where their appropriate polling location.

Suggested Action Items

Participants suggested the following types of activities and resources would be helpful to them:

- Guidance around legitimate privacy concerns, including blind ballot voters
- Shared best practices on role-based and privacy (e.g. flags vs. filters) strategies

Networking & Communication

Participants considered security to be a component of networking and, as such, articulated challenges they face or are concerned about with respect to threats, role identification, and tradeoffs between privacy and security. Specifically, participants thought threat detection and planning for attacks on their databases was critically important. These threats may be from those actually attempting to steal information or those simply testing their “hacking skills.” Specifically, participants discussed the need for planning, detection, and recovery from an attack on their system. Additionally, participants are aware that threats are constantly evolving, a situation that requires constant vigilance on their parts.

With respect to appropriate roles, participants discussed the value of moving from a password-based protection system to a potential token system. Under either system, it was agreed, security is still a consideration to be given top priority. States need to make individual decisions based on the type of user being given access.

¹ Participants wanted to discuss security with networking.

Suggested Action Items

Participants suggested the following types of activities and resources would be helpful to them:

- Additional literature on the value of tokens vs. passwords
- Coordination with postal service to reach additional addresses, as appropriate
- Guidance around requirement interactive partners

Training & Human Resources

The primary challenges associated with human resources and training related to staff shortages and accountability. Specifically, the participants were concerned about the "accountability gap" between those that will actually do most of the work and those that will be held accountable for its quality. Many participants felt that the nature of their work and the requirements they face are not always well understood, leaving them understaffed and overtaxed.

Training issues included challenges around States delivery vendor-developed training, facility constraints, and staff turnover. Also challenging to the participants is knowledge transfer from the vendor over to State personnel and the need to educate management about ongoing support needs. Participants encouraged their peers to ensure they participate in the design plans and not simply hand over control to their vendors.

Suggested Action Items

Participants suggested the following types of activities and resources would be helpful to them:

- Tools for communicating staffing requirements
- Strategies for educating first internal collaborators and then external stakeholders
- A chart comparing the staffing levels of other States
- Comprehensive help files for all programs and products
- Regional trainings, peer methodology or train-the-trainer

This Workshop for Voter Registration Database Technology Officers provided colleagues from around the country to join together with EAC and NAS technology experts for a facilitated discussion around issues, challenges, strategies, and necessary support. Thanks to the active participation of the attendees, the meeting was successful on many fronts. Among the outcomes of the meeting are:

- Fostered peer relationships for ongoing communication
- Provided EAC a clearer sense of the challenges and needs of the field
- Generated a list of possible next steps for both EAC and the IT personnel back home
- Exposed participants to NAS expertise

As EAC moves forward in supporting States in meeting the requirements of HAVA, both those effective in January and beyond, this meeting will inform that process.

For more information, please contact Karen Lynn-Dyson, Research Manager, US Election Assistance Commission at klyndyson@eac.gov.

File Folder for Martinez
entitled ~~7/22/05~~ May 17, 2005
Design for Democracy



"John W LINDBACK"
<John.W.Lindback@state.or.us>

05/02/2005 12:45 PM

To aambrogi@eac.gov

cc rmartinez@eac.gov

bcc

Subject Meeting with Design for Democracy

Good morning Adam:

In Boston I snared Commissioner Martinez for a few minutes and asked if he would be willing to meet with board members from an organization called Design for Democracy, an affiliate organization of the American Institute for Graphic Arts. They have done some wonderful work in Chicago, Oregon and other places redesigning election materials and processes (they redesigned the whole polling place in Chicago) in order to make election day work more smoothly for all.

I asked Commissioner Martinez if he was willing to listen to a briefing from the group to see what they've done and discuss a potential projects with the EAC. One project I discussed with him would be getting Design for Democracy involved in reviewing the design of the national mail-in voter registration form.

This is a long way of getting to my point. But I've been working with the Design for Democracy folks on a possible day that some of them could travel to Washington to meet with Commissioner Martinez. They are available on May 17. Would it be possible for him to meet with them on May 17th? And might Chair Hillman and Commissioner DeGregorio be available as well? Commissioner Martinez mentioned that they might also want to participate in the briefing.

This is a wonderful group. (For disclosure purposes I need to mention here that I am now on their board of directors.) Instead of attacking elections officials they reached out to help. They have convinced me and other elections officials across the country that improving elections doesn't always have to be about buying expensive new equipment. Sometimes, redesigning the process you already have to make it more voter friendly will get the job done.

Anyway, let me know if a May 17 meeting would work. These folks would be flying in from New York and Chicago.

jlindback

John Lindback, Director
Elections Division
Oregon Secretary of State's Office

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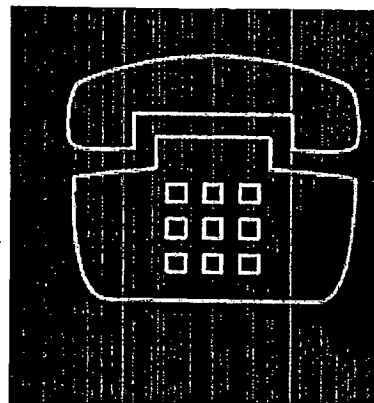


Election Design

The Design System

1.0

The examples provided in "Election Design: Models for Improvement" were developed from a carefully conceived system of colors, symbols, images, typefaces, principles of organization, and methods of execution. Some of the recommended formats can be easily implemented by election administrators working in partnership with print or electronic media suppliers. Others will require professionals familiar with information design and the workings of a graphic design system. We are created a pdf of the design system section that is downloadable from this page.



Symbols and icons provide immediate v can be used effectively to clarify instruc. emphasis on important or new informat.

[Download "Election Design: Models for Improvement" \(pdf\).](#)

Professional graphic designers have the specific skills and knowledge needed to extend the basic system into more complex or customized applications. For guidance beyond simple adaptations of the templates, AIGA Design for Democracy can put you together with a designer.

Email: designfordemocracy@aiga.org
Phone: 212.807.1990

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Good design makes choice

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018497



Election Design

The Voting Experience

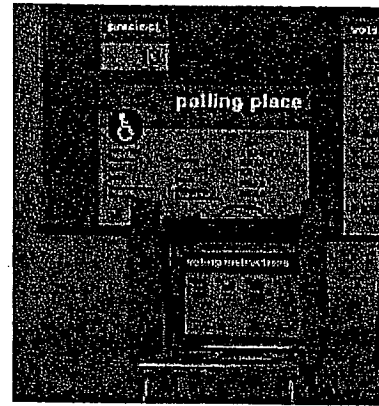
3.0

Each stage of the election process involves distinct procedures and communication requirements for voters and for election officials. Our design system applies established design principles to all stages of the voting experience.

Examples include voter registration cards that meet HAVA requirements and that adhere to the Design for Democracy standard of making the complex clear.

Information about the election process, candidates, and issues in a given election need to be readily available and easy to understand. Our system includes brochures, information cards, and instruction sheets.

Well designed signs that provide instruction and information in the polling place will instill confidence in a voter's ability know what to do and how to do it.



The Design for Democracy polling place red for instructional signs and blue for signs.

Samples

- Online election information
- Voter education brochures
- Voter pamphlets inside (1)
- Voter pamphlets inside (2)
- Voter pamphlets cover
- HAVA compliant voter registration card

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018498



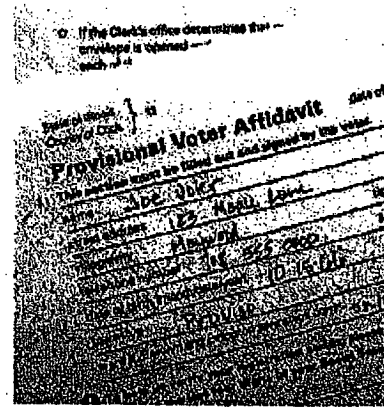
Election Design

Behind The Scenes

4.0

Those who serve in the polling place have direct influence on the voter's experience. They also impact the efficiency of election administration. Our book, *Election Design: Models for Improvement*, provides detailed guidelines for page layout and content management of a pollworker training and reference manual including templates for electronic training support.

The forms, envelopes, and instructions used for election record keeping and vote recording can be very confusing for pollworkers. Design for Democracy has developed a document management system that includes large reference numbers, consistent placement of information, clear instructions, and a color coding system that provides instant, useful information. Listing of sub sections: Pollworker training and support Document management system Provisional voting



Additional administrative challenges are to account for provisional votes. Our document management system has been extended forms and envelopes necessary for HAV, provisional voting.

Samples

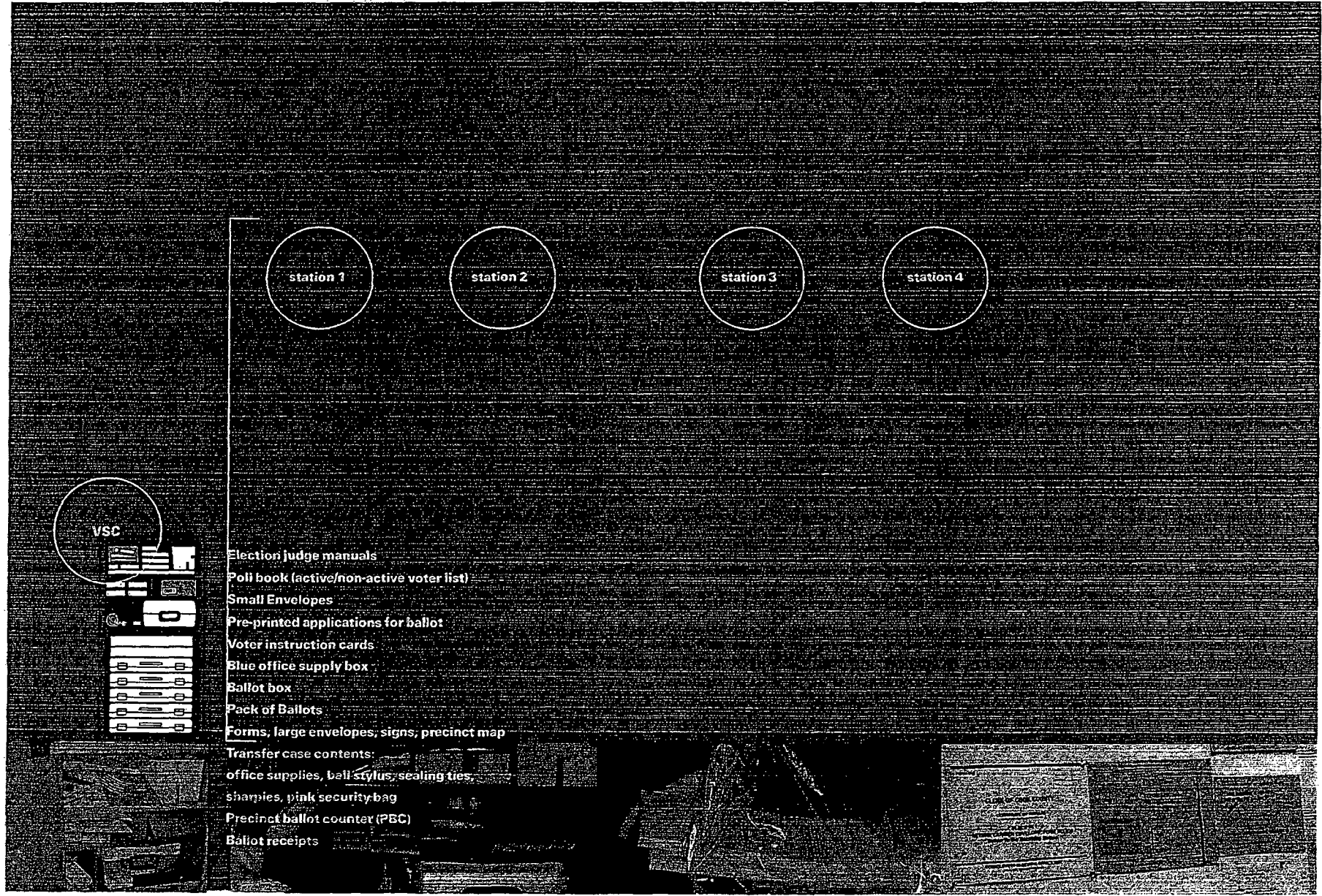
- Behind the scenes 1
- Behind the scenes 2
- Behind the scenes 3
- Behind the scenes 4
- Behind the scenes 5
- Behind the scenes 6
- Behind the scenes 7

Find a Designer

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- Election judge manuals
- Poli book (active/non-active voter list)
- Small Envelopes
- Pre-printed applications for ballot
- Voter instruction cards
- Blue office supply box
- Ballot box
- Pack of Ballots
- Forms, large envelopes, signs, precinct map
- Transfer case contents:
 - office supplies, ball stylus, sealing ties,
 - sharpies, pink security bag
- Precinct ballot counter (PBC)
- Ballot receipts



101P
 Provisional VEC Envelope

Provisional ballots
 Provisional ballots
 Provisional ballots
 Provisional ballots

! Provisional ballots should ONLY be issued to voters who meet at least one of the following conditions:

- Have not an official list of voters (office of inspector)
- Voting status challenged
- Voting during court-ordered attendance pending phone interview
- Required to show ID but does not have it

On Election Day during election in Any State

102P
 Provisional Ballot Envelope with Affidavit

Provisional ballots
 Provisional ballots
 Provisional ballots
 Provisional ballots

! Please read instructions on envelope provided by the voter. Ballot requests subject to verification by the election clerk.

Provisional Voter Affidavit

State of Illinois } ss
 County of Cook }

date of election

1 This section must be filled out and signed by the voter.

name _____
 street address _____
 village/city _____ zip code _____
 telephone number _____ sex M F
 date of birth (month/date/year) _____
 township _____ precinct # _____
 ward # (Berwyn and Evanston townships only) _____

! To help us verify your registration status, please list your driver's license #. If you have one and the last four digits of your Social Security #. If you have a state ID, you may list that number as well.

driver's license # _____
 SS # last 4 digits _____
 state ID # _____

I affirm that I am: a citizen of the United States; at least 18 years old; a duly registered voter in every respect; and eligible to vote in this election. I have resided in this state and in this precinct for 30 days before the election and have not voted in this election.

voter signature _____

Declaración Jurada para Votar Provisionalmente

State of Illinois } ss
 County of Cook }

fecha de la elección

1 Esta sección debe ser llenada y firmada por el votante.

nombre _____
 domicilio _____
 ciudad _____ código postal _____
 número de teléfono _____ sexo M F
 fecha de nacimiento (mes/año/día) _____
 distrito municipal _____ # de distrito electoral (precinct) _____
 # de circunscripción (solo aplicable para Berwyn y Evanston) _____

! Para verificar su estatus como votante, por favor escriba el número de su licencia de conducir (si tiene una) y los últimos cuatro dígitos de su número de seguro social. Si tiene un documento de identidad estatal, puede escribir también el número de dicho documento.

de licencia de conducir _____
 # de seguro social (últimos 4 dígitos) _____
 # de documento de identidad estatal _____

Declaro que soy ciudadano de los Estados Unidos; tengo al menos 18 años de edad; soy un votante debidamente registrado en todo sentido; y habilitado para votar en estas elecciones. He residido en este estado y en este distrito electoral (precinct) durante 30 días antes de las elecciones y no he votado en estas elecciones.

firma del votante _____

018501



Design for Democracy

Enabling participation in the civic experience

The People of Design for Democracy

Board of directors:

Richard Grefé
President

Sam Shelton
Secretary/Treasurer

Marcla Lausen
Stephen Melamed
Lance Rutter
Elizabeth Tunstall
Sylvia Harris
Susan Roth King

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Gretchen Schulfer
gretchen.schulfer@state.or.us

Hannah Smotrich
www.hannah@side-view.com

Election Design
Emergency and Evacuation I
Immigration Design
Travel and Transportation D
Universal Design
Medical Information
IRS Wage and Salary Report

Design for Democracy
An opportunity for clearer communication
between government and citizens



Government in a participatory democracy has a responsibility to remove the barriers to participation in civic life. This includes making the tools of participation (ballots, surveys, forms, web sites and informational publications) easy for every citizen to use.

When citizens get confused while filling out tax forms, the problem is not the intelligence of the citizen, it's the design of the form. When a family fails to return a government questionnaire because it looks too complicated and intrusive, the problem is not the family, but the look and feel of the survey. When an election ballot is tossed out because the voter was confused, the problem is not with the voter, but the design of the machine and the layout of the ballot.

"Every citizen" should mean just that — everyone who is a citizen, regardless of age, physical challenge or education, should have an equal opportunity to participate in democracy and communicate easily with his or her government.

Information design

Information design is the art and science of making raw information and instructions easy to read, understand and use. It is practiced by graphic designers, usability experts, and language simplification specialists. In the private sector, the information and service economies employ information design to insure that information products (web sites, manuals and customer services) are effective and easy-to-use. In the competitive new economy, information design makes the difference between product acceptance and failure.

Information design, undertaken by professionals with experience, helps to address the different needs of different audiences, whether they be elderly, young, disabled or challenged by English as a second language.

Information design is just as important in the public sector, yet the practice and application of advanced design to government communications lags significantly behind. At the same time, the general public (with exposure to sophisticated communications products) has increased expectations for the government to perform at the same level as the private sector.

Design in a participatory democracy

Government can benefit from private sector advances in information design. Clear performance expectations are urgently needed to guide the design of the tools of participation. Information gathering tools, such as ballots, surveys, and forms need to be designed to be consistent, clear and easy to use. Information dissemination tools, such as public service instructions and government web sites must encourage use through clarity and usability. They may be designed at the district, local, state or national level by local designers selected by different agencies; yet, they should be designed with a clear appreciation for the performance standards that need to be met by the designed forms, screens or reports.

Participatory democracy relies on the free and equal exchange of information and ideas. Government communications that are difficult to use give preference to those with time,

resources, and education. To be truly democratic, government communications should be accessible to all. The government has an opportunity to improve compliance through ease-of-use and to improve goodwill by demonstrating that taxpayers' money is being well spent.

The process

The public information product development process

Though the design of information products, such as a universal voting machine and ballot, might seem simple at first, this is misleading. There are a number of critical information product design processes that are critical to the success of such undertakings. No major design initiatives would be complete without the following steps.

Research and planning

Investigate and learn from similar projects undertaken in the private sector, in local governments, or other countries. In many cases, information problems have already been solved and tested. A design strategist and researcher can help create design plans that harvest the best ideas around the world and avoid duplication.

Language simplification

Work with writing professionals to shorten text and to craft language that the majority of Americans would understand.

Identity development

Make sure that all communications look and feel like they come from the government and that they have the appropriate look of authority and security. Use professional graphic designers to develop brands or signatures for any communication program.

Graphic design

Work with graphic designers to develop appropriate and contemporary styles and formats for all communications. This includes layout, use of color, typefaces, illustration and formatting.

Industrial design

Work with industrial designers to develop the form, function and feel of any hardware associated with the information product. This includes materials development, product design, ADA issues and finishes.

Experience design and usability testing

Study and explore how the general public interacts with the tools of participation. Usability professionals employ experience, focus groups and careful user testing to avoid mistakes and to be absolutely sure that any new products will be accepted and easy-to-use by the broadest public.

Assessment

Any new information product is not complete until it is evaluated under real conditions for at least one year. The evaluation would explore rates of compliance, security issues, and unexpected problems or benefits.

Where to find help

AIGA, the American Institute of Graphic Arts, is the largest and oldest professional association of designers in the country. It is a nonprofit, nonpartisan association that represents information designers and designers working in print, motion, new media and interactive media. AIGA, through its experience in working with public and private clients, can assist in creating an RFP, a scope of work or design brief, or in helping agencies locate designers with the requisite experience and skills. AIGA has also assembled a special expert team to develop and evaluate options.



Raymundo
Martinez/EAC/GOV
07/07/2004 02:46 PM

To DeForest Soaries Jr./EAC/GOV
cc
bcc
Subject Meeting with Election Technology Council

Buster:

While in Austin last week, I was invited to meet with David Hart, who is president/CEO of Hart Intercivic (DRE manufacturer). I had a good meeting with David and his senior staff, and toured the company's headquarters there in Austin.

I received a follow-up email from David last night, and he was asking if any of us were planning to be in San Antonio for IACREOT because the Election Technology Council (of which David is chairman) will be meeting at IACREOT as well. The specific request from David is for any, or all, of the four EAC commissioners to meet and address the vendors all in one sitting. I personally think this is a good opportunity to meet with the vendors and, among other things, urge them to comply with your security proposal, which by that time, will presumably be a formal Statement of Policy adopted by the EAC.

Before I run this request by the other commissioners, I thought I would present it to you first. If we can find the time to do so, I think this is a good idea. Your thoughts?

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018506



BKauffman@hartic.com

06/29/2004 04:07 PM

To rmartinez@eac.gov

cc

bcc

Subject meeting tomorrow

Ray-

We look forward to meeting with you tomorrow at 10am in our offices. I have lunch reserved for us at noon.

Regards,

Britt

Britt Kauffman
President
Hart InterCivic, Inc.
(512) 252-6699
bkauffman@hartic.com

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018507



"Julia Keh"
<JKeh@rrcc.co.la.ca.us>
07/21/2005 02:34 PM

To "aambrogi@eac.gov" <aambrogi@eac.gov>
cc
bcc
Subject Hispanic Working Group Meeting - August 1, 2005

Hi Adam,

Conny and Deborah Wright asked me if I would like to attend your meeting on August 1st. The answer is "yes". It will be my pleasure to attend the meeting. Can you let me know the logistics, such as where the meeting will be held, do I need to bring information to share, how do I book the flight (through our department or your agency's account)? Please advise. Thank you.

Julia Keh
Election Programs Coordinator
L.A. County RR/CC
(562) 462-2754

018508

Raymundo
Martinez/EAC/GOV
07/18/2005 03:49 PM

To Adam Ambrogi/EAC/GOV@EAC
cc
bcc
Subject Fw: Request for meeting from John Groh, ES&S

Gracia's response below on my earlier email regarding ES&S...

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
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----- Forwarded by Raymundo Martinez/EAC/GOV on 07/18/2005 03:37 PM -----

Gracia Hillman/EAC/GOV

07/18/2005 03:38 PM

To Paul DeGregorio/EAC/GOV@EAC
Raymundo Martinez/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Thomas R.
cc Wilkey/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC,
Sheila A. Banks/EAC/GOV@EAC
Subject Re: Request for meeting from John Groh, ES&S



While I don't have the same level of concern that has been expressed by Comm Martinez, I also don't object if we don't agree to the meeting.

Tom: Please handle final resolution with Groh.

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

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018509

message from your computer.

018510

Jeannie Layson/EAC/GOV
07/18/2005 02:01 PM

To aambrogi@eac.gov
cc
bcc
Subject Fw: editorial board meeting request

Adam,

It just occurred to me that you probably need the OK ed. bd. logistics now since he's going there from TX. I will write a memo for him and fax it to him in TX.

Again, his meeting with the Oklahoman ed. bd. is on Thursday, July 21, at 2 p.m. See details below and let me know if you need anything else.

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

----- Forwarded by Jeannie Layson/EAC/GOV on 07/18/2005 01:57 PM -----
"Phyllis Bennett" <[REDACTED]>

07/14/2005 12:09 PM

To jlayson@eac.gov
cc
Subject RE: editorial board meeting request

Jeannie Layson,

Editorial board members: Ed Kelley, editor of The Oklahoman; J.E. McReynolds, chief editorial writer; Owen Canfield, editorial writer.

We're also going to invite a news reporter to sit in but I don't know which one. I can give you that name when I get it.

The Oklahoman is at 9000 N Broadway Extension, at the southeast corner of Broadway Ext. and Britton Rd. In our lobby Commissioner Martinez will check in with the guard (who will be expecting him) and they'll

018511

call me to bring him up to our floor.

Phyllis

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

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

Sent: Thursday, July 14, 2005 10:50 AM

To: Phyllis Bennett

Subject: RE: editorial board meeting request

Ms. Bennett,

If you could provide the names of those attending, the address of the Oklahoman and instructions for Ray when he enters the building (ask for you in the lobby, etc.), that would be very helpful.

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

013512

Summary of Meeting with Advocates for the Disabled Community

The meeting started with Commissioner Martinez explaining the various funding constraints the EAC has dealt with which caused the TGDC and NIST to rush their VVSG recommendations. The Advocates for the Disabled then mentioned section 2.2.5 of the VVSG as providing a 'loophole' for modified optical scan machines such as the ES&S AutoMark, by using the word "should" instead of "shall". Commissioner Martinez acknowledged this problem and urged the VVSG to be viewed as an ever-changing document. The Advocates replied by saying that once States buy machines based on EAC / VVSG recommendations, they will be in place for a long time. With a January 2006 deadline, there must be a sense of urgency to close these 'loopholes'. The idea of machines being able to be fit retroactively with devices which would ensure independence and privacy to persons with disabilities was then introduced by Mr. Dickson. He stated that only a limited number of vendors are addressing this issue.

The next major issue addressed in the meeting was VVPAT. The Advocates pointed out that current VVPAT does not insure security. They also stated that VVPAT hinders machines from being fully accessible especially if they use the VVPAT as the official ballot, as some states have deemed they should for recounts (Commissioner Martinez added the point that no state has made VVPAT the official ballot).

Another issue that was brought up was section 2.2.7. A "shall" is used for visually impaired, but a "should" is used for mobility impaired. They viewed this as potentially divisive within their community. Members of the EAC, including Commissioner Martinez, Mr. Wilkey, and Carol Paquette, responded by saying that the

lack of an independent source is a problem, and that there are other technologies out there that are a better substitute to VVPAT.

Commissioner Martinez concluded the meeting by encouraging them to submit their comments to the EAC, and that those comments should be submitted in writing. He followed by saying that he hopes this will be an ongoing dialogue between the EAC and the disabled community.

In short, the Advocates are mainly concerned with maintaining a unified community – one that advocates for all who are disabled, regardless of their disability. They are concerned that these new voting machines, specifically the VVPAT, will grant access, independence, and privacy to only those who are visually or hearing impaired and that those with mobility or dexterity disabilities will not be guaranteed the same right to access, independence and privacy.

The meeting ended on good terms and it seemed that Commissioner Martinez's comments about the VVSG being a changing document and him encouraging this conversation to be ongoing between the EAC and the disabled community put the Advocates a little at ease. They feared that following the 90 day comment period, some changes would be made to the VVSG, and then the document would be put on a shelf to "collect dust". Commissioner Martinez, Mr. Wilkey, Carol Paquette, and Gavin Gilmour encouraged them to believe otherwise.

018514

Raymundo
Martinez/EAC/GOV
07/06/2005 09:42 AM

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

Adam:

Can you do a little background research on Mr. Becker's company so that I can be informed before I decide to meet with him? He was referred by Conny McCormack, so I will meet with him, but I just want to know what his company specializes in.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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--- Forwarded by Raymundo Martinez/EAC/GOV on 07/06/2005 09:38 AM ---



"David J. Becker"
<david.j.becker@electionconsulting.com>
07/06/2005 07:36 AM

To rmartinez@eac.gov
cc
Subject RE: Meeting

Ray,

Thanks for your email – I'm glad Conny put us in touch. Would you like to meet for lunch, either later this week or sometime next week?

David

David J. Becker
Election Consultant and Voting Rights Attorney
(202) 550-3470
(202) 521-4040 fax
david.j.becker@electionconsulting.com

- 018515

From: rmartinez@eac.gov [mailto:rmartinez@eac.gov]
Sent: Thursday, June 30, 2005 9:33 PM
To: CMcCormack@rrcc.co.la.ca.us
Cc: Raymundo.Martinez/EAC/GOV@eac.gov; 'david.j.becker@electionconsulting.com'
Subject: Re: Meeting

Conny:

Thanks for the email...sorry it's taken me some time to respond. I've been on a short trip with my family to Sesame Street Place as we made our way from Arlington, VA to New York City for our public hearing. I've seen enough Big Bird and Elmo to last me quite a while!

Our public hearing went well today. We received very good testimony from all of our panelists. Needless to say, we have much work to do over the next 90 days, but I look forward to receiving much input.

Thanks for the email introduction to David -- I would welcome a phone call so that we can make arrangements to speak or get together at some time. My direct line is 202-566-3104 (I won't be back in the office until next Tuesday, July 5th).

Stay in touch and as always, please feel free to call me anytime.

Regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
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018510

Jeannie Layson/EAC/GOV
06/15/2005 12:18 PM

To pdegregorio@eac.gov, ghillman@eac.gov,
rmartinez@eac.gov
aambrogi@eac.gov, cpaquette@eac.gov, sbanks@eac.gov,
cc jthompson@eac.gov, twilkey@nycap.rr.com,
asherrill@eac.gov
bcc
Subject New York Times ed. bd. meeting

Commissioners,
I've arranged an ed. bd. meeting (Adam Cohen and others) with the New York Times for Friday, July 1.
They are going to get back to me with available times, but I wanted you to know it's in the works. After I
get the particulars, I'll give you a memo with all of the details.

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

018517



Raymundo
Martinez/EAC/GOV
06/17/2005 03:36 PM

To Paul DeGregorio/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC
cc Adam Ambrogio/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC
bcc
Subject Meeting with John Groh, ES&S Systems

Paul/Julie/Bryan:

I have set up the meeting with John Groh for next Tuesday, June 21 at 9AM in the large conference room. John may be accompanied by his product manager (whose name escapes me). John understands that this is an informational meeting only.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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(202) 566-3127 (FAX)
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018518



"Fernando Morales"

<[REDACTED]>

06/10/2005 03:29 PM

To "Adam Ambrogi" <aambrogi@eac.gov>

cc

bcc

Subject Request for a Meeting

Dear Adam,

Here by I respectfully request Commissioner Martinez for a fifteen minutes meeting, before the EAC release the VVSG.

Please let me know when that can be possible.

Fernando Morales



018519



Sheila A. Banks/EAC/GOV

06/09/2005 05:17 PM

To Adam Ambrogi/EAC/GOV@EAC

cc Amie J. Sherrill/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

bcc

Subject Re: Requested meeting Sec. Grayson

The best time for the Chair is after the June 16 NASS conference call.

018520



"Ric Grefe" <grefe@aiga.org>
05/16/2005 04:58 PM

To "Adam Ambrogi" <aambrogi@eac.gov>
cc
bcc
Subject Confirming meeting with Design for Democracy

Adam,

I just wanted to confirm the meeting we have planned for Tuesday at 2 pm at your offices at 1225 New York Ave NW. There will be three of us and we will be meeting with you, Commissioner Martinez and possibly other commissioners and staff.

Let me know if there have been any changes in plans.

Ric

Richard Grefé
Executive director
AIGA | The professional association for design
164 Fifth Avenue New York NY 10010 | 212 807 1990
grefe@aiga.org

AIGA: stimulating thinking about design
www.aiga.org

018521



"Wendy Weiser"
<wendy.weiser@nyu.edu>
05/12/2005 04:30 PM

To aambrogi@eac.gov
cc
bcc
Subject Monday 5/16 databse meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

018522



"John W LINDBACK"
<John.W.Lindback@state.or.us>

05/12/2005 02:11 PM

To aambrogi@eac.gov

cc grefe@aiga.org, rmartinez@eac.gov

bcc

Subject Tuesday's Design for Democracy meeting

Adam:

I just wanted to confirm for you the names of the three Design for Democracy board members who will attend next Tuesday's meeting at your headquarters. They are:

1. Ric Grefe, chair of the Design for Democracy Board, and executive director of the American Institute for Graphic Arts. The AIGA was the organization that started Design for Democracy.
2. Marcia Lausen, director of the School of Design at the University of Illinois at Chicago, and owner of studiolab, a design firm with offices in Chicago and San Francisco. As an instructor in the School of Design she directed the very impressive projects that redesigned processes and materials for Cook County polling place elections and Oregon's vote-by-mail elections.
3. Whitney Quesenbery, who represents the Usability Professionals' Association on the board. She brings an expertise in usability to the organization and you may already know her because she is a member of the TGDC.

I wish I could be there because I believe so strongly in the fine work these folks have done in the past few years. I believe there is a great potential for this group to work with the EAC on very positive projects. But I think if I had to travel all the way to the east coast again this soon my bosses, and my wife, would disown me!

Cheers-
jlindback

John Lindback, Director
Elections Division
Oregon Secretary of State's Office

018523



Sheila A. Banks/EAC/GOV
05/10/2005 08:19 AM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,
Raymundo Martinez/EAC/GOV@EAC
cc Adam Ambrogi
bcc
Subject NASS Executive Board Meeting

Commissioners,

The NASS Executive Board would like to continue to have open communication with you and have suggested a conference call meeting for next month. Specifically, they are looking at the afternoon of June 14 or 16.

Adam, please let me know what the Commissioners' schedules look like for either one of those days. The call should not last more than an hour.

Thank you,
Sheila

018524



"Wendy Weiser"
<wendy.weiser@nyu.edu>
05/05/2005 04:46 PM

To aambrogi@eac.gov
cc
bcc
Subject possible meeting

Dear Adam,

I am writing to follow up on our conversation of yesterday. I would like to know when Commissioner Martinez (and/or the other Commissioners) might be available for a smaller and/or a larger meeting to discuss statewide voter registration databases and the EAC's Guidance. I would be happy to facilitate the participation of other groups as well. Thank you, and I look forward to hearing from you.

Best,

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

018525

Carol A. Paquette/EAC/GOV
05/05/2005 09:34 AM

To hlin@nas.edu;hercikj@calib.com;kakuskac@calib.com
Adam Ambrogi/EAC/GOV@EAC, Juliet E.
cc Thompson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
bcc
Subject reschedule of NAS VRDB meeting

Folks -

It looks like the most viable date for June is the 13th-14th. So let's move ahead with preparation for that date.

Herb, I think we need to talk about the objectives and agenda. Don't think we need to meet in person; a phone call will do. I have a meeting this morning at 10. Could we shoot for maybe 11 or sometime between 2 and 3 this afternoon? Thanks!

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

018526

Carol A. Paquette/EAC/GOV
05/03/2005 02:54 PM

Raymundo Martinez/EAC/GOV@EAC, Juliet E.
To Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC
cc hercikj@calib.com;kakuskac@calib.com
bcc
Subject planning for next VRDB/NAS meeting

Commissioner et al. -

A decision has been made to re-schedule the second VRDB/NAS meeting from May 16-17 to one of the following dates: June 2-3, June 9-10, June 13-14, June 29-30.

NAS needs a decision from EAC in the next day or two so they can reserve the meeting space.

EAC needs to firm up the objectives and agenda for this meeting, as well as to identify potential attendees.

Adam - Can you identify a 15 minute window for the Commissioner, Julie, you and me to discuss this in the next two days? Thanks!

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

018527



Gracia Hillman/EAC/GOV

04/18/2005 11:05 PM

To Paul DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Adam Ambrogi/EAC/GOV, Holland M. Patterson/EAC/GOV,
Spring A. Taylor/EAC/GOV, Carol A. Paquette/EAC/GOV,
Juliet E. Thompson/EAC/GOV, "Sheila Banks"

bcc

Subject Re: Meeting With California Secretary of State Bruce
McPherson

I have confirmed this meeting with Secretary McPherson.

Sent from my BlackBerry Wireless Handheld
Sheila A. Banks

From: Sheila A. Banks
Sent: 04/18/2005 05:48 PM
To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez; DeForest Soaries
Jr.
Cc: Adam Ambrogi; Holland Patterson; Spring Taylor; Carol Paquette; Juliet
Thompson
Subject: Meeting With California Secretary of State Bruce McPherson

Commissioners,

Secretary Bruce McPherson has requested to meet with you at the May 5
Commissioners Discussion at 10:00 a.m. He wants to deliver the California
Certificate of Compliance in person. In addition, he wants to discuss how
California can be a positive participant with the EAC as the state continues
its implementation of HAVA. Others attending this meeting include Assistant
Secretary of State Brad Clark and Los Angeles County Registrar-Recorder Conny
McCormack.

Brad will provide more details.

Thanks,
Sheila

018528



Sheila A. Banks/EAC/GOV
04/18/2005 05:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,
Raymundo Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC
cc Adam Ambrogi, Holland M. Patterson/EAC/GOV@EAC,
Spring A. Taylor/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC, Juliet E.

bcc

Subject Meeting With California Secretary of State Bruce McPherson

Commissioners,

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Brad will provide more details.

Thanks,
Sheila

018529



Sheila A. Banks/EAC/GOV
03/31/2005 02:51 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Spring A. Taylor/EAC/GOV@EAC, Adam Ambrogi
bcc
Subject Meeting with Dr. Pastor

Commissioners,

I'm trying to coordinate a meeting for you with Dr. Pastor. His availability has changed for next week and his assistant and I are trying complete this task while Commissioner Soaries is in town.

Dr. Pastor is scheduled to testify on the Hill on Wednesday, April 6, at 2:00 p.m. Would you be open to having a lunch meeting with him at a place nearby around 12:00 (noon)? His assistant is also checking with him.

Thanks,
Sheila

018530

Carol A. Paquette/EAC/GOV
03/15/2005 07:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Sheila A. Banks/EAC/GOV@EAC, Adam
cc Ambrogio/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Spring A.
bcc
Subject Cyber Security Industry Alliance - Susan Zevin - Request for
meeting

Commissioners -

Susan Zevin contacted me several weeks ago to set up a meeting between the Commissioners and Paul Kurtz, the Executive Director of the Cyber Security Industry Alliance (CSIA). CSIA is an industry advocacy group that has been formed to promote improvement of cyber security through public policy, education and technology-focused initiatives. Their membership is comprised of major cyber security software providers such as Symantec, Entrust, McAfee, Check Point (they've been getting some unfavorable press lately), and others. They are "interested in assisting the Commission in the evolution of new approaches to voting systems." Susan was rather vague about what this means. I suggested that it might be useful for this group to review and comment on the TGDC/NIST work on the NIST website. Susan indicated they are interested in "higher level, big picture policy matters." Whatever these matters are, she indicated that they can only be discussed directly with the Commissioners, not with some intermediary.

Checked out this group with some colleagues in the security business. The feedback I received was that they're relatively new on the scene, only one of several similar industry advocacy groups, and that they're looking for an issue to make their mark on. (There might have been some professional rivalry seeping through in these comments.) Mr. Kurtz has pretty impressive credentials, having been National Security Council senior director of the Office of Cyberspace Security and a member of the President's Critical Infrastructure Protection Board (prior to 2003).

Is there interest in a meeting by all or some of you?

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

018531



"Edward Foley"
<foley.33@osu.edu>
11/10/2004 05:39 PM

To "Daniel P. Tokaji" <tokaji.1@osu.edu>, aambrogi@eac.gov
cc
bcc
Subject Re: EAC Meeting Invitation

Adam,

Like Dan, I would be delighted to meet with Commissioner Martinez and am pleased that he has found our website helpful.

Would it be possible to meet on Monday at 5:30, perhaps at the Hotel George on Capitol Hill? I will be heading to the airport at 6:15pm to catch a flight back to Columbus, but that would give us a little time for the kind of informal meeting you describe, at which we can start a conversation that can be pursued subsequently. I believe Dan might be able to join us at this time as well.

Thanks very much,

Ned Foley

At 05:01 PM 11/10/2004, Daniel P. Tokaji wrote:

Adam:

Thanks for writing. I'm very pleased to hear that Commissioner Martinez has found our website useful. I will indeed be in DC early next week. While it looks like the conference will take up most of the day and I've made plans for the evening, I'm not going to be returning to Columbus until Tuesday afternoon -- I'd originally planned on attending another event in DC that day, but it's been cancelled. Would Commissioner Martinez have any time to meet on Tuesday morning or early afternoon? (I'm just speaking for myself and am not sure what Ned's schedule looks like.)

Dan

At 01:50 PM 11/9/2004, aambrogi@eac.gov wrote:

Dear Professors Foley and Tokaji:

My name is Adam Ambrogi, and I am special assistant to Commissioner Ray Martinez of the U.S. Election Assistance Commission. Commissioner Martinez is a frequent visitor to your law school's website containing legal news and analysis on election law issues. As one of four commissioners on the EAC, Commissioner Martinez is especially interested in issues related to provisional voting and the Help America Vote Act of 2002. In short, Commissioner Martinez found the information on your website to be extremely useful and the analysis insightful.

018532

(For additional information about the EAC and Commissioner Martinez, please visit our agency website at www.eac.gov.)

Commissioner Martinez asked me to send this email today because it us our understanding that you will participate in a forum here in D.C. next Monday sponsored by GWU's Law Review. Although Commissioner Martinez plans to attend some portions of the forum (depending on his schedule), he was wondering if either or both of you had any room on your schedule while in Washington to have coffee at the EAC offices. The purpose of the visit would be very informal -- simply a "get to know you" visit to establish a dialogue and get initial input from you on HAVA and election reform generally. If you are available and interested in doing so, please contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

Regards,

Adam Ambrogi

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

Daniel P. Tokaji
Assistant Professor of Law
The Ohio State University
Moritz College of Law
55 W. 12th Ave.
Columbus, OH 43210
voice: 614-292-6566
fax: 614-688-8422
tokaji.1@osu.edu
<http://equalvote.blogspot.com/>

Edward B. Foley
Director, *Election Law @ Moritz* , and
Robert M. Duncan/Jones Day Designated Professor of Law

The Ohio State University, Moritz College of Law
phone: (614) 292-4288; e-mail: foley.33@osu.edu
<http://moritzlaw.osu.edu/electionlaw/>

018533



"Daniel P. Tokaji"
<tokaji.1@osu.edu>
11/10/2004 05:01 PM

To aambrogi@eac.gov
cc foley.33@osu.edu
bcc
Subject Re: EAC Meeting Invitation

Adam:

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Dan

At 01:50 PM 11/9/2004, aambrogi@eac.gov wrote:

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>

>My name is Adam Ambrogi, and I am special assistant to Commissioner Ray
>Martinez of the U.S. Election Assistance Commission. Commissioner
>Martinez is a frequent visitor to your law school's website containing
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>in issues related to provisional voting and the Help America Vote Act of
>2002. In short, Commissioner Martinez found the information on your
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>visit our agency website at www.eac.gov.)

>

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>generally. If you are available and interested in doing so, please
>contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

>

>Regards,

>

>Adam Ambrogi

>-----

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

Daniel P. Tokaji
Assistant Professor of Law

018534

The Ohio State University
Moritz College of Law
55 W. 12th Ave.
Columbus, OH 43210
voice: 614-292-6566
fax: 614-688-8422
tokaji.1@osu.edu
<http://equalvote.blogspot.com/>

018535

Karen Lynn-Dyson/EAC/GOV
11/08/2004 11:57 AM

To Raymundo Martinez/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC
bcc
Subject Tomorrow's meeting with Tom Kattus from Rural Ethnic
Institute

This is to confirm our meeting tomorrow morning, November 9, at 9:30 AM in our offices with Tom Kattus from the Rural Ethnic Institute.

Tom has a short video to show us, that his students made on the election.


K

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

018536



Raymundo
Martinez/EAC/GOV
08/09/2004 12:06 PM

To Joan A. Wooley/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Nancy Jackson/EAC/GOV@EAC
bcc
Subject Re: Meeting with Becky O'Brien 

I think we will be scrambling tomorrow morning to get things ready for the meeting, so I don't think 9:00AM is a good time. This organization is a credible and important group, and one that I hope we can get involved in this program. Rather than meeting tomorrow before the meeting, why don't I call her today and explain where we are with the program, and to further explain that all we are doing tomorrow is adopting a framework within which whoever directs this program will be able to operate. We are not disbursing grant money to any entity tomorrow and in fact, we are very interested in proposals for funding right now. If she comes to the meeting, perhaps we can meet with her afterwards.

Is this approach acceptable to everyone?

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018537

Joan A. Wooley/EAC/GOV
08/09/2004 12:00 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
Nancy Jackson/EAC/GOV@EAC

cc


bcc

Subject Meeting with Becky O'Brien

Rec'd a phone call from Becky O'Brien who is with Just Democracy. Just Democracy represents a group of law students and Becky would like to meet with you all to discuss what type of support her group can provide on election day. She would like to meet tomorrow morning before the public meeting. Do you want to meet with Becky, if so will you be available tomorrow morning at 9:00AM

018538

Joan A. Wooley/EAC/GOV
08/05/2004 03:54 PM

To Daniel Murphy/EAC/GOV@EAC
Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries
cc Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
bcc
Subject Meeting with Leslie Reynolds 

Will the Commisioners be able to meet on the 19th at Noon?

018539



"Vincent Fry"
<FryV@dnc.org>
06/17/2004 09:16 AM

To aambrogi@eac.gov
cc
bcc
Subject Re: DNC meeting

Adam, we are still on for the 23rd.

The meeting with Chairman McAuliffe will be 30 minutes and we just want Commissioner Martinez to talk about the work of the commission and coming events.

Thanks.

Vincent Fry
Executive Director
Voting Rights Institute
Democratic National Committee
430 S. Capitol St., SE
Washington, DC 20003
p: 202.488.5088
f: 202.863.8063
e: FryV@dnc.org

Every One Counts in 2004!

Visit the Voting Rights Institute site to make sure every vote counts!
<http://www.democrats.org/vri/index.html>

Be an Epatriot! Your contribution goes directly to fight George Bush and ensure Democratic victories up and down the ballot!
<https://www.democrats.org/epatriots/give.html?sourcecode=P000350>

>>> <aambrogi@eac.gov> 6/7/2004 2:48:29 PM >>>
Believe that is a good time to meet. Please let me know more details as we get closer to the meeting.


Thanks.
Adam Ambrogi

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

018540



Raymundo
Martinez/EAC/GOV
06/16/2004 09:19 AM

To Joan A. Wooley/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC
bcc
Subject Re: Meeting with Chairman, and Alex Perwich 

Joan:

Thanks for the invitation. I have an appointment out of the office at 3:30PM on Friday, so I will be happy to sit in on at least part of the meeting.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018541

Joan A. Wooley/EAC/GOV
06/16/2004 09:17 AM

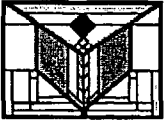
To Raymundo Martinez/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC
bcc
Subject Meeting with Chairman, and Alex Perwich

Commissioner:

The Chairman would like for you to attend a meeting with him and myself on Friday (to discuss the Poll Worker Initiative specifically getting honors students involvement) with Alex Perwich II, CEO of the Golden Key International Honor Society on Friday at 2:30 here in the EAC conference room.

If you have any questions, please call me at 566-3116.

018542



Adam Ambrogi/EAC/GOV
06/28/2005 02:35 PM

To Lawrence F. Gonzalez
cc
bcc Laiza N. Otero/EAC/GOV@EAC
Subject Working Group Meeting

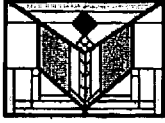
Larry:

Hope all is well. Cmsr. Martinez, our research associate Laiza Otero, and myself are organizing a Working Group meeting for Hispanic groups focused on the particular problems faced by Spanish-speaking voters. I left a voicemail for you about that, but I wanted to let you know that the event has changed to August 1, 2005, from 1-4 PM in our offices in DC. Please let me know your availability- as we certainly want NALEO's presence at this meeting.

Thanks,
Adam

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

018543



Adam Ambrogi/EAC/GOV
06/09/2005 04:30 PM

To Sheila A. Banks/EAC/GOV, Amie J. Sherrill/EAC/GOV
cc Raymundo Martinez/EAC/GOV@EAC
bcc
Subject Requested meeting Sec. Grayson

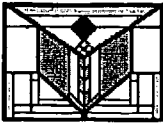
I received a call from Sarah Ball Johnson, from Kentucky. Their Secretary of State, Trey Grayson will be in DC next week on the 15th and 16th-- and is available to meet with Commissioners on the 15th from 10-11:30, and on the 16th from 330-6 PM. He would just like a 'meet and greet' and a tour of our offices.

Please let me know if any or all of these times are better for the Commissioners to meet with Sec. Grayson, and I will make the appointment with his office.

Thanks,
Adam

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

018544



Adam Ambrogi/EAC/GOV
06/01/2005 03:51 PM

To Raymundo Martinez/EAC/GOV, Paul DeGregorio/EAC/GOV
cc
bcc
Subject Meeting with Pollworker Institute

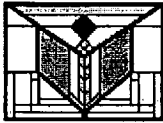
Commissioners:

As a follow-up to my email of last week, I have been in touch with Tracy Warren, who had asked to speak with both of you regarding the efforts that she and Jennifer Collins-Foley are proposing through the "Pollworker Institute." In addition to the prospectus for the P.I. provided you both, they have also indicated their interest in discussing the future of the College Pollworker Program, in light of their schedule for this year's Pollworker Institute initiatives. Tracy (and Jennifer, if she's back from Albania) are available to meet on Monday, June 6th at 2 PM. Please let me know whether that time is available for you, and whether you desire any additional staff present at this meeting. I will work out the remaining details.


Thanks,
Adam

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

018545



Adam Ambrogi/EAC/GOV
05/09/2005 10:45 AM

To "Wendy Weiser"
<wendy.weiser@nyu.edu>@GSAEXTERNAL
cc
bcc
Subject Re: possible meeting 

Dear Wendy:

Upon further reflection and a brief conversation with Commissioner Martinez, I think that a group of 10-12 individuals should be about the largest that this meeting should get. (Aside from EAC staff, of course.) Let me know how you believe the plans are shaping up.

Best,
Adam

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

"Wendy Weiser" <wendy.weiser@nyu.edu>



"Wendy Weiser"
<wendy.weiser@nyu.edu>
05/05/2005 04:46 PM

To aambrogi@eac.gov
cc
Subject possible meeting

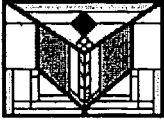
Dear Adam,

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Best,

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

018548



Adam Ambrogi/EAC/GOV

03/24/2005 12:00 PM

To Raymundo Martinez/EAC/GOV

cc

bcc

Subject McGeehan/SOS Meeting

Ann called and apologized for not calling you back two weeks ago... She then confirmed the times that we would be in town on Monday. She checked the SOS's schedule, and there some time for you to meet with him at Monday at 3:30 PM. I told her that it sounded good, but told her I'd call to finalize. Let me know if you see any problems with that time frame.

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

018547



Adam Ambrogi/EAC/GOV

12/02/2004 02:49 PM

To Raymundo Martinez/EAC/GOV

cc

bcc

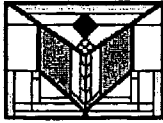
Subject LWV Meeting

Lloyd Leonard and his staffer Jeanette Senecal will meet with us (or you, depending on your preference) at 2 PM on Monday, at the EAC. I've reserved the small conference room for us. He says he intends to set up meetings with each of the four commissioners separately, (but, he added in a unique tone) he's coming to you first.

Adam

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

018548



Adam Ambrogi/EAC/GOV
11/09/2004 01:47 PM

To tokaji.1@osu.edu, electionlaw@osu.edu
cc
bcc
Subject EAC Meeting Invitation

Dear Professors Foley and Tokaji:

My name is Adam Ambrogi, and I am special assistant to Commissioner Ray Martinez of the U.S. Election Assistance Commission. Commissioner Martinez is a frequent visitor to your law school's website containing legal news and analysis on election law issues. As one of four commissioners on the EAC, Commissioner Martinez is especially interested in issues related to provisional voting and the Help America Vote Act of 2002. In short, Commissioner Martinez found the information on your website to be extremely useful and the analysis insightful. (For additional information about the EAC and Commissioner Martinez, please visit our agency website at www.eac.gov.)

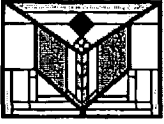
Commissioner Martinez asked me to send this email today because it is our understanding that you will participate in a forum here in D.C. next Monday sponsored by GWU's Law Review. Although Commissioner Martinez plans to attend some portions of the forum (depending on his schedule), he was wondering if either or both of you had any room on your schedule while in Washington to have coffee at the EAC offices. The purpose of the visit would be very informal -- simply a "get to know you" visit to establish a dialogue and get initial input from you on HAVA and election reform generally. If you are available and interested in doing so, please contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

Regards,

Adam Ambrogi

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

018549



Adam Ambrogi/EAC/GOV
08/10/2004 03:03 PM

To becca@justdemocracy.org
cc
bcc
Subject JD/EAC Meeting

Dear Becca:

My name is Adam Ambrogi and I'm Commissioner Martinez's Special Assistant (and an '02 Texas Law graduate). I'll be attending and will help coordinate that meeting on Friday. Is 12:15 at Bertucci's in the "Shops at 2000 Penn" (by Kinhead's in Foggy Bottom) ok to discuss the HAV College Program and any potential partnerships between JD and the EAC?

Please let me know. Please also provide a phone number should any changes be necessary. My contact number is below, and I know the Commissioner and I look forward to meeting you on Friday.

Very truly yours,

Adam Ambrogi

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

018550



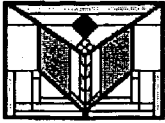
Paul DeGregorio/EAC/GOV
06/17/2005 11:11 PM

To Raymundo Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV
Adam Ambrogi/EAC/GOV@EAC, Amie J.
cc Sherrill/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Juliet E. Thompson/EAC/GOV@EAC
bcc
Subject Re: Meeting with John Groh, ES&S Systems

I spoke with Jim Dickson today. He indicated his concern with the Automark system not being in true compliance with 301 (a). Jim said that John Groh was coming to DC with one of his experts to talk to him on Tuesday, the same day Ray and I are having our meeting. I did not tell him about the meeting we have set up with ES&S.

Paul

018551



Adam Ambrogi/EAC/GOV

06/01/2005 03:51 PM

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

cc

bcc

Subject Meeting with Pollworker Institute

Commissioners:

As a follow-up to my email of last week, I have been in touch with Tracy Warren, who had asked to speak with both of you regarding the efforts that she and Jennifer Collins-Foley are proposing through the "Pollworker Institute." In addition to the prospectus for the P.I. provided you both, they have also indicated their interest in discussing the future of the College Pollworker Program, in light of their schedule for this year's Pollworker Institute initiatives. Tracy (and Jennifer, if she's back from Albania) are available to meet on Monday, June 6th at 2 PM. Please let me know whether that time is available for you, and whether you desire any additional staff present at this meeting. I will work out the remaining details.

Thanks,
Adam

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

018552



Raymundo
Martinez/EAC/GOV
Sent by: Adam Ambrogi

05/03/2005 01:32 PM

To Raymundo Martinez/EAC/GOV@EAC
cc
bcc
Subject Meeting with Dr. With/UNT

Wednesday May 4th at 9:00 AM at EAC.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018553



Raymundo
Martinez/EAC/GOV
04/25/2005 02:18 PM

To "Sheppard, Laura (CCO)"
<LSheppard@cco.hctx.net>@GSAEXTERNAL
John.K.Tanner@usdoj.gov, Raymundo
cc Martinez/EAC/GOV@eac.gov, Adam
Ambrogi/EAC/GOV@EAC
bcc
Subject RE: Meeting Plans for Harris County Cities/School Districts
on Election Issues

Laura:

I will be there as well. If you need any additional information from me, you can either call me directly (202-566-3104) or my assistant, Adam Ambrogi, at (202-566-3105). Adam's email address is aambrogi@eac.gov, and I have copied him on this response.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018554



Kay Stimson/EAC/GOV

12/17/2004 04:02 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Paul Adam Ambrogi/EAC/GOV@EAC, Daniel
cc Murphy/EAC/GOV@EAC, Spring A. Taylor/EAC/GOV@EAC, sbanks@eac.gov, Carol A. Paquette/EAC/GOV@EAC, Juliet
bcc
Subject NASED & NASS Winter Meeting Invites

Commissioners:

I just spoke with Melinda Glazer at NASED. They would like to invite you to address their membership at their annual winter meeting in DC (a formal letter of invitation has been mailed to each of you) . Please check on your availability for Friday, February 4, 2005. The timeslot they have available runs from 1:30-3:45 PM. They wanted to give you the opportunity to speak on a weekday, but Saturday (Feb. 5) would also work if Friday will not.

The following is a list of topics that NASED would like for you to address, in addition to any additional EAC-related topics:

*ITA issues--when EAC will take over, how, etc.

*Provisional ballots--what our study will entail, timeframe for conducting the study, etc.

*Full funding for HAVA requirements payments--a suggested strategy for working with the state offices to get full funding

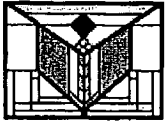
*Guidance to address changes to state plans--what constitutes a "material change" and other legal issues

The staff will work with you to prepare an agenda, etc. For now, please let me know ASAP if the Feb. 4 date and timeframe works for you.

In addition, I just received a fax invite to the NASS winter conference. I will distribute a copy to each of you. It will contain more details, but please mark your calendars for our EAC presentation on Monday, Feb. 7, from 9:00 AM-12:00 PM. You are also invited to stay for a lunch that follows immediately afterwards.

Best,
Kay

018555



Adam Ambrogi/EAC/GOV
08/12/2004 10:12 AM

To Raymundo Martinez/EAC/GOV@EAC
cc
bcc
Subject Amy Kay meeting


3 PM tomorrow. EAC office.

She sounded interested. She also said "I just got back from vacation and received a phone message from Vice-Chair Hillman... I wonder if it is regarding the same issue?" I told her that I did not know.

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

018556

Raymundo
Martinez/EAC/GOV
05/03/2004 07:48 AM

To "Jennifer Curley"
[REDACTED]@GSAEXTERNAL
cc
bcc
Subject RE: Meeting with you? 


Sure. Tomorrow afternoon either at 1 or 1:30PM will work, but I have to be at DOJ for a meeting by 2:45PM. Let me know if something in that timeframe works for you guys. Can we do the meeting here in my office (address below)?

Thanks.

Ray Martinez III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
(202) 566-3100 (W)
(202) 566-3127 (FAX)

018557

Raymundo
Martinez/EAC/GOV
04/29/2004 10:16 AM

To "Jennifer Curley"
<[REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: Meeting with you? 

Jennifer:

I'm sure we can work something out...things are pretty fluid for next week, but hopefully Tuesday would work. I'm not sure about the other commissioners, but I can sit down with Jim sometime that Tuesday, though it would probably work best to do something here at the office, since I'm swamped right now trying to get ready for the hearing, the roll-out of our requirements payments to states (beginning May 10th) and our budget hearing in front of our appropriating sub-committee (which happens on May 12). Needless to say, the first two weeks of May will be a very trying time for the new EAC!

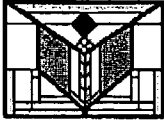
Anyway, I'll definitely make time for your client, and I'll mention it to the other commissioners when I see them later today. Also, I tried calling you back several times yesterday, but could not get through on the number that was given to me (422-6422). Perhaps we got the number down incorrectly...sorry about that.

I'll let you know when on Tuesday works best for me....I'll be back in touch later this afternoon.

Thanks.

Ray Martinez III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
(202) 566-3100 (W)
(202) 566-3127 (FAX)

018558



Adam Ambrogi/EAC/GOV
07/22/2004 06:32 PM

To Raymundo Martinez/EAC/GOV
cc
bcc
Subject Meeting with H. Cisneros

Ray-

I saw that someone called my phone but did not leave a message for me, so I used the call log to call back (because it was a San Antonio number). It was Mr. Cisneros' organization, and I spoke with Sylvia there, who wanted to see if she could move your meeting back from 330 to either 130 or 230 tomorrow. (Mr. Cisneros wants to try to see his son fly- he's taking flying lessons tomorrow afternoon). Please let me know, or call back Sylvia at [REDACTED]. I introduced myself to her, and mentioned that it was good to have Jacob up here, and that he spoke kindly of them-- FYI.

Adam

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

018559

November 16, 2004

Professor Edward Foley
Mortiz College of Law
Ohio State University
Columbus, OH,

Dear Professor Foley:

It was good to meet you yesterday at the Law and Democracy Symposium sponsored by the George Washington University School of Law. I commend you for your efforts to provide information and analysis on election law issues, and enjoyed our discussion regarding the state of election law. I will certainly keep your advice in mind.

While the election of 2004 has passed, I firmly believe that the Election Assistance Commission has its most challenging work ahead. The development of voting system standards, as well as voluntary guidelines for the states on HAVA compliance present a particular opportunity to improve the way election administration is handled. In these months ahead, I would welcome your thoughts on these issues, as we continue the reforms focused on the people, process and technology of election reform.

Please feel free to contact me at any time; my office number is 202-566-3105.

Regards,

Ray Martinez
Commissioner

018560



Laiza N. Otero/EAC/GOV
07/19/2005 11:27 AM

To Igonzalez@naleo.org, jose_garcia@prdef.org,
LFigueroa@maldef.org, [REDACTED],
gyanet@wcvl.org, mbuia@chli.org,
cc Adam Ambrogli/EAC/GOV@EAC

bcc
Subject Hispanic Working Group Meeting

Good Morning to all!

I am attaching a Logistics Fact Sheet for your reference regarding the August 1, 2005, Hispanic Working Group meeting. If you have any questions, please, do not hesitate to contact me at your earliest convenience at the information listed below. I look forward to meeting all of you in person. Have a great week!

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126



Logistics Sheet.doc

018561-



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

Hispanic Working Group

Logistics Fact Sheet

Date: Monday, August 1, 2005

Time: 1:00PM – 4:00PM

Location: U.S. Election Assistance Commission –1201 Conference Room
1201 New York Ave, NW, 1st Floor
Washington, DC 20005
(202) 566-3100

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

Bus service at Metro Center:

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

From Reagan National Airport:

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

Parking:

Parking garage available behind building on I Street, NW.

Contact: For travel arrangements or information, contact Laiza N. Otero at (202) 566-3126 or via e-mail at lotero@eac.gov.

018552

Raymundo
Martinez/EAC/GOV
07/19/2005 01:02 PM

To lgonzalez@naleo.org, jose_garcia@prdef.org,
lfigueroa@maldef.org, rlopez@ushli.com, gyanet@wcvl.org,
mbuia@chli.org, tripp_baird@martinez.senate.gov,
Raymundo Martinez/EAC/GOV@EAC, Paul
cc DeGregorio/EAC/GOV@EAC, Laiza N.
Otero/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
bcc
Subject EAC Hispanic Working Group Meeting -- August 1, 2005

I would like to take this opportunity to thank you for agreeing to participate in the Hispanic Working Group meeting on August 1, 2005 being organized by the U.S. Election Assistance Commission (EAC). The overall purpose of this meeting is to strengthen the EAC's understanding of the needs of the Hispanic community with regard to implementation of the Help America Vote Act of 2002, as well as the EAC's role in administering the National Voter Registration Act of 1993. We hope to provide an open dialogue for all meeting participants to candidly assess and recommend to the EAC various steps needed to ensure registration and voting accessibility for Hispanic voters.

Attached to this email, you will find several documents that will be discussed at the meeting, including the NVRA mail-in voter registration form (in English and Spanish) and a recently-updated glossary of election terminology. Specifically, we would like to solicit your feedback on the usability and readability of these documents. (Please note that the Spanish translation of the NVRA form was done in 2003 and the EAC is in the process of revising this document to reflect the updated English version that will soon be available.) In addition to these documents, we have also attached a copy of the proposed agenda and a link to a recently-issued report on the National Voter Registration Act commissioned by the EAC. Both the Help America Vote Act and the National Voter Registration Act can be viewed and downloaded via the EAC website as www.eac.gov. We encourage you to take a look at our website, as we may also want to discuss during our meeting how the EAC can best utilize the Internet to reach and better serve the Hispanic community.

Once again, thanks in advance for your commitment to this important effort, and for your willingness to participate. I believe that this meeting is a critical step in ensuring that the EAC is responsive to all constituencies as we strive to continually improve the way we conduct elections for Federal office. I look forward to seeing you all on August 1st. If you have any questions or need additional information prior to the meeting, please feel free to call me or Laiza Otero here at the EAC. We can be reached at (202) 566-3100.

Best regards,

Ray Martinez III
Commissioner

018563



- NVRA-2004-Survey.url



Hispanic Working Group Agenda.doc



Glossary in Excel Format.xls



NVRA form in English.pdf NVRA form in Spanish.pdf

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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(202) 566-3127 (FAX)
www.eac.gov

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018564



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

Hispanic Working Group

Logistics Fact Sheet

Date: Monday, August 1, 2005

Time: 1:00PM – 4:00PM

Location: U.S. Election Assistance Commission –1201 Conference Room
1201 New York Ave, NW, 1st Floor
Washington, DC 20005
(202) 566-3100

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

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

From Reagan National Airport:

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

Parking:

Parking garage available behind building on I Street, NW.

Contact: For travel arrangements or information, contact Laiza N. Otero at (202) 566-3126 or via e-mail at lotero@eac.gov.

018565



"Jeanette Hercik"
[REDACTED]

04/20/2005 03:01 PM

To rmartinez@eac.gov

klynndyson@eac.gov, cpaquette@eac.gov, Hlin@nas.edu,
cc aambrogi@eac.gov, "Courtney Kakuska"
[REDACTED]

bcc

Subject May Meeting

Dear Commissioner Martinez:

The dates for the May "technology" meeting are confirmed for May 16-17, 2005. We will start at 9:00 with a continental breakfast and go until 8:00 PM on day one, with a "networking dinner." On day two we are planning to start at 9:00 AM and will end at 2:00 PM. Dr. Lin has identified 8-12 technology experts to work with the group. The agenda is still under development, but it is suggested that we focus on five major topic areas:

- * Databases
- * Security/Privacy Issues
- * Networking and Communication Systems between state and localities
- * Software Development/IT Contracting
- * Training Issues

We have been working with Karen and Dr. Lin at NAS to think through the agenda for the May "technology" meeting, but feel that it is critical that EAC send out the "invites" to attendees by week's end. The major question is "whom to invite."

* Of course, we want the technology chiefs in the state election systems, but what states to invite is of issue. There has been some discussion that the "Working Group" be invited with their chief technology person.

* However, it might be worth considering inviting different states based on the status of their statewide voter registration database system, i.e. those that have statewide data bases, those that have already selected a vendor, and those with pending systems contracts.

Deciding on the best "invited" states to the table is of critical importance and must be resolved so that we can get notice out to the participants.

To resolve this issue, Karen, Herb and I were hoping to get a few moments on your calendar for a phone call on Friday morning.

I am also attaching a draft invite letter for your consideration and review. Thank you.

<<mayinvite.doc>>

Jeanette M. Hercik, Ph.D.
Senior Managing Associate
Caliber Associates
703-219-4307
jhercik@caliber.com

018586



mayinvite.doc

018567



Memorandum

TO:

FROM: COMMISSIONER RAY MARTINEZ

SUBJECT: CREATION OF STATEWIDE VOTER REGISTRATION LIST
TECHNOLOGY WORKING GROUP

DATE: APRIL 22, 2005

The Help America Vote Act of 2002 ("HAVA") requires that each State implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained and administered at the State level.¹ Moreover, the EAC is required by HAVA to adopt voluntary guidance to assist States in meeting this important requirement.²

Accordingly, to assist the EAC in developing voluntary guidance, the EAC has established a Voter Registration List Implementation Working Group, which is comprised exclusively of state and local election officials drawn primarily from the current membership of the EAC's Board of Advisors and Standards Board, in addition to representation from the Department of Justice. Our first meeting took place on March 30-31, 2005 in Washington, D.C. Based on this initial meeting EAC staff produced draft voluntary guidance which, after an appropriate public comment and hearing process, will be considered for final adoption by the EAC.³

EAC is now ready to launch the second step of this effort. The EAC, in conjunction with the National Academy of Sciences ("NAS"), is bringing together state election officials, their chief technology officers in charge of election databases, and national technology database experts in order to discuss key technology issues related to the implementation and on-going use of statewide voter registration lists. You are most welcome to attend this session, but it is critical that your chief technology officer attend. All travel and per diem expenses will be covered by EAC. This meeting is scheduled for May 16-17, 2005 in Washington, D.C. at the National Academy of Sciences. Please forward the names and contact information of your representative no later than Friday, May 6, 2005 to Karen Lynn-Dyson. Ms. Dyson can be reached via email at klynnodyson@eac.gov and telephone at (202) 566-3100.

Thank you.

¹ Help America Vote Act, Pub.L. 107-252. Title 11, § 303(a), 116 Stat. 1708 (codified at 42 U.S.C. § 15483 et seq.). An informal survey conducted by EAC staff last month found that States are in various stages of meeting this HAVA requirement.

² Help America Vote Act, Pub.L. 107-252. Title 11, § 311(a), 116 Stat. 1715 (codified at 42 U.S.C. § 15501 et seq.).

³ EAC will implement a process for adoption of any final guidance which is in accordance with the public notice, comment and hearing provisions contained in HAVA, as well as a review period for the EAC's Board of Advisors and Standards Board.

018568

Raymundo
Martinez/EAC/GOV
07/14/2005 09:58 AM

To Adam Ambrogi/EAC/GOV@EAC
cc
bcc
Subject Fw: Summary from meeting this afternoon

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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----- Forwarded by Raymundo Martinez/EAC/GOV on 07/14/2005 09:55 AM -----



Paul DeGregorio/EAC/GOV
07/14/2005 09:36 AM

To Raymundo Martinez/EAC/GOV
cc
Subject Fw: Summary from meeting this afternoon

Ray,

Sorry I missed the meeting with the disability groups. Amie said it went well. She provided me with the attached summary.

Paul

----- Forwarded by Paul DeGregorio/EAC/GOV on 07/14/2005 09:35 AM -----

Amie J. Sherrill/EAC/GOV
07/13/2005 06:26 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
Subject Summary from meeting this afternoon

following the meeting, Grant and I wrote this brief summary to bring you up to speed.

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission

018566

1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106



Summary of Meeting with Advocates for the Disabled Community.doc

018570

Attachment

"Summary of Meeting with
Advocates for the Disabled..."

previously provided

018571



Gracia Hillman/EAC/GOV

01/10/2005 05:58 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,
cc dmurphy@eac.gov, aambrogi@eac.gov, Spring A.
Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

018572

January 11, 2005

****DRAFT****

Line 1 Name
Line 2 Organization
Line 3 Street Address
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman
Chair

018573



"Susan Frederick"
<susan.frederick@ncsl.org>
07/19/2005 03:03 PM

To aambrogi@eac.gov
cc "Trina Caudle" <trina.caudle@ncsl.org>
bcc
Subject NCSL Seattle Meeting

Hi Adam: Attached is the draft agenda for Seattle. Will Commissioner Martinez need a hotel room for either the night of the 16th or 17th or both? Let me know so we can reserve one for him. My assistant Trina Caudle will make sure he has a badge for the meeting, and of course, he is welcome to attend any of our functions while he is with us in Seattle. Here is a link to the general meeting page:

<http://www.ncsl.org/annualmeeting/>

Please don't hesitate to contact me or Trina (202) 624-8695 if you have any questions. Thanks.

Susan

Susan Parnas Frederick
Senior Committee Director
National Conference of State Legislatures
444 N. Capitol Street, NW Suite 515
Washington, D.C. 20001
phone: (202) 624-3566
fax: (202)737-1069
susan.frederick@ncsl.org

Susan Parnas Frederick
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fax: (202)737-1069



susan.frederick@ncsl.org Seattle draft agenda v1.doc

018574

NCSL REDISTRICTING AND ELECTIONS COMMITTEE



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

**NCSL Annual Meeting
Seattle, Washington
August 16-19, 2005**

2004-2005 COMMITTEE OFFICERS

Co-Chair: Representative Tommy Reynolds, Mississippi

Co-Chair: Representative Dennis Ross, Florida

Vice-Chair: Senator Jeanmarie Devolites, Virginia

Vice-Chair: Representative Thad McClammy, Alabama

Staff Co-Chair: Mary Galligan, Kansas

Staff Co-Chair: Steve Miller, Wisconsin

Staff Vice-Chair: Karl Aro, Maryland

Staff Vice-Chair: John Bjornson, North Dakota

PRELIMINARY AGENDA

TUESDAY, AUGUST 16, 2005

8:30 am – 5:00 pm Registration Open

5:00 pm - 10:00 pm Welcome Reception: Seattle Sports Scene!

Qwest Field and Event Center and Mariners' Game at Safeco Field

Seattle boasts two of the finest new stadiums, Qwest Field and Safeco Field. Qwest Field -- home of the Seahawks -- is set against a background of Puget Sound and snowy mountains. While you're waiting for the Mariners to take on the Kansas City Royals at Safeco Field (across the street from Qwest Field) you can enjoy interactive football games, larger-than-life football inflatables and the best slide burgers, foot-long hotdogs and fries in Seattle. Then, there's reserved seating for NCSL delegates and guests at the Mariners' game! Truly an evening to remember!

018575

WEDNESDAY, AUGUST 17, 2005

8:30 am – 5:00 pm Registration Open

7:30 am - 9:00 am Continental Breakfast for All Delegates

8:30 am - 10:00 am Opening Plenary Session

Presiding: Delegate John Hurson, Maryland, President, NCSL

Keynote Speaker: Bill Gates

Bill Gates is Chairman and Chief Software Architect, Microsoft Corporation, Seattle. Gates started the world's leading software company in 1975. His vision and leadership have changed the way the world uses computers. The Bill and Melinda Gates Foundation, with an endowment of \$27 billion, is dedicated to global health and learning.

10:15 am – noon Efforts to Regulate Campaign Activity by “527s”

In the 2004 election season, several so-called 527 organizations played prominent roles in both state and federal campaigns. Will federal efforts to reign in 527s impact state elections? Will legislative candidates and caucus campaign committees be covered by any federal reforms?

12:00 pm - 1:00 pm Lunch for All Meeting Participants

Enjoy lunch and visit the exhibit hall! It features hundreds of exhibitors: businesses; public interest groups and associations; federal, state and local government agencies; trade associations; political groups; and consulting firms. Information and entertainment for all!

1:15pm – 3:00pm Innovative Approaches to Running Elections

For nearly five years, states have worked diligently to reform the elections process. What are the most substantial changes and what top innovations should states look to replicate to improve the elections process?

Ray Martinez, Commissioner, Election Assistance Commission

Tova Wang, Century Foundation

Rebecca Vigil-Giron, Secretary of State, New Mexico

Miles Rappaport, Demos, New York

3:00 pm – 4:15 pm The Expanding Field of Election Law

Elections have become increasingly litigious. What can states do to be prepared for court challenges in future elections? Will a judge decide your next race?

Dan Lowenstein, UCLA, California

Bill Gilkeson, North Carolina

Doug Chapin, electionline.org

4:15 pm – 5:00pm

Business Meeting

The Committee will consider important issue positions for NCSL's full membership to adopt as official policy. We will also discuss any potential Committee topics for the December meeting in Chicago, Illinois.

Presiding:
Committee Officers

THURSDAY, AUGUST 18, 2005

7:30 am - 8:30 am

Coffee Service for All Delegates

8:00 am – 5:00 pm

Registration Open

8:00 am – 9:00 am

The 2010 Census – What States should be doing *Now* to Prepare

The Census Bureau is updating the geo-spatial files for your state and linking it to their Master Address File, the list of addresses used during the Census. This may have a profound effect on the redistricting data files. And a report on data products planned for 2006 for state legislative districts that will give you extensive new information about what your district look like demographically.

Cathy McCully, Chief, Census Redistricting Data Office, U.S. Census Bureau, Washington, D.C.

Linda Franz, Geographer, U.S. Census Bureau, Washington, D.C.

Bob LaMacchia, Chief, Geography Division, U.S. Census Bureau, Washington, D.C.

Deirdre Bishop, Census Redistricting Data Office, U.S. Census Bureau, Washington, D.C.

9:00 am – 10:15 am

The Voting Rights Act and Redistricting

The Voting Rights Act, perhaps more than any other federal law, plays a major role in redistricting. Will the Act be changed or amended in the next couple of years? How much difference did it make in this round of redistricting compared to the 1990s?

10:30 am – 11:45 am

Redistricting by Commission – Pros and Cons

Voters in several states may soon be considering redistricting reform measures designed to strip the power of redistricting from legislatures. Do commissions produce more competitive district plans? Are they truly independent?

11:45 am - 1:15 pm

Legislators' Luncheon

Presiding: Senator Leticia Van de Putte, Texas, Vice President, NCSL

Biomedical Research and Economic Development

World-renowned researcher Leroy Hood and Nobel Laureate Lee Hartwell will share the latest trends in biomedical research and the impact this cutting-edge field can have on economic development.

Speakers:

Lee Hartwell, President, Fred Hutchinson Cancer Research Center, University of Washington, Seattle, Washington

Leroy Hood, M.D., President, Institute for Systems Biology, Seattle, Washington

1:30 pm - 3:15 pm

Convention &

Trade Center -- 620

Changing Demographics: What Lies in Store for States?

Demographic forecasting is essential for making informed decisions on issues ranging from school enrollments to public employees' retiree benefits. Hear current thinking on the trends and their meaning for state policy. What do demographic trends tell us about 2011 redistricting?

Speaker:

William Frey, Research Professor, University of Michigan

3:30 pm - 5:00 pm

Concurrent Sessions

- *LEGISLATOR TRAINING TRACK*--The Art of Public Debate
- Achieving Access to Prescription Drugs: Changing Roles for the States
- Cameras in the Capitol: The Legislative Perspective on Live TV Coverage
- Can Governments Break Their Addiction to Discriminatory Taxes?

- Driver Distraction: How Much is Too Much?
- Helping Children in Immigrant Families Succeed
- Maintaining Civility and Decorum
- Medical Liability: Finding Middle Ground
- Natural Gas Domestic Supply and Demand
- State-Tribal Relations: Strategies for Cooperation
- The ABCs of Protecting Financial Consumers
- The Impending Crisis for Higher Education
- The Methamphetamine Crisis
- The Price and Priorities of Government
- Your Own Personal Trainer For Technology

6:30 pm - 9:30 pm

A Taste of Washington Extravaganza

Seattle Center: Pacific Science Center, Experience Music Project and the Space Needle

Discover the diversity of our magical city as we bring our most famous sites to you. At the Pacific Science Center you can delight in a tropical stroll with hundreds of butterflies, re-ignite your imagination with interactive exhibits or simply sit back, relax and dine with the dinosaurs. Experience the power and joy of music, in all its forms, at EMP, a one-of-a-kind museum. You can explore the amazing collection of popular music artifacts, create your own music, or get a taste of rock stardom. And, we have reserved the Space Needle's Observation Level just for you. Enjoy sweeping views of Puget Sound, Mount Rainer, the Cascade and Olympic mountain ranges, Lake Washington and, of course, Seattle.* You will enjoy the smooth sounds of Seattle's famous jazz, mingle with the entertaining street performers, and stroll the famous Pike Place Market vendor stalls. Come, bring your family, and enjoy some of the best delicacies the Northwest has to offer.

*Access to the Space Needle Observation Deck is limited to the first 2,000 people.

Friday, August 19, 2005

8:00 am - 9:00 am

Coffee Service for All Delegates

8:30 am - 10:00 am

Plenary Session

Speaker: Uwe Reinhardt, James Madison Professor of Political Economy, Princeton University, Princeton, New Jersey

10:15 am - noon

NCSL Annual Business Meeting

2:15 pm - 4:00 pm
Convention &
Trade Center Rm. 620
CLE

Every Vote Counts

History is filled with examples of elections decided by a handful of votes, sometimes by one vote. In 2004, several races, including the Washington governor's race, were decided by a fraction of a percentage point. How can states be sure statutes are adequate when the lightning bolt of a one-vote race strikes?

Saturday, August 20, 2005

8:00 am - 9:00 am

Coffee Service for All Delegates

8:30 am - 10:00 am

Plenary Session

10:15 am - 12:00 pm

Nashville is Only Twelve Months Away!

Promotional Event for the 2006 Annual Meeting in Nashville, Tennessee, August 15-19, 2006



Laiza N. Otero/EAC/GOV
07/26/2005 02:50 PM

To Adam Ambrogi/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,
Grant T. Gelner/CONTRACTOR/EAC/GOV@EAC, Gavin S.

cc

bcc

Subject Hispanic Working Group Meeting

Greetings,

I just wanted to remind you that this Monday, August 1, 2005, we will be the Hispanic Working Group meeting from 1pm to 4pm, here at the EAC. If you plan on attending, please, let me know so I can have a count in terms of seating. If you have any questions or would like more information, please, feel free to contact me at your earliest convenience. I am attaching the agenda for the meeting and below I have listed the groups that will be represented at the meeting. Thank you!

Participants:

- California - L.A. County
- Congressional Hispanic Caucus Institute
- Congressional Hispanic Leadership Institute
- Institute for Puerto Rican Policy
- Rep. Charles Gonzalez's Office
- IFES
- LULAC
- Sen. Mel Martinez's Office
- MALDEF
- National Association of Latino Elected Officials
- NCLR
- U.S. Hispanic Leadership Institute
- VotoLatino
- William C. Velazquez Institute



Hispanic Working Group Agenda.doc

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126

018581



U.S. Election Assistance Commission

Hispanic Working Group Meeting

August 1, 2005

AGENDA

U.S. Election Assistance Commission
1201 New York Avenue, N.W.
Conference Room
(12th St, NW and New York Ave, NW)
Washington, D.C. 20005

This half-day meeting will provide guidance to the EAC as it potentially focuses on research under Section 311 and 312 of HAVA, as well as research under Section 241 and NVRA responsibilities under Section 802. The working group will review two works currently in progress, the readability and usability of the National Mail-In Registration form and the review of the updated List of Translated Election Terms. The working group will assist the EAC in the identification of "Best Practices" relating to methods of effective administration of Federal elections impacting the Hispanic and Spanish-speaking communities.

Monday, August 1, 2005 (Conference Room)

1:00PM – Welcome – Vice-Chair Paul DeGregorio, and Tom Wilkey, *Executive Director*

1:15PM – EAC background information – Julie Thompson, *General Counsel*

1:30PM – EAC research activities and meeting objectives – Laiza N. Otero, *Research Associate*

1:45PM – Introductions by working group members

2:00PM – Discussion – led by Commissioner Ray Martinez

- Discussion of election administration issues that affect Hispanic and Spanish-speaking voters; recommendations for studies and activities
- Identification of Best Practices relating to methods of effective administration of Federal elections impacting Hispanic and Spanish-speaking voters
- Readability and usability of the National Mail-In Registration form
- Review of the List of Translated Election Terms

4:00PM – Adjourn meeting

018582

Working Group – Topics for Discussion

- I. HAVA Section 241 – Studies and other activities to promote effective administration of Federal elections
- This section allows the Commission to carry out studies and other activities with the goal of promoting effective administration of Federal elections. Effective administration methods are to be the most convenient, accessible, and easy to use for voters, including voters with limited proficiency in the English language [§241(a)(1)]. Two of the election administration issues described for study in §241(b), directly refer to voters with limited proficiency in the English language [§241(b)(5) and (b)(14)]. The former describes “methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters” including voters with limited proficiency in the English language. The second issue described is the “technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.”
 - **Question 1:** What methods do you consider effective in ensuring the accessibility of voting, registration, polling places, and voting equipment to Hispanic and Spanish-speaking voters? – Discuss accessibility for minority language speakers for each component.
 - **Question 2:** What resources are there currently to assist Hispanic and Spanish-speaking voters? How do you rate their level of accessibility?
 - **Question 3:** What materials have proven to be the most effective in your communities in assisting Hispanic and Spanish-speaking voters? - Discuss what would constitute “Best Practices” in each of the areas mentioned before.
 - **Question 4:** What recommendations do you have for research purposes relating to these topics in §241?
- II. HAVA Section 302(a) – Provisional voting
- If the name of an individual does not appear on the official list of eligible voters at the polling place where he declares to be a registered voter or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot. The section further describes the process by which a voter may cast a provisional ballot.
 - **Question 1:** What particular concerns do Hispanic and Spanish-speaking voters have in regards to provisional ballots? – Some areas to discuss may be provisional voting process, ballot counting, and accessibility of information regarding how the vote was counted.
 - **Question 2:** What type of assistance would be most effective in providing guidance for these voters regarding provisional voting? – Identify “Best Practices.”
 - **Question 3:** What recommendations do you have for research purposes relating to provisional voting?
- III. HAVA Section 302(b) – Voting information requirements
- Per this section, the following voting information has to be publicly posted at each polling place on the day of each election for Federal office: a sample version of the ballot that will be used for that election; information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under section 303(b); general information on voting rights under applicable Federal and State laws, including information on the right of a person to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on act of fraud and misrepresentation.
 - **Question 1:** How many States and/or jurisdictions voluntarily provide all or some of the above voting requirements in Spanish? How accessible are they to Spanish-speaking voters?
 - **Question 2:** For jurisdictions covered under section 203 and/or section 4 of the VRA, how effectively are the required voting information materials translated and how available are they to voters? What resources do these jurisdictions utilize to ensure the cultural and linguistic appropriateness of the translated materials?
 - **Question 3:** What materials have proven to be the most effective in your communities? - Identify “Best Practices.”

- **Question 4:** What recommendations do you have for research purposes relating to voting information requirements per §302(b)?

IV. HAVA Section 303(b) – Requirements for voters who register by mail

- If an individual registers to vote by mail and has not previously voted in an election for Federal office, or the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of §303(a) the voter will have to submit a copy of an accepted form of identification along with their registration or present the identification in person at the polls on the day of elections. If the person does not have an accepted form of identification when he or she goes to vote at the polls, the individual may cast a provisional ballot. If the person is voting by mail and did not submit identification upon registration the ballot shall be counted as a provisional ballot in accordance with §302(a). Section 303(b) lists the following as forms of identification: current and valid photo identification, current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. However, the requirements shall not apply if a voter submits with their registration either a driver's license number or at least the last 4 digits of their social security number and the local election official matches the information with an existing State identification record bearing the same number, name and date of birth as provided in such registration.
- **Question 1:** How have States expanded the above requirements to require voter identification of all voters when they go to cast a vote in person?
- **Question 2:** How have voter identification requirements impacted Hispanic and Spanish-speaking voters?
- **Question 3:** What type of assistance would be most effective in providing guidance for these voters regarding voter identification requirements? – Identify “Best Practices.”
- **Question 4:** What recommendations do you have for research purposes relating to voter identification requirements?

V. The National Voter Registration Act (NVRA) was passed by Congress in 1993. It was intended to provide more opportunities for all qualified Americans to register to vote in a manner and method convenient to them. Specifically, NVRA creates a single mail-in form that all states must accept; it places requirements for how state deal with registrations for elections; and it calls on designated state agencies, such as motor vehicle agencies, social welfare and handicapped outreach agencies, as well as military recruitment offices to register qualified individuals to vote.

- Translation of Federal Mail-in Form. The Federal Form created by NVRA needs to be provided in English and Spanish. The Federal Elections Commission, as well as the EAC hired translators to adapt the approved English form to Spanish. Complaints have emerged that a literal translation of the English form is not appropriate for readability and usability purposes. In addition to the form itself, the individual state instructions need to be vetted for the same concerns, usability, understanding of election terms in Spanish, and clarity of instructions.
- **Question 1:** What constitutes a “good translation” or a “legal translation”—word-for-word, or whether the meaning of the requirement expressed is clearly stated?
- **Question 2:** Have groups encountered “best practices” in translating their materials for Spanish-language audiences?
- **Question 3:** Are there any rules on adapting English-approved language to Spanish-translation that is translated for usability, not word-for-word?
- **Question 4:** Do the state offices that receive the mail-in form appropriately contact voters with errors on the Spanish mail-form? (Dedicated Spanish-speaking employees; letters or calls to registrant by Spanish-speaking professional.)
- **Question 5:** What recommendations do you have for research purposes relating to this registration form?

VI. Section 301(a)(4); Alternative Language Accessibility. This provision of HAVA specifies that the voting systems used in federal elections shall provide the alternative language accessibilities specified in section 203 of the Voting Rights Act. This requires that the covered jurisdiction—hundreds of counties, and three entire states—have access to the Spanish-language capabilities on the voting system.

- **Question 1:** How are states able to translate the ballot measures on the voting systems? How would a direct translation of the form interact with a readable Spanish-version of the ballot measure—or election instructions on the DRE or optical scan system?
- **Question 2:** How do localities provide for non-printed language accessibility at the polling place to help them use the voting system (Poll workers, dedicated phone lines with Spanish-language accessibility)?
- **Question 3:** What resources do local election officials utilize to ensure the language on the voting systems is translated appropriately? – Identify “Best Practices.”

VII. The combination of 301(a)(3) [requiring the voting system—DRE or otherwise—to be at least one-per polling place in 2006] and 301(a)(4) [requiring that at each voting system provides alternative language accessibility] means that at least one machine per polling place has accessibility for minority language individuals.

- **Question 1:** This means that even in the jurisdictions not covered by Sec. 203 of the Voting Rights Act, there is the capability for a minority language provision on those voting systems. While not required by law, have groups considered working with local election officials to have a Spanish language option included in growing Spanish-language populations?
- **Question 2:** Have groups done studies to see, aside from the Sec. 203 of the VRA covered territories, the counties where there is an emerging Spanish-speaking population, but no Spanish-translated election materials?



"Patti Simon"
<patti.simon@sencer.net>
01/03/2005 09:45 AM

To aambrogi@eac.gov
cc
bcc
Subject FW: STEM of Democracy Meeting in Chicago

Happy New Year, Adam.

I sent the following e-mail in mid-December regarding the STEM of Democracy meeting that we have planned in Chicago for February 10th. We would very much like to have you and/or Ray attend this meeting. I understand that between the Washington election and the holidays, things may have been pretty hectic for you both.

Can you please check your schedules and let me know if you will be available to attend this meeting? If you would like, I'd be happy to send another e-mail to Ray as a reminder.

I hope you had a great holiday season and I look forward to hearing from you soon. I am hopeful that we will see you and Ray in Chicago.

All the best,

Patti

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

patti.simon@sencer.net

(Phone) 202-483-4600

(Fax) 202-483-1800

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

From: Patti Simon [<mailto:patti.simon@sencer.net>]

Sent: Thursday, December 16, 2004 3:11 PM

To: 'rmartinez@eac.gov'

Cc: 'aambrogi@eac.gov'

Subject: STEM of Democracy Meeting in Chicago

Dear Commissioner Martinez,

David Burns asked me to extend an invitation to you and Adam to attend a meeting that we are convening in Chicago on February 10, 2005 for the STEM of Democracy project.

018586

This meeting will gather academic leaders and faculty members who are interested in developing the STEM of Democracy idea, testing it out, and developing materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields.

At this meeting, we plan to:

- Explore the STEM of Democracy idea more intensively,
 - Discuss the possibility of a special session at our SENCER Summer Institute 2005,
 - Identify existing courses that feature issues that are related to the STEM of Democracy idea,
- and
- Consider what resources faculty members would need to develop a STEM of Democracy project or course at their institution.

We have already heard from a number of interested parties, including those who were involved in our EAC proposal. We expect this meeting to be a small and informal gathering that will generate thoughtful conversation and robust planning.

I have attached an article from our October e-newsletter that David wrote about this project. I think you'll both enjoy it.

David asked me to convey to you how much we would appreciate your participation in this meeting. He also asked me to send you his warm holiday wishes to you and your families.

Please let me know if you are able to attend the meeting or if you have any questions. I look forward to hearing from you and I wish you happy holidays!

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

patti.simon@sencer.net

(Phone) 202-483-4600

(Fax) 202-483-1800

<<...>>



STEM of Democracy.pdf

018587

The National Center Needs Your Help in the Development of a New Project: The STEM of Democracy

Wm. David Burns

As I write this, it's just two weeks from November 2, our next national election day. Voting has already begun and serious controversies about voting began even before the voting did.

Our edition of this morning's *New York Times* offers testimony to this: It carries an article about a legal challenge to New Jersey's electronic (touch-screen) voting machines (the lawsuit questions their accuracy and reliability and calls for verification" or receipts, you could say). A second report details problems with Florida's early voting system. The front page features a photo of President Bush's parents and lots of other people waiting in line to cast their votes in Texas—fully 15 days before November 2.

For me, this image of "early voting" morphed the traditional meaning of "election day" into "election deadline." It stimulated other thoughts about intended and unintended consequences: The goal of increasing voter turnout and participation rates by being attentive to the complexities of modern life and our many competing schedules and commitments argues for these "convenience-enhancing" reforms (and the growing use of "absentee" ballots). But do these reforms have the effect of "privatizing" or atomizing what in the past, at least, was largely a public event? Does this deprive us of one of the few civic events common to people from all walks of life? Will we soon be changing what was private act carried out in public into a private act carried out privately? And if so, does this matter? What role does technology play in all this? How do people's views of technology affect their appraisal of the legitimacy of processes in which the most advanced technologies are employed? How does our view of science and the advances that science has made possible affect our confidence in the quality of "scientific" results?

It makes sense that we'd be thinking about elections and voting as we begin the first national election since 2000. There are many sources for this heightened attention: Public discourse has lately tended to equate widespread voter participation and the capacity to conduct fair elections with democracy, itself. The suggestion is that voting is in some profound way an essential—and to listen to some commentators, nearly a sufficient—indicator that a state has a democratic form of government. Think of the importance being attached to the inauguration of free and direct presidential elections in Afghanistan and the promise of a national legislative election in Iraq in January as markers of the emergence of these states as modern democracies.

We know that having elections is a necessary, but by itself an insufficient, specific indicator of a democratic regime (the former Soviet Union had any number of elections and, to the best of my recollection, none of them were cliffhangers and nobody questioned the ballot designs!)

It is inconceivable to Americans, however, that we could have a democracy without our constitution, our democratic institutions, and elections that genuinely assessed and represented with considerable accuracy the will of the people who participate in them. Elections really do matter in a democratic state; they are not exercises in civic somnambulism.

Suppose that, on November 3rd and in the days that follow, we lack a clear winner in our presidential election and are faced with serious challenges regarding the process and the technologies employed in the complex "system" of voting, as well as serious doubts about the accuracy and legitimacy of the results. Suppose we have a result that, for many, calls into question the tradition of non-direct election of our national leaders. In that event, the need for serious academic attention to these issues will be manifestly evident. We won't need to make a case for curricular attention. Rather, I expect we'll be faced with a demand for such attention.

Suppose that none of the above happens, or at least, none of it happens to an extent that keeps the results in serious doubt. Assume the election goes off without a hitch, most of us are satisfied with its legitimacy, and, for some of us at least, we're even happy with the results. In that eventuality, we'll need other stimuli and other vehicles to encourage students to learn about this dimension of our civic life. One source of encouragement might come from the possibility that the study of democracy and its institutions (including voting) could lead to some real learning in the STEM disciplines.

"What terrific candidates elections and other mechanisms of democratic participation are as complex, contested, capacious civic issues that can be illuminated by what those who know mathematics, statistics, systems engineering and design, computer sciences, and the social sciences can teach!"

(Continued on next page.)

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The STEM of Democracy (cont.)

SENCER offers an attractive platform in either eventuality. What terrific candidates elections and other mechanisms of democratic participation are as complex, contested, capacious civic issues that can be illuminated by what those who know mathematics, statistics, systems engineering and design, computer sciences, and the social sciences can teach! Regardless of what happens in November, it is more than fair to say that elections have become terrific examples of what June Osborn once called, "multidisciplinary trouble."

We know this to be true because last Summer at Santa Clara a group of about 30 participants in SSI-2004 met to discuss what science, mathematics and public policy could be taught "through" a focus on voting, elections, proportional representation, districting, the conduct of the decennial census, and a host of other elements of our Republic's institutions and forms of governance. The list generated by the group was extensive, wide-ranging and impressive. (We'll be publishing a summary gleaned from the discussions by Richard Keeling in a future e-newsletter.) In that meeting, thanks to Ed Lorenz of Alma College, our group even got to inspect a ballot from Canada—something that led many of us to reflect that we'd never seen a ballot other than the ones we'd used ourselves (and, of course, many of us have voted without a ballot at all, in the traditional sense)! This offered subtle testimony to our parochialism ("doesn't everybody vote they way I do?") and to how lightly and occasionally most of us give any serious thought to these issues.

The conversations in Santa Clara ranged widely, from controversies about source codes and verification, to systems theory, to ideas about "fairness" that emerge from advanced algebra. They touched on a set of semiotic and philosophical questions about what we think voting really means or signifies and why or whether it ought to matter at all.

With this in mind and the encouragement of the participants in that August 8th meeting, we at the SENCER national center are now developing ideas and soliciting interest in what we are calling the "STEM of Democracy Project." What's in a name? In this case, we are saying STEM for at least two reasons: The first, of course, is that, in many important respects as suggested above, the act of voting is the basic "stem"—as in the main trunk of a plant—of democracy. Voting is one of the elemental, functional expressions of one's personal participation in the governance of a state, especially a democratic state. Voting is a stem in the sense that so much else flows from, or grows from, the act of casting a ballot.

In spite of this, up until just recently, voting has failed to get the attention it should in many college programs to encourage "civic engagement" and service learning, often, it seems, because voting is denigrated as purely instrumental ("high school civics") and doesn't qualify as, to use Benjamin Barber's phrase, "strong democracy." This is unfortunate because the downplaying of voting may have itself resulted in decreased voter participation. If it were up to college students with their current <30% participation rates in national elections to "water the stem of democracy," the results would be an even more wilted plant, indeed.

It will be interesting to see what the participation rates will be among college students this year—rates that will reflect, to be sure, both the heightened interest in this year's race, but also a concerted effort to rectify the old denigration of voting, itself. One of many such efforts to increase student participation in the process is the college initiative of the United States Election Assistance Commission, which has awarded modest grants to some 15 institutions to engage college students as poll workers in local election districts. We look forward to having the reports of these efforts.

That's the "stem." The capital S-T-E-M in the STEM of Democracy, as SENCER e-newsletter readers will surely know, refers to a second meaning. In this case STEM refers to the fields of science, technology, engineering and mathematics—all areas of concern for higher education, in general, and the specific areas of focus of the National Science Foundation's work in improving undergraduate education, in particular. We want to highlight the idea of elections as the stem of the democratic process, just as we claim that an academic focus on elections will help organize and improve learning in the STEM fields.

This is, of course, the fundamental SENCER ideal and goal.

We think the right place or locus for this project is where the other SENCER courses and projects are: the classroom and, to the extent that it is feasible, the surrounding community as sites and beneficiaries of community based research.

"Voting is one of the elemental, functional expressions of one's personal participation in the governance of a state, especially a democratic state."

(Continued on next page.)

The STEM of Democracy (cont.)

We need your help to develop this idea, gather people interested in testing it out, and create materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields. Here's what we need from you:

First, we need to hear from you if you are currently teaching a course or even part of a course that features issues that we are loosely gathering under the heading STEM of Democracy. Could you contact us, share your syllabus and assessment results, consider nominating your project/course as a model, or at least let us know what you are doing?

Second, we need to know if this idea interests you and if you'd be interested in exploring it more intensively with other scholars via e-mail or, if we can arrange it, at a meeting or two, or in a special session at our SENCER Summer Institute 2005 or other regional meetings or disciplinary gatherings.

"We need your help to develop this idea, gather people interested in testing it out, and create materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields."

Third, we'd like to know what resources you think you would need to consider developing a stem of democracy project or course on your campus. Would a backgrounder that identifies what might be taught and how that teaching would improve learning in mathematics, statistics, engineering and the social sciences be useful to you and your colleagues? Do you have any authors to recommend, resources to call attention to, other suggestions?

Fourth, while we can easily think about how the knowledge residing and being developed in mathematics, statistics, computer science, social science and engineering have great relevance to the issues in democracy (and while Barbara Tewksbury's course model on geology and its relationship to development is suggestive of still other dimensions of this issue), it isn't clear how the canonical elements in

biology, chemistry, and physics, to pick three big domains, can be illuminated or taught through the issues raised by elections, voting technology, proportional representation and other issues. But let me be quick to say that I suspect this condition has a lot to do with the failure of my imagination and the limits of my knowledge. So, if you have any suggestions, hunches, or evidence, by all means, please share them with us and we'll share them with others, as well.

Please forward this request to others on your campus and elsewhere who may have an interest and contact me by e-mail (david.burns@sencer.net), telephone (732) 873-1539 or letter (National Center for Science and Civic Engagement, 215 Market St, 4th Floor, Harrisburg, PA 17101.)

We've often said that SENCER seeks to deal with two great trends that appear to be colliding with one another: (1) the alarming decline in the study in the STEM disciplines by American college students, almost none of whom take any more than the most basic required courses (this is true for science and math majors, as well), a condition that is aggravated by the poor retention of science and mathematical knowledge and skills by those who are only minimally exposed to science learning, and (2) the growing number of highly complex and often hotly contested matters of civic concern that are either in some way created by advances in science, engineering, mathematics and technology and/or that require some advanced knowledge in one or more STEM field in order to craft and implement the best possible policies, laws or regulations. Elections and modern possibilities for voting have now become perfect exemplars of the issues covered in the second trend. We in the SENCER National Office and the Center look forward to hearing your thoughts and suggestions on these matters and to working with you to develop the STEM of Democracy Project in the coming year.

Oh, and don't forget to vote on November 2nd, unless you've done so already!



"Patti Simon"

12/16/2004 03:11 PM

To rmartinez@eac.gov

cc aambrogi@eac.gov

bcc

Subject STEM of Democracy Meeting in Chicago

Dear Commissioner Martinez,

David Burns asked me to extend an invitation to you and Adam to attend a meeting that we are convening in Chicago on February 10, 2005 for the STEM of Democracy project.

This meeting will gather academic leaders and faculty members who are interested in developing the STEM of Democracy idea, testing it out, and developing materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields.

At this meeting, we plan to:

- Explore the STEM of Democracy idea more intensively,
- Discuss the possibility of a special session at our SENCER Summer Institute 2005,
- Identify existing courses that feature issues that are related to the STEM of Democracy idea, and
- Consider what resources faculty members would need to develop a STEM of Democracy project or course at their institution.

We have already heard from a number of interested parties, including those who were involved in our EAC proposal. We expect this meeting to be a small and informal gathering that will generate thoughtful conversation and robust planning.

I have attached an article from our October e-newsletter that David wrote about this project. I think you'll both enjoy it.

David asked me to convey to you how much we would appreciate your participation in this meeting. He also asked me to send you his warm holiday wishes to you and your families.

Please let me know if you are able to attend the meeting or if you have any questions. I look forward to hearing from you and I wish you happy holidays!

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

patti.simon@sencer.net

(Phone) 202-483-4600

018591

(Fax) 202-483-1800

<<...>>



STEM of Democracy.pdf

018592



"Jennifer Collins-Foley"

08/02/2005 04:49 PM

To "Adam D. Ambrogi" <aambrogi@eac.gov>

cc: "Tom Wilkey" <twilkey@eac.gov>, "Tracy Warren"

bcc:

Subject: Polworker Institute Update Plus Request for Meeting with Commissioners

Hi Adam! Hope all is well with you.

FYI, here is a letter we sent to The Pollworker Institute board last week. You'll see a mention of possible work with the EAC. (I have not followed up with Karen LD but it's on my "To Do" list!)

Also attached is a letter to Commissioners DeGregorio and Martinez with a request for a meeting regarding a project that the PI is doing for the Pew Charitable Trust. (We'll be sending a hard copy to each Commissioner and to Tom Wilkey but wanted you to see that it is on its way. I'll also be sending an email to Tom re this project.) Pew has contracted Tracy and me to conduct a feasibility study to assess whether initiatives targeting the implementation of statewide voter registration systems could significantly and measurably enhance voter enfranchisement and reduce the registration problems that have plagued U.S. elections. We are interviewing policy makers, election officials, vendors, the advocacy community, etc.

We hope that at least Commissioners Martinez and DeGregorio and Tom Wilkey can find time to meet with us. I know there is little time to spare in between Hearings!



Best Regards, Jennifer July 29 2005.doc EAC DeGregorio.doc EAC Martinez.doc

018593

**The Pollworker
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1101 15th Street,
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Ph: (540)
379 9974

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Connie Schmidt

Richard Soudriette

Jennifer Collins-Foley,
President

July 28, 2005

"Dear Pollworker Institute Board of Directors and Board of Advisors,

- UPDATE ON THE POLLWORKER INSTITUTE -

1) New Friends and Old Friends. First, the new friends.....We are fortunate to be adding Richard Soudriette, Warren Furutani and Connie Schmidt to our Advisory Board.

Richard Soudriette has served as the President of the International Foundation for Election Systems (IFES) since 1987. IFES is an internationally respected nonpartisan, nonprofit organization that has developed and implemented comprehensive, collaborative democracy solutions in more than 100 countries. One of IFES's many strengths is its extensive experience in the capacity building and professional development of election officials around the world.

Warren Furutani is President of the Los Angeles Community College system and is a long time advocate of community colleges, voter-friendly polling places and, in particular, college pollworker programs. He has been instrumental in the growth of L.A. County's College Pollworker Program partnership with the community college system.

Connie Schmidt recently retired as Registrar of Voters in Johnson County Kansas where she developed nationally respected voter service programs and voting system integrity standards. She has a particular commitment to and enthusiasm for innovative pollworker recruiting and training. Connie has already spoken with Johnson County's new Registrar and is confident we can count on them to be a pilot program.

*And old friends.....*We are proud to announce that one of

018594

our founding Board members, Tom Wilkey, has been selected to serve as the first Executive Director of the U.S. Election Assistance Commission. While we are THRILLED for Tom, we understand his decision to resign from the Board of the Pollworker Institute. *We wish him all the best in his new venture!!*

2) **We've landed our first project!** The Pollworker Institute's Jennifer and Tracy are currently conducting a feasibility study for the Pew Charitable Trusts. The purpose of the study is to assess whether initiatives targeting the implementation of statewide voter registration systems could significantly and measurably enhance voter enfranchisement and reduce the registration problems that have plagued U.S. elections. The result will be an internal Pew document so sorry we won't be able to share it with you allbut what a great experience for us!

3) **New Collaboration.** We formalized a Memorandum of Understanding with the International Foundation for Election Systems (IFES) this week. IFES will provide in-kind contributions such as office space, phones, copy machine, website design, etc. We are grateful to be affiliated with such a terrific organization. Being on-site means we will also be able to easily brainstorm and collaborate on possible U.S. election administration projects with IFES' Director of Programs, Scott Lansell, staff and consultants. Our new address is: The Pollworker Institute, 1101 15th Street, Suite 115, Washington, DC 20005. Phone will be: (202) 350-6700, (Tracy x 6671 and Jennifer x6672).

4) **New partners.** We have a new partner in Iowa. Professor David Redlawsk from the University of Iowa is very excited about the possibility of working with us. Professor Redlawsk is a political psychologist whose primary line of research focuses on how citizens process political information in order to make a voting decision. He has been offering students academic credit for substantive community service so is an experienced resource for us. He has offered to approach the Johnson County Auditor, Tom Slockett, to encourage him to join the program. We'll keep you posted.

5) **Funding and Update on Pilot Projects.** Fiorello Consulting has been representing us as fundraising consultants since May. Cliff Hash and Patti Fiorello are optimistic about the possibility for funding in the near future. However, since we have not received funding to date, we are going to re-adjust our hope to conduct pilot programs this Fall. But stay tuned....we still hope to implement 5 or 6 terrific pilot programs in the Spring of 2006! And in the meantime, we have been granted our 501(c)(3) status by the IRS so we're ready for whenever the funds come rolling in.

6) **Possible project with US Election Assistance Commission.** Tracy and I met in May with the EAC regarding a possible College Pollworker Project which would involve developing a "How To" manual for organizing a College Pollworker Program. It would include calendars, check lists, models - for large and small jurisdictions. The project may include delivering such a manual at regional conferences which would involve brainstorming among election officials and reps from academic institutions and some possible training the trainers. We anticipate an RFP hitting the streets any day now. Again, we'll keep you posted!

7) **A new twist on the Concept.** We are discussing collaboration with the American Association of University Professors. General Secretary Roger Bowen has received a small Carnegie grant to explore the possibility of a program to recruit college professors to serve as pollworkers. The best of all worlds would be to merge their idea with ours.....the professors would invited students to "do like I do" and serve along with them as part of the academic course.

8) **Possible International Work.** In an unexpected turn of events, an international for-profit democracy building firm called "Democracy International" was intrigued by our concept and requested permission to list the Pollworker Institute as a partner/resource for a 5 year USAID "IQC" (Indefinite Quantity Contract) for international democracy building programs. We always thought that we would someday like to get in to pollworker issues at international levels but did not know it would happen this soon. We'll keep you posted. It may be some time before Democracy International knows if it has been selected as an IQC holder.

Please call us if you have any questions or suggestions!

Best Regards,

Jennifer Collins-Foley, President, (540) 379-9974
Tracy Warren, Executive Director, (202) 462-2735

C: Tom Wilkey, U.S. Election Assistance Commission
David Redlowsk, University of Iowa
Roger Bowen, AAUP
James Walters, Montgomery County

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Richard Soudriette

Jennifer Collins-Foley,
President

August 2, 2005

Commissioner Paul DeGregorio
U.S. Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

Dear Commissioner DeGregorio :

As the deadline for implementing significant changes in voter registration looms, state and local election officials, as well as the voting rights community, have turned their attention to this critical component of the Help America Vote Act. Changing voter registration means opportunities both to expand the electorate and remedy problems that have plagued our registration system. The Pew Charitable Trusts has hired The Pollworker Institute to conduct a feasibility study to explore possible initiatives that would take advantage of these opportunities. I am writing to request a meeting to discuss this project and the U.S. Election Assistance Commission's plans in this area.

I am enclosing a summary of our project for your review. We have been meeting with state and local election officials, with technology experts, with voting rights organizations and with policy experts to examine the ways that the Pew Charitable Trusts might be helpful. Of course, in addition to learning the Commission's plans, we would welcome your feedback on what kinds of initiatives can help guarantee that HAVA fulfills the law's intended purpose: to ensure that every eligible voter is able to cast a vote and have that vote count.

We would be grateful if you could take the time to meet with us. I will follow up with your office to determine your availability.

Best regards,

Tracy Warren

ENCL

018597

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Jennifer Collins-Foley,
President

August 2, 2005

Commissioner Ray Martinez
U.S. Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

Dear Commissioner Martinez:

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We would be grateful if you could take the time to meet with us. I will follow up with your office to determine your availability.

Best regards,

Tracy Warren

ENCL

018598



Gracia Hillman/EAC/GOV
03/16/2005 08:01 AM

To Carol A. Paquette/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Re: Cyber Security Industry Alliance - Susan Zevin - Request
for meeting

Carol,

Per our SOS, this type of item or recommendation should be referred to one commissioner for review and then that commissioner will make a recommendation to the other commissioners. Let's not deviate from that.

By way of this memo, I am asking Comm Soaries to review this information and make a recommendation.

Sent from my BlackBerry Wireless Handheld
Carol A. Paquette

From: Carol A. Paquette
Sent: 03/15/2005 07:48 PM
To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez; DeForest Soaries
Jr.
Cc: Sheila Banks; Adam Ambrogi; Holland Patterson; Spring Taylor
Subject: Cyber Security Industry Alliance - Susan Zevin - Request for
meeting

Commissioners -

Susan Zevin contacted me several weeks ago to set up a meeting between the Commissioners and Paul Kurtz, the Executive Director of the Cyber Security Industry Alliance (CSIA). CSIA is an industry advocacy group that has been formed to promote improvement of cyber security through public policy, education and technology-focused initiatives. Their membership is comprised of major cyber security software providers such as Symantec, Entrust, McAfee, Check Point (they've been getting some unfavorable press lately), and others. They are "interested in assisting the Commission in the evolution of new approaches to voting systems." Susan was rather vague about what this means. I suggested that it might be useful for this group to review and comment on the TGDC/NIST work on the NIST website. Susan indicated they are interested in "higher level, big picture policy matters." Whatever these matters are, she indicated that they can only be discussed directly with the Commissioners, not with some intermediary.

Checked out this group with some colleagues in the security business. The feedback I received was that they're relatively new on the scene, only one of several similar industry advocacy groups, and that they're looking for an issue to make their mark on. (There might have been some professional rivalry seeping through in these comments.) Mr. Kurtz has pretty impressive credentials, having been National Security Council senior director of the Office of Cyberspace Security and a member of the President's Critical Infrastructure Protection Board (prior to 2003).

Is there interest in a meeting by all or some of you?

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

018599

Carol A. Paquette/EAC/GOV
03/15/2005 07:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
cc Sheila A. Banks/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Spring A.

bcc

Subject Cyber Security Industry Alliance - Susan Zevin - Request for
meeting

Commissioners -

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Is there interest in a meeting by all or some of you?

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

018600



Dhart@hartic.com
07/14/2004 05:27 PM

To pdegregorio@eac.gov
cc
bcc
Subject vendor meeting in San Antonio

Commissioner DeGregorio,
I wanted to extend a late invitation to you and/or your fellow Commissioners to speak with our vendor trade association, the Election Technology Council (ETC) of the Information Technology Association of America (ITAA). I spoke with Commissioner Martinez last week and learned that all of the Commissioners would be in San Antonio for IACREOT, so I thought I would try to impose on your schedules to make this effort to speak with us. I've made the same request of Commissioner Martinez.

The ETC members include AVS, Diebold, ES&S, Hart InterCivic, Sequoia, Unilect, and VoteHere, as well as some other ITAA members who are integrators and have been working in this industry (Accenture, Maximus, etc). We've got a regular business meeting from 12:30 to 2:00 pm on Monday at the Chula Vista Room in the Hyatt hotel. Any time you could come by would be very much appreciated. I'm sure we would like some instruction on how we can best work within the EAC frameworkk, and your thoughts would be very helpful.

My cell phone number is if you would like more information about the meeting.

I continue to be most impressed with the level of effort - and production - coming out of your offices. You're doing a great job from my perspective, and if there is anything we can do to support the effort, please do not hesitate to call us.

Regards,
David

David E. Hart, Chairman
Hart InterCivic, Inc
P.O. 80649
Austin, Texas 78728
512.252.6575 (office direct)
dhart@hartic.com

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018601



"Griffiths, Brian, Mr., OSD
P&R/FVAP"
<griffithsb@fvap.ncr.gov>
04/30/2004 11:19 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
cc
bcc
Subject Overseas Voting Group Meeting- May 6th

Mr. DeGregorio

The meeting with the representatives of overseas voters will be held at our building, 177 North Kent Street, on Thursday May 6th from 10:00-11:00 am. If this time is not convenient, we can be somewhat flexible with the timing.

Here is a sampling of the groups that will be represented at the meeting:

Democrats Abroad
Republicans Abroad
Federation of American Women's Clubs Overseas (FAWCO)
Association of Americans Residing Abroad
American Business Council of the Gulf Countries

One of the confirmed attendees will be Lucy Laderich, who works on Legislative Issues for FAWCO.

Thanks, and look forward to seeing you May 6th.

Brian Griffiths
Program Analyst
Federal Voting Assistance Program
703-588-1584
griffithsb@fvap.ncr.gov

018602



"Griffiths, Brian, Mr., OSD
P&R/FVAP"
<griffithsb@fvap.ncr.gov>
05/03/2004 08:25 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
cc
bcc
Subject RE: Overseas Voting Group Meeting- May 6th

Mr. DeGregorio

There is a correction to our address. Our address is 1777 North Kent Street. I apologize for the inconvenience.

Brian Griffiths
Program Analyst
Federal Voting Assistance Program
703-588-1584
griffithsb@fvap.ncr.gov

> -----Original Message-----
> From: Griffiths, Brian, Mr., OSD P&R/FVAP
> Sent: Friday, April 30, 2004 11:20 AM
> To: 'pdegregorio@eac.gov'
> Subject: Overseas Voting Group Meeting- May 6th
>
> Mr. DeGregorio
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> Legislative Issues for FAWCO.
>
>
> Thanks, and look forward to seeing you May 6th.
>
>
> Brian Griffiths
> Program Analyst
> Federal Voting Assistance Program
> 703-588-1584
> griffithsb@fvap.ncr.gov

018603



"Diamond, Sandra"
<sdiamond@umsl.edu>
12/10/2004 03:32 PM

To pdegregorio@eac.gov
cc
bcc
Subject RE: Meeting with UMSL Chancellor

Paul:

That sounds like a good plan. My office is in 356 Marillac Hall. (Just take the elevator up to the 3rd floor--turn left and I'm down the hall.) We can chat for a few minutes and then I will walk you over to Charley's office.

See you on the 21st! Have a great weekend. My best to Kerry.

Sandy

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

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Friday, December 10, 2004 2:03 PM
To: Diamond, Sandra
Subject: Re: Meeting with UMSL Chancellor

Sandy,

This time works for me. Shall I come to your office first at 8:30 am (I assume it's by Charley's)?

Paul

"Diamond, Sandra" <sdiamond@umsl.edu>

12/10/2004 02:41 PM

To "Paul DeGregorio (E-mail)" <PDegregorio@eac.gov>
cc
Subject Meeting with UMSL Chancellor

Paul:

I just wanted to let you know that Chancellor Tom George can meet with

018604

you on Tuesday, December 21, 2004 from 9:00 a.m. to 10:00 a.m. Charley Schmitz, Dean of the College of Education, would like to meet with you briefly BEFORE your meeting with the Chancellor and then escort you to the Chancellor's office. Would you be able to come to the South Campus around 8:40 a.m. that morning to meet with Charley? He will then drive you over to Woods Hall.

Let me know if all of this will work for you.

Take care.

Sandy Diamond, M.Ed.
Executive Director & St. Louis Area Coordinator
Kids Voting Missouri
A Citizenship Education Program at
UM-St. Louis College of Education
sdiamond@umsl.edu
314-516-6823

018605



"Diamond, Sandra"
<sdiamond@umsl.edu>
12/10/2004 02:41 PM

To "Paul DeGregorio (E-mail)" <PDegregorio@eac.gov>
cc
bcc
Subject Meeting with UMSL Chancellor

Paul:

I just wanted to let you know that Chancellor Tom George can meet with you on Tuesday, December 21, 2004 from 9:00 a.m. to 10:00 a.m. Charley Schmitz, Dean of the College of Education, would like to meet with you briefly BEFORE your meeting with the Chancellor and then escort you to the Chancellor's office. Would you be able to come to the South Campus around 8:40 a.m. that morning to meet with Charley? He will then drive you over to Woods Hall.

Let me know if all of this will work for you.

Take care.

Sandy Diamond, M.Ed.
Executive Director & St. Louis Area Coordinator
Kids Voting Missouri
A Citizenship Education Program at
UM-St. Louis College of Education
sdiamond@umsl.edu
314-516-6823

01860E



"Diamond, Sandra"
<sdiamond@umsl.edu>
12/09/2004 07:08 AM

To pdegregorio@eac.gov
cc
bcc
Subject RE: Meeting with Chancellor???

Paul:

Thanks for getting back to me. I will send this off to the Dean/Chancellor and should have a confirmed date/time by the end of today.

Sandy

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

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Wed 12/8/2004 9:20 PM
To: Diamond, Sandra
Cc:
Subject: Re: Meeting with Chancellor???

Sandy,

Sorry it took me so long to get back to you with a date. Right now, the 20th or 21st works for me; if I have a preference it would be early on the 21st (9AM). Early afternoon on the 20th would be my second preference. Assume I should allocate 2 hours to this (including time spent with the Chancellor, you, Charlie and whomever).

It was certainly great to see you in DC. Dinner was fun; hope we can do it again. Thanks for your kind words. Paul Matteucci's address is:

Let me know what works.

All the best,

Paul

"Diamond, Sandra" <sdiamond@umsl.edu>

12/06/2004 10:58 AM

To
"Paul DeGregorio (E-mail)" <PDegregorio@eac.gov>
cc
Subject
Meeting with Chancellor???

018607

Paul:

It was so nice to see you during my recent trip to D.C. I know you're in San Francisco, but if you get a moment, I'm still waiting to hear from you regarding a date/time to meet with the Chancellor while you're in St. Louis.

Also, you could send me a mailing or email address for Paul Matusi (spelling)? I would like to send him a note thanking him for the lovely dinner.

As a follow-up to our dinner discussions and brain storming, I called John Hancock this morning. He's out of town working on the Inauguration but said he would meet with me in January after that was over.

Possibly, when you're in St. Louis (if not before), you and I can talk again about the future of Kids Voting Missouri and the University's interest in maintaining this program. Current plans in the College of Education are to create a Center for Character Development and Civic Education and I'm not sure where Kids Voting fits, if at all. Maybe I could take you and Kerry to breakfast or lunch to brainstorm/strategize about the University and support for Kids Voting. Let me know...at this moment, I'm pretty open that week before and after Christmas.

Sandy Diamond, M.Ed.
Executive Director & St. Louis Area Coordinator
Kids Voting Missouri
A Citizenship Education Program at
UM-St. Louis College of Education
sdiamond@umsl.edu
314-516-6823

018608



Brian Hancock/EAC/GOV
05/06/2004 08:51 AM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: Meeting request for German visitor

Commissioner DeGregorio,
Would you like to speak with the visitor from Germany noted in the attached email?

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

----- Forwarded by Brian Hancock/EAC/GOV on 05/06/2004 08:50 AM -----



Thea_Richard@grad.usda.gov
v
05/04/2004 05:34 PM

To bhancock@eac.gov
cc
Subject Meeting request for German visitor

Hello Brian,

I spoke to you today briefly about a Department of State International Visitor in the European Parliament. Mr. Klaus Welle is the Director General of the Directorate General for Internal Policies at the European Parliament. For his current position, Mr. Welle is interested in learning about the electoral process in the U.S, especially during this election year.

Please read the attached letter and request for a meeting the week of May 24. Feel free to contact me about this request.

Thank you.

Thea

(See attached file: Elections - request.doc)

Thea Richard
Program Officer
International Institute
Graduate School, USDA
600 Maryland Avenue, SW, Suite 320
Washington, DC 20024
Telephone: (202) 314-3509
Toll-free: (800) 331-4229
Facsimile: (202) 479-6806
Email: thea_richard@grad.usda.gov
Website: www.grad.usda.gov

018609



Elections - request.doc

018610



600 Maryland Avenue, SW
Suite 320
Washington, DC 20024

International Visitors Program

Telephone: (202) 314-3500
Facsimile: (202) 479-6803
E-mail: intlinst@grad.usda.gov

Brian Hancock
U.S. Elections Assistance Commission
1225 New York Avenue, NW
Washington DC 20005

Dear Brian:

Hello! On behalf of the U.S. Department of State, the Graduate School, USDA is administering the International Visitor program for a German participant, Mr. Klaus WELLE. He is the Director General of the Directorate General for Internal Policies at the European Parliament. The international visitor program is designed to build mutual understanding between the United States and other nations through carefully designed professional visits to the U.S. for current and emerging foreign leaders. I would like to schedule a meeting the week of May 24. At this early date his schedule is open for meetings Tuesday afternoon (May 25) through Friday (May 28).

Mr. WELLE will spend two weeks in the United States and one week in Washington, DC. The program will look at the U.S. political system, Congress, transatlantic relations and the media. Mr. WELLE seeks to observe the political system and to meet various actors involved in and impacting the decision-making process. In the area of elections, he would like to learn about general election policies.

Please review the attached documents with detailed information about the program, the visitor and his objectives. If you need additional information, please contact me at (202) 314-3509 or thea_richard@grad.usda.gov. Thank you. I look forward to working with you to promote international understanding.

Sincerely,

Thea Richard

018611

INTERNATIONAL VISITOR PROGRAM

B I O G R A P H I C I N F O R M A T I O N

Mr. Klaus WELLE, An Individual Project

This visitor is invited to the United States under the auspices of the State Department International Visitor Program.

State Department Program Officer: Ms. Diane E. Crow

Graduate School, USDA International Institute Program Officer: Ms. Thea L. Richard

May 24 - June 4, 2004

Germany

Name: Mr. Klaus WELLE

Present Position: Director General, Directorate General for Internal Policies, European Parliament

Previous Position: 1999-2003: Secretary-General of the Group of the EPP-ED, Group of the European People's Party (Christian Democrats) and European Democrats in the European Parliament
1994-1999: Secretary General of the European People's Party Group and the European Union of Christian Democrats
1991-1994: Head of the German Christian Democrat Union (CDU) Department of Foreign and European Policy, Bonn

Education/Training: Studies in Economics at Witten/Herdecke University, Specialization in "Institutional Economics and Ethics"
Scholarships, Konrad Adenauer Foundation and "Studienstiftung des Deutschen Volkes"
Apprenticeship at WestLB - Munster (Germany's third largest banking group in Germany)

Memberships: Member, German Christian Democratic Union
Member CDU National Advisory Committee on European Affairs (since 1994)

Publications: Thesis: "Rethinking or Changing: Economic versus Sociopsychological Attempts for the Explanation of Human Behavior"

018612

Articles: "The Center that Held", Dagens Nyheter (Swedish Newspaper) (September 1995)
"An Island Mentality that Distorts Reality", The European (September 22, 1995)
"Welches Europa Soll es Sein?" Sonde (January 1996)
"Die Europäische Volkspartei", published in Prof. Dr. Gunther Rinsche, "Verantwortung für Europa-die Senioren und die Europäische Integration" (1996)
"Auf Dem Weg Zur Währungsunion", in Evangelische Verantwortung

Address: European Parliament
Rue Wiertz, 60, B
B-1047 Brussels
BELGIUM
Telephone: (32) (2) 284 62 42
Facsimile: (32) (2) 23110 11
Email: Kwelle@europarl.eu.int

Personal Data: Birth Date:
Birth Place: Beelen, Germany

Languages: German (Native), English (Excellent), French

U.S. Travel: Attended four political conferences in Washington, DC

Mr. Welle is the head of the Directorate General for Internal Policy at the European Parliament (EP). He is in charge of 400 staffers and coordinates the work of the EP committees with the exception of foreign affairs and trade committees.

Previously, Mr. Welle served as the Secretary-General for the EPP-ED group and organized all of its work, which covers the entire range of European Parliament activity. As the top staff member of the group and a German CDU (Christian Democratic Union) member, Mr. Welle also serves as a key advisor to Mr. Gert-Poettering, Chairman of the EPP-ED Group, the largest political group in the European Parliament.

Program Objectives are to learn about:

- Congress and the decision-making process;
- The role of think tanks and academics in public policy;
- Transatlantic relations, especially in the area of terrorism and security (data privacy), environment and transportation;
- U.S. foreign policy, especially in the area of international agreements and multilateral issues;
- The lobbying process; and,
- Media influence on foreign policy decision-making.

Program Sponsor: U.S. Department of State, Bureau of Educational and Cultural Affairs

The U.S. Department of State helps to shape a freer, more secure and more prosperous world through formulating, representing and implementing the President's foreign policy. The Secretary of State is the President's principal adviser on foreign policy and the person chiefly responsible for U.S. representation abroad.

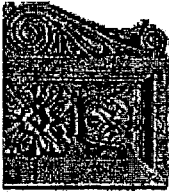
The Bureau of Educational and Cultural Affairs (ECA) fosters mutual understanding between the United States and other countries through international educational, professional and cultural exchanges. The Bureau promotes personal, professional, and institutional ties between private citizens and organizations in the United States and abroad, and presents U.S. history, society, art and culture in all of its diversity to overseas audiences.

The Office of International Visitors manages and funds the International Visitor Program (IVP). Launched in 1940, the IVP seeks to build mutual understanding between the United States and other nations through carefully designed professional visits to the U.S. for current and emerging foreign leaders. These visits reflect the visitors' professional interests and support the foreign policy goals of the U.S. government. Each year over 4,500 IVP participants from all over the world are selected by U.S. embassies to travel to the U.S. to meet and confer with their professional counterparts. Through these encounters, they gain a greater understanding of the cultural and political influences in U.S. society and enjoy a firsthand experience of the U.S., its people and its culture. Visitors represent government, politics, the media, education, non-governmental organizations, the arts, public health, international security, business and trade, and other fields. Over 180 current and former heads of government and state and many other distinguished world leaders in the public and private sectors have participated in the International Visitor Program.

Program Administrator: International Institute, Graduate School, USDA

The International Institute was established within the Graduate School, USDA in order to provide professional training and educational services to government agencies, U.S. government employees with international responsibilities, international organizations and non-governmental organizations throughout the world. International Institute programs facilitate the exchange of knowledge and skills through a wide range of observational study and learning support services, including the administration of regional training projects in Africa, Asia, South America and Europe. The Institute administers a broad array of well-known exchange and visitor programs. These include the Fulbright Teacher and Administrator Exchange and International Visitors Programs on behalf of the Department of State, as well as programs for Russian and Ukrainian leaders on behalf of the Open World Leadership Center at the Library of Congress. The Institute has provided services to more than 40,000 participants from over 120 countries since its inception in 1961, successfully working to promote professional development, cooperation, and understanding in the global classroom.

018614



Brian Hancock/EAC/GOV
07/01/2004 11:49 AM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: To Brian Hancock: Meeting Request for 12
Parliamentarians and 2 Staffers from the Jordanian
Parliament: "The Role of Legislators in the Democratic
Process"

Commissioner DeGregorio,
Since Kwab is out the rest of the week, I'm passing along the briefing request from Meridian International described below for members of the Jordanian Parliament. The two times they suggest are July 14th at 9:00am or July 16th at 4:00pm.

Thanks.
Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

----- Forwarded by Brian Hancock/EAC/GOV on 07/01/2004 11:45 AM -----



"MORCOS, AMAL"
<AMORCOS@meridian.org>
07/01/2004 11:10 AM

To bhancock@eac.gov
cc
Subject FW: To Brian Hancock: Meeting Request for 12
Parliamentarians and 2 Staffers from the Jordanian
Parliament: "The Role of Legislators in the Democratic
Process"

Dear Brian,

Thank you for your prompt response to my voice message. Please find below the original request sent June 23rd. The reason I sent this request to the HAVAinfo email address, because for some reason, I saw some message with this instruction. Anyway, I hope some one from EAC would be available to meet with the delegation either 9:00 am Wednesday, July 14 or 4 pm Friday, July 16. BTW, do you still have the same phone number? Thanks, Brian. Amal

From: MORCOS, AMAL
Sent: Wednesday, June 23, 2004 5:05 PM
To: 'HAVAinfo@eac.gov'
Subject: To Brian Hancock: Meeting Request for 12 Parliamentarians and 2 Staffers from the Jordanian Parliament: "The Role of Legislators in the Democratic Process"
Importance: High

I am forwarding some background information on the upcoming visit by 12

018615

parliamentarians and 2 staffers from the Jordanian Parliament who will soon travel to the United States under the auspices of the U.S. Department of State, Bureau of Educational and Cultural Affairs to undertake a two-week program *to look at the structure and process of the U.S. government, with special emphasis on the federal system and the separation of powers.*

The participants will be in **Washington, D.C. from Monday, July 12th to Friday, July 15th 2004** for meetings with members of congress, administrative staff and committee staff, appropriate representatives from government agencies, think tanks, and NGOs to discuss their areas of interest, further details of which appear on the attached program summary and biographic information. A participant list is also attached.

While they are in Washington, the delegation would appreciate the opportunity to meet with **Mr. Brian Hancock** *to discuss how political election campaigns work, and the mechanism where government is involved..*

Thank you for considering this request and I look forward to hearing from you at your earliest convenience. If you have any questions, please do not hesitate to contact me at (202) 939-5585.

Amal

<<bios jordan.doc>> <<Participant List.JORDAN.doc>> <<Program Summary.doc>>

Amal Morcos, Program Officer

Programming Division

Meridian International Center

1624 Crescent Place, NW - Washington, DC 20009

Tel: (202) 939-5585; Toll Free (800) 424-2974 ext. 5585

Fax: (202) 332-1575; Email: amorcos@meridian.org

Website: www.meridian.org

Information on the International Visitor Program

<http://exchanges.state.gov/education/ivp>



bios jordan.doc Participant List.JORDAN.doc Program Summary.doc

018616

INTERNATIONAL VISITOR PROGRAM**B I O G R A P H I C I N F O R M A T I O N****THE ROLE OF LEGISLATORS IN THE DEMOCRATIC PROCESS *A Single Country Project for Jordan***

These visitors are invited to the United States under the auspices of the Department of State's International Visitor Leadership Program.

Department of State Program Officer: Ms. Robyn Remeika

Program Arrangements by Meridian International Center

Program team: Ms. Amal Morcos and Mrs. Angie Collins, 1624 Crescent Place, NW, Washington, DC 20009; telephone (202) 939-5585 or (202) 939-5871; toll-free: (800) 424-2974; fax: (202) 332-1575; email: amorcos@meridian.org or collinsa@meridian.org

Accompanied by: Mr. Adnane Ettayebi, Mr. Amer Abou El-Oyoun, Mr. Nawzad Muradi, and Mr. Mustafa Sayid

July 12 - 23, 2004

Jordan

Name: Mr. Suleiman Awwad ABU GHAITH

Present Position: Member of Parliament, 2003

Previous Positions: Elementary and High School Principal

Education/Training: Bachelor of Shar'ia, University of Jordan
Diploma of Arabic Language, Hawara College, Irbid, 1971
Courses in Management

Memberships: Palestine Committee
Education, Culture and Youth Committee
Parliamentary Labor Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman - Jordan
Telephone: 962-3-3243330

Personal Data: Born in Dura, West Bank
No medical or dietary restrictions

Languages: Arabic (native)

U.S. Travel:

No previous U.S. travel

Other Travel:

Egypt

018618

Jordan

Name: **Mr. Ghanem Amer ABU RABIE'**

Present Position: Member of Parliament, 2003

Previous Positions: Lawyer

Education/Training: Bachelor of Law, Egypt, 1991

Memberships: Reporter, Palestine Committee
Countryside and Badia Committee
National Parliamentary Labor Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-6230068

Personal Data: Born [redacted] in Jfitlek, Jordan
No alcohol or pork

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Egypt, Lebanon, Rhodes

Jordan

Name: **Mr. Ibrahim Suleiman AL ATIWI**

Present Position: Member of Parliament

Previous Positions: Businessman

Education/Training: Diploma, Nursing

Memberships: Parliamentary National Front
Labor and Social Development Committee

Address and Telephone: Jordanian House of Representatives
P.O. Box (72)
11101 Amman – Jordan
Telephone: 962-6-5712210

Personal Data: Born in Al Tafila, Jordan
No alcohol or pork

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Armenia, Bahrain, Cyprus, Egypt, Lebanon, Morocco, Saudi Arabia, Syria, United Arab Emirates

018620

Jordan

Name: **Mr. Khaled Hafeth AL BAZAYH**

Present Position: Member of Parliament, 2003

Previous Positions: Leader of Bedouin Tribe (Sheikh)
President, Truck Drivers Union

Education/Training: High School Certificate

Memberships: Countryside and Badia Committee
Parliamentary Labor Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-3-2132800

Personal Data: Born in Maan, Jordan
No alcohol or pork

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Saudi Arabia, Syria

018621

Jordan

Name: **Mr. Marzooq Hamad AL HABARNIH**

Present Position: Member of Parliament, 2003

Previous Positions: Military Section Officer, Embassy of the Hashemite Kingdom of Jordan, Washington, DC
Businessman

Education/Training: Certificate, Aircraft Supply of Management, Prince Raisal College

Memberships: Chairperson, Countryside and Badia Committee
Palestine Committee
Parliamentary Homeland *Al-Watan* Block

Address and telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-3615198

Personal Data: Born in Amman, Jordan
No alcohol or pork

Languages: Arabic (native), English

U.S. Travel: Yes

Other Travel: Belgium, Egypt, Syria

018622

Jordan

Name: **Mr. Ahmad Attallah AL NA'AN'AH**

Present Position: Member of Parliament, 2003

Previous Positions: Country Station Manager, Royal Jordanian Airlines, Sudan

Education/Training: Bachelor of Political Science, Pakistan, 1983

Memberships: Reporter, Labor and Social Development Committee
Public Services, Tourism and Antiquities Committee
Parliamentary Labor Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-5713122

Personal Data: Born in Dana, Jordan
No alcohol or pork

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Libya, Sudan, Switzerland

018623

Jordan

Name: Mr. Abed Yousef AL TAWABEYEH

Present Position: Member of Parliament, 2003

Previous Positions: Engineer, Ministry of Agriculture

Education/Training: B.S., Agriculture

Memberships: Parliamentary Homeland *Al Watan* Block

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-5728700

Personal Data: Born in Na'ur, Jordan
No medical or dietary restrictions

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Egypt, Syria

018624

Jordan

Name: **Mr. Fayez Abdallah ASHDAIFAT**

Present Position: **Member of Parliament, 2003**

Previous Positions: **Auto parts importer
Businessman**

Education/Training: **Bachelor of Accounting, Baghdad University**

Memberships: **Financial and Economic Committee
Countryside and Badia Committee
Parliamentary Homeland *Al Watan* Block**

Address and Telephone: **Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-5523501**

Personal Data: **Born _____ in Mafraq, Jordan
No alcohol or pork**

Languages: **Arabic (native)**

U.S. Travel: **Yes**

Other Travel: **Indonesia, Malaysia, Pakistan**

018625

Jordan

Name: **Mr. Daher Fahed EL FAWWAZ**

Present Position: Member of Parliament, Speaker's Second Deputy, 2003

Previous Positions: Director, Public Security Department

Education/Training: Masters of Administrative and Military Sciences

Memberships: Parliamentary National Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-2-6272015

Personal Data: Born in Sabha, Jordan
No medical or dietary restrictions

Languages: Arabic (native)

U.S. Travel: Yes

Other Travel: Egypt, Germany, Malta, Tunisia, United Kingdom

018626

Jordan

Name: **Mr. Moh'd Ahmad Fares HAMAIDEH**

Present Position: Member of Parliament

Education/Training: M.A., Arabic Literature, Mu'tah University
B.A., Arabic Literature, Um Alqura University (King Abdel
Aziz University)

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-656-90455

Personal Data: Born - - - - - in Amra'/Karak, Jordan

Jordan

Name: **Dr. Mahmoud Muhsen MHIDAT**

Present Position: Member of Parliament, 2003

Previous Positions: Faculty Member, Jerash University

Education/Training: Ph.D., Political Management, Athens, 1995
Ph.D., Criticism of Literature, Lebanon, 1990

Memberships: Chairperson, Energy and Mineral Wealth Committee
Education, Culture and Youth Committee
Parliamentary National Front

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-2-7300039

Personal Data: Born in Kufr Asad, Jordan
No alcohol or pork

Languages: Arabic (native), English

U.S. Travel: No previous U.S. travel

Other Travel: Austria, Greece, Russia

Jordan

Name: **Dr. Ghazi Menwer ZABEN**

Present Position: Member of Parliament, 2003

Previous Position: Plastic Surgeon

Education/Training: Bachelor of Medicine, Greece, 1976
Board, General Surgery
Board, Plastic Surgery
Clinical Fellowship, Plastic Surgery, Eastern Virginia
Medical School

Memberships: Chairperson, Health and Environment Committee
Public Services, Tourism and Antiquities Committee
Parliamentary National Democratic Block

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-5697500

Personal Data: Born in Zarqa, Jordan
No alcohol or pork

Languages: Arabic (native), English

U.S. Travel: Yes

Other Travel: Egypt, France, Germany, Greece

Jordan

Name: **Mr. Hassan Salman AL TARAWNEH**

Present Position: Parliamentary Affairs Officer, 2000

Previous Positions: Insurance Officer, Arab Assurance Company

Education/Training: B.S., Political Science, University of Jordan, 1997

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-6-5828929

Personal Data: Born in Amman, Jordan
No alcohol or pork

Languages: Arabic (native)

U.S. Travel: No previous U.S. travel

Other Travel: Canada, Lebanon, Mexico, Switzerland, Thailand

018630

Jordan

Name: **Mr. Abdel Rahim Maher AL WAKED**

Present Position: Secretary to the Speaker of the Jordanian House of Representatives, 2001

Previous Positions: Public Relations Officer, Public Relations Department, Jordanian House of Representatives

Education/Training: B.A., Law, Amman National University, Jordan

Address and Telephone: Jordanian House of Representatives
P.O. Box (72) 11101
Amman – Jordan
Telephone: 962-079-6611161

Personal Data: Born in Amman, Jordan
No pork

Languages: Arabic (native), English

U.S. Travel: No previous U.S. travel

Other Travel: Belgium, Egypt, Mexico, Switzerland

018631

INTERNATIONAL VISITOR PROGRAM

B I O G R A P H I C I N F O R M A T I O N

THE ROLE OF LEGISLATORS IN THE DEMOCRATIC PROCESS *A Single Country Project for Jordan*

These visitors are invited to the United States under the auspices of the Department of State's International Visitor Leadership Program.

Department of State Program Officer: Ms. Robyn Remeika

Program Arrangements by Meridian International Center

Program team: Ms. Amal Morcos and Mrs. Angie Collins, 1624 Crescent Place, NW, Washington, DC 20009; telephone (202) 939-5585 or (202) 939-5871; toll-free: (800) 424-2974; fax: (202) 332-1575; email: amorcos@meridian.org or collinsa@meridian.org

Accompanied by: Mr. Amr Abou El-Oyoun, Mr. Adnane Ettayebi, Mr. Nawzad Muradi, and Mr. Mustafa Sayid.

July 10 - July 23, 2004

LIST OF PARTICIPANTS

Jordan

Mr. Suleiman Awwad ABU GHAITH
Member of Parliament

Jordan

Mr. Ghanem Amer ABU RABIE'
Member of Parliament

Jordan

Mr. Ibrahim Suleiman AL ATIWI
Member of Parliament

Jordan

Mr. Khaled Hafeth AL BAZAYH
Member of Parliament

Jordan

Mr. Marzooq Hamad AL HABARNIH
Member of Parliament

Jordan

Mr. Ahmad Attallah AL NA'AN'AH
Member of Parliament

Jordan

Mr. Abed Yousef AL TAWABEYEH
Member of Parliament

Jordan

Mr. Fayez Abdallah ASHDAIFAT
Member of Parliament

Jordan

Mr. Daher Fahed EL FAWWAZ
Member of Parliament

Jordan

Mr. Moh'd Ahmad Fares HAMAIDEH
Member of Parliament

Jordan

Mr. Mahmoud Muhsen MHIDAT
Member of Parliament

Jordan

Dr. Ghazi Menwer ZABEN
Member of Parliament

Jordan

Mr. Hassan Salman AL TARAWNEH
Parliamentary Affairs Officer

Jordan

Mr. Abdel Rahim Maher AL WAKED
Secretary to the Speaker of the Jordanian House of Representatives

018633

PROGRAM SUMMARY

This two-week International Visitor project on "The Role of Legislators in the Democratic Process" is designed for eleven members of the Jordanian Parliament and two staffers. The project will provide these officials with an understanding of the U.S. government and its supporting democratic ideals and values, and the structure and processes of American government at the federal, state and local levels, with emphasis on the federalist system and the separation of powers. The program will include discussions with members of Congress and their staffs, as well as appropriate representatives from government agencies, think tanks, academia and NGOs.

The following themes will be explored:

Legislative structure and function:

- The structure of the U.S. government at the federal, state and local levels;
- Responsibilities and duties of Congress to the general public;
- The importance of government accountability and accessibility to citizens, and the development of codes of ethics for elected officials,;
- How constituent pressures can influence legislation;
- The preparation of legislation, including committees and hearings;
- Development of a professional legislative staff.

Additional topics:

- Formulation and implementation of U.S. foreign policy;
- International finance and trade policies;
- Public and private sector efforts to strengthen and expand democratic values in the United States;
- Election campaign strategies;
- Domestic economic development;
- Labor laws and labor unions and the degree to which they influence policy;
- Policies on mineral wealth and agriculture, and energy projects;
- Public health and health services.

Joan A. Wooley/EAC/GOV
10/07/2004 03:31 PM

To Paul DeGregorio/EAC/GOV@EAC, Daniel
Murphy/EAC/GOV@EAC
cc DeForest Soaries Jr./EAC/GOV@EAC
bcc
Subject Fw: Int'l visitor meeting request

Commissioner Gregorio:

The Chairman asked me to ask you if you would be interested in meeting a delegation from Mexico on October 19th @ 11:30 AM? As you can see from the email below, the visitors specifically requested a meeting with you.

----- Forwarded by Joan A. Wooley/EAC/GOV on 10/07/2004 03:26 PM -----



"Wanda Raiford"
<wanda@mcidwashington.org>
10/06/2004 04:06 PM

To jwooley@eac.gov
cc
Subject Int'l visitor meeting request

Dear Joan,

Thank you for taking my call this morning regarding a 4-person delegation from Mexico's Federal Electoral Institute. These visitors are coming to the US as participants in the US State Department's International Visitor Program. I work for MCID, a private agency that partners with State in administering the Program. As we discussed, I am enclosing their complete biographical information but here are their names and titles for ease of reference:

Mr. Pablo Sergio Aispuro Cardenas

Member of Governing Body , Electoral Organization, Baja California State Federal Electoral Institute

Mr. Arturo Sanchez Gutierrez

Electoral Counselor , Federal Electoral Institute (IFE)

President , Electoral Organization and the Information Committees

Mr. Rodrigo Alfonso Morales Manzanares

Electoral Counselor , Federal Electoral Institute

Mr. Virgilio Andrade Martinez

Electoral Counselor , Federal Electoral Institute

Accompanied by **Ms. Irene Racht** – Spanish-language Interpreter

The visitors specifically requested Paul De Gregorio. Mr. De Gregorio showed interest in meeting these IFE officials, when he met with IFE Official Manuel Carrillo Poblano in Russia. In addition this contact, the visitors are also keen to discuss (1) certification and standardization of voting systems, (2) your Best Practices Tool Kit (3) policies supporting a user-centered voting system and (4) all aspects of absentee voting.

018635

The group will be in Washington for three days, beginning Monday, October 18. In the happy event that a meeting is possible on your end, may I suggest Tuesday, October 19 at 11:30 am? Please don't let this suggestion be a deal breaker. I would be glad to arrange the groups' schedule to accommodate any day or time that works for your staff.

Sincerely, Wanda

Wanda Raiford
Senior Program Manager
Mississippi Consortium for International Development
1636 Connecticut Avenue, NW
Suite 300
Washington DC 20009
(202) 667-6250 (direct)
(800) 413-9845 (toll free)
wanda@mcidwashington.org



Mexican Delegation biodata.doc

018636

INTERNATIONAL VISITOR PROGRAM

B I O G R A P H I C I N F O R M A T I O N

The U.S. Department of State is sponsoring the International Visitor Program, "U.S. Electoral System" a project for Mexico. The Mississippi Consortium for International Development (MCID) is the coordinating national programming agency. Ms. Nalinee Thongchua is the State Department Program Officer and can be reached at (202) 619-4594. Ms. Wanda Raiford, MCID Program Officer, can be reached at (202) 667-6250.

October 17- October 27

Participants:

Mr. Pablo Sergio Aispuro Cardenas

Member of Governing Body, Electoral Organization, Baja California State Federal Electoral Institute

Mr. Arturo Sanchez Gutierrez

*Electoral Counselor, Federal Electoral Institute
President, Electoral Organization and the Information Committees*

Mr. Rodrigo Alfonso Morales Manzanares

Electoral Counselor, Federal Electoral Institute

Mr. Virgilio Andrade Martinez

Electoral Counselor, Federal Electoral Institute

Accompanied by **Ms. Irene Racht** – Spanish-language Interpreter

Name: **Mr. Virgilio Andrade Martinez**

Present Position: *Electoral Counselor, Federal Electoral Institute (IFE)*

Previous Positions: *Assistant Director General of Promotion, Rural Bank, 2003*

Education: Masters Degree, Public Policy and Administration, Columbia University
Bachelor of Arts, Contemporary Thinking, Autonomous Technological Institute ITAM
Bachelor of Arts, Law, ITAM (1985-1990)

Date of Birth: , Mexico City, Mexico

Address: Viaducto Tlalpan No. 100
Col. Arenal Tepepan
Delegacion Tlalpan
Mexico, D.F. Mexico 14610
Telephone: 5655-0291
Email: andradev@ife.org.mx

Languages: Spanish and English

Travel: United States (Boston, Texas, Washington DC, New York), El Salvador, Panama, France, Italy

018638

Name: Mr. Rodrigo Alfonso Morales Manzanares

Present Position: *Electoral Counselor*, Federal Electoral Institute (IFE)

Previous Position: *Electoral Counselor*, IFE, 1999-October 2003

Education: Development, Planning, and Public Policies, Latin American Institute of Economic and Social Planning, (ILPES)
Center for Economic Research and Teaching (CIDE)

Publications: Weekly contributions to El Universal Newspaper
Weekly contributor to La Jornada newspaper
"La Sociedad Civil y las elecciones en Mexico: Observadores y Interventores" (The Civil Society and the Elections in Mexico: Observers and Inspectors) for "En la Voz de los Votos (Voices of Votes) magazine, 1995.
"La Organizacion de las Elecciones: Problemas y Proyectos de Solucion" (The Organizations of Elections: Problems and Solutions) for "Democracia en Mexico" (Democracy in Mexico) magazine, 1994.
"Los Observadores Electorales, una Evaluacion" (The Electoral Observers: An Evaluation) for "En Elecciones, Dialogo y Reforma" (In Elections, Dialogue, and Reform), 1993.

Date of Birth: , Mexico City, Mexico

Address: Viaducto Tlalpan No. 100
Col. Arenal Tepepan
Delegacion Tlalpan
Mexico, D.F. Mexico 14610
Telephone: 5628-4252
Fax: 5655-3161
Email: rodrigo.morales@ife.org.mx

Languages: Spanish

Travel: United States, Canada, Venezuela, Argentina, Chile

018639

Name: **Mr. Arturo Sanchez Gutierrez**

Present Positions: *Electoral Counselor*, Federal Electoral Institute (IFE)
President of the Electoral Organization and the Information Committees

Previous Positions: *Executive Director*, Political Parties, IFE, 1996-2003
Professor/Researcher, Latin American Faculty of Political Sciences and Coordinator, Postgraduate Studies Program of Government and Public Affairs at the Latin American Faculty of Social Sciences
Vesting Researcher, U.S.-Mexico Studies Center, University of California at La Jolla, CA, 1987-1990
Research Director, Mexican Institute of Political Studies, A.C. and Sociology Professor at the Autonomous Metropolitan University (UAM)

Education: Masters Degree, Philosophy in Latin American Studies, Oxford University, England (1984-1986)
B.A., Sociology, Autonomous Metropolitan University, UAM

Publications: "Participacion Ciudadana en el Distrito Federal" (Citizen Participation in Mexico City), 1998
"La Participacion Cuidadana y el Futuro de la Democracia en el D.F." (Citizen Participation and the Future of Democracy in Mexico City), 1998
"Zacatecas, Visperas del Cambio" (Zacatecas, The Day Before the Change), 1997
"La Reforma del Estado: Una Oferta Politica y un Proceso por Conducir" (The State Reform: A Political Offer and a Process to Conduct) 1996

Date of Birth: , Mexico City, Mexico

Address: Viaducto Tlalpan No. 100
Col. Arenal Tepepan
Delegacion Tlalpan
Mexico, D.F. Mexico 14610
Telephone: 5655-1006
Fax: 56-55-3392
Email: arturosg@ife.org.mx

Languages: Spanish

Travel: United States (California), Bolivia, Canada, Honduras, England

018640

Name: **Mr. Pablo Sergio Aispuro Cardenas**

Present Position: *Member of Governing Body*, Electoral Organization, Baja California State Federal Electoral Institute

Education: Masters candidate, Electoral Process and Institutions, Secretariat of Public Education (SEP) and IFE
B.A., Law, National Autonomous University of Mexico (UNAM)

Memberships: Mexicali School of Lawyers, Baja California

Date of Birth: , Culiacan, Sin. Mexico

Address:

Languages: Spanish and English

Travel: United States (California)

This 10-day program is designed for election counselors with Mexico's Federal Electoral Institute (IFE), an independent election authority that works to strengthen citizen participation in Mexico's elections through nonpartisan election monitoring. This program is designed as a forum the exchange of ideas about election reform that will build on the expertise and achievements of this delegation and their U.S. counterparts.

In addition to traditional sit-down meetings and briefings, the visitors will have opportunities for primary-source, in-the-field observation of the structural framework and policy underpinnings of the U.S. election system.

Program goals:

Participants will leave the US with an increased understanding of the US election system and new professional contacts for continued forward progress in safe guarding and improving election integrity and citizen participation -- -- in both Mexico and the United States. Specifically, these topics will be amplified:

- Advantages and challenges of new voting machine technology
- Absentee voting system
- Participation of women and other historically disenfranchised groups
- Mexican-American perspective on political participation
- Development a user-centered voting system



Gracia Hillman/EAC/GOV
01/10/2005 05:59 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,
dmurphy@eac.gov, aambrogi@eac.gov, Spring A.
Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

018643

January 11, 2005

****DRAFT****

Line 1 Name
Line 2 Organization
Line 3 Street Address
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman
Chair

018644



Sheila A. Banks/EAC/GOV
01/13/2005 04:22 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Carol A. Paquette/EAC/GOV@EAC,

cc

bcc

Subject January 24 Meeting with Nonprofits

Attached are the letter and distribution list of the organizations invited to the January 24 meeting. Four organizations have RSVPed.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc Distribution List.doc

018640

January 11, 2005

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence on Monday, January 24, 2005, for a discussion of election reform under the Help America Vote Act of 2002. The session will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a discussion in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

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I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman
Chair

018640

ORGANIZATION

Association of Community Organizations for Reform Now

ADA Watch/National Coalition for Disability Rights

Advancement Project

AFL-CIO

AFL-CIO Voting Rights Protection Program

African-American Ministers Leadership Conference

American Association of People with Disabilities

American Association of Retired Persons

American Bar Association

American Bar Association

American Civil Liberties Union

American Civil Liberties Union

American Council of the Blind

America's Families United - Voter Protection Project

Asian American Legal Defense and Education Fund

Brennan Center

Center for Community Change

Common Cause

Computer Professionals for Social Responsibility

Dēmos: A Network for Ideas & Action

Electronic Frontier Foundation

Human Rights Campaign

Just Democracy

Just Democracy

Lawyers' Committee for Civil Rights Under Law

Leadership Conference on Civil Rights

League of United Latin American Citizens

018647

League of Women Voters of the United States
Mexican American Legal Defense & Education Fund
National Association for the Advancement of Colored People
National Association of Independent Colleges and Universities
National Association of Latino Elected and Appointed Officials
National Association of Protection and Advocacy Systems
National Coalition on Black Civic Participation
National Congress of American Indians
National Council of La Raza
National Council of Women's Organizations
National Federation of the Blind
National Gay and Lesbian Task Force
National Organization for Women
National Voting Rights Institute
Paralyzed Veterans of America
People for the American Way
Project Vote
Project Vote
Public Campaign
Rock the Vote
Southwest Voter Registration Education Project
U.S. Public Interest Research Group
United Auto Workers
United Auto Workers
United States Student Association (USSA)
Youth Vote Coalition

018648



Paul DeGregorio/EAC/GOV
07/20/2005 08:27 AM

To Amie J. Sherrill/EAC/GOV@EAC
cc
bcc
Subject Vendor mtg

Amie,
Please get for me any emails or letters that were sent out regarding today's vendor discussion and the agenda. Thanks.
Paul

Sent from my BlackBerry Wireless Handheld

018649



Brian Hancock/EAC/GOV
07/19/2005 08:45 AM

To Amie J. Sherrill/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: vendors meeting

Amie,

Thanks. We do not have a list of participants but we do expect all the major voting systems vendors to be in attendance, and representatives from probably 12-15 companies represented in total, either in person or by teleconference. The agenda is simply modified versions of our presentation to the Commissioners last week for vendor review and comment.

We welcome the Vice Chair whenever he has the opportunity to drop in on us.

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov
Amie J. Sherrill/EAC/GOV

Amie J. Sherrill/EAC/GOV
07/18/2005 11:13 AM

To Brian Hancock/EAC/GOV@EAC
cc Grant T. Gelner/CONTRACTOR/EAC/GOV@EAC
Subject Re: Fw: vendors meeting

Brian,

The VC will drop by the vendor's meeting sometime Wednesday afternoon. If there is an agenda and a list of attendees, could you forward that to me so that he can know what and who to expect? Thanks.

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106
Grant T. Gelner/CONTRACTOR/EAC/GOV

Grant T.
Gelner/CONTRACTOR/EAC/
GOV
07/18/2005 10:25 AM

To Amie J. Sherrill/EAC/GOV@EAC
cc
Subject Fw: vendors meeting

018650

The info on the vendor meeting is below. Brian would also like to know if Mr. DeGregorio wants to talk at the beginning or end of the meeting.

Grant Gelner
U.S. Election Assistance Commission
1225 New York Ave. N.W., Suite 1100
Washington DC, 20005
(202) 566-2377

----- Forwarded by Grant T. Gelner/CONTRACTOR/EAC/GOV on 07/18/2005 10:22 AM -----



Brian Hancock/EAC/GOV

07/18/2005 10:19 AM

To Grant T. Gelner/CONTRACTOR/EAC/GOV@EAC

cc

Subject Re: vendors meeting

Grant,
Vendor meeting is 11:00am to 4:00pm. Ask Amie if the Vice Chair would like to say a few words at the beginning (or end, for that matter) of the meeting.

Thanks.

Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov
Grant T. Gelner/CONTRACTOR/EAC/GOV

Grant T.
Gelner/CONTRACTOR/EAC/
GOV

07/18/2005 10:17 AM

To Brian Hancock/EAC/GOV@EAC

cc

Subject vendors meeting

Brian,

Aimie wants me to let her know what time that vendors meeting is on wednesday. So when you get a chance just let me know.

Grant Gelner
U.S. Election Assistance Commission
1225 New York Ave. N.W., Suite 1100
Washington DC, 20005
(202) 566-2377

018651

Raymundo
Martinez/EAC/GOV
07/19/2005 01:02 PM

To lgonzalez@naleo.org, jose_garcia@prldef.org,
lfigueroa@maldef.org, rlopez@ushli.com, gyagnet@wcvi.org,
mbuia@chli.org, tripp_baird@martinez.senate.gov,
cc Raymundo Martinez/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Laiza N.
Otero/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
bcc

Subject EAC Hispanic Working Group Meeting -- August 1, 2005

I would like to take this opportunity to thank you for agreeing to participate in the Hispanic Working Group meeting on August, 1, 2005 being organized by the U.S. Election Assistance Commission (EAC). The overall purpose of this meeting is to strengthen the EAC's understanding of the needs of the Hispanic community with regard to implementation of the Help America Vote Act of 2002, as well as the EAC's role in administering the National Voter Registration Act of 1993. We hope to provide an open dialogue for all meeting participants to candidly assess and recommend to the EAC various steps needed to ensure registration and voting accessibility for Hispanic voters.

Attached to this email, you will find several documents that will be discussed at the meeting, including the NVRA mail-in voter registration form (in English and Spanish) and a recently-updated glossary of election terminology. Specifically, we would like to solicit your feedback on the usability and readability of these documents. (Please note that the Spanish translation of the NVRA form was done in 2003 and the EAC is in the process of revising this document to reflect the updated English version that will soon be available.) In addition to these documents, we have also attached a copy of the proposed agenda and a link to a recently-issued report on the National Voter Registration Act commissioned by the EAC. Both the Help America Vote Act and the National Voter Registration Act can be viewed and downloaded via the EAC website as www.eac.gov. We encourage you to take a look at our website, as we may also want to discuss during our meeting how the EAC can best utilize the Internet to reach and better serve the Hispanic community.

Once again, thanks in advance for your commitment to this important effort, and for your willingness to participate. I believe that this meeting is a critical step in ensuring that the EAC is responsive to all constituencies as we strive to continually improve the way we conduct elections for Federal office. I look forward to seeing you all on August 1st. If you have any questions or need additional information prior to the meeting, please feel free to call me or Laiza Otero here at the EAC. We can be reached at (202) 566-3100.

Best regards,

Ray Martinez III
Commissioner

018652



- NVRA-2004-Survey.url



Hispanic Working Group Agenda.doc



Glossary in Excel Format.xls



NVRA form in English.pdf



NVRA form in Spanish.pdf

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018653



U.S. Election Assistance Commission

Hispanic Working Group Meeting

August 1, 2005

AGENDA

**U.S. Election Assistance Commission
1201 New York Avenue, N.W.
Conference Room
(12th St, NW and New York Ave, NW)
Washington, D.C. 20005**

This half-day meeting will provide guidance to the EAC as it potentially focuses on research under Section 311 and 312 of HAVA, as well as research under Section 241 and NVRA responsibilities under Section 802. The working group will review two works currently in progress, the readability and usability of the National Mail-In Registration form and the review of the updated List of Translated Election Terms. The working group will assist the EAC in the identification of "Best Practices" relating to methods of effective administration of Federal elections impacting the Hispanic and Spanish-speaking communities.

Monday, August 1, 2005 (Conference Room)

1:00PM – Welcome – Vice-Chair Paul DeGregorio, and Tom Wilkey, *Executive Director*

1:15PM – EAC background information – Julie Thompson, *General Counsel*

1:30PM – EAC research activities and meeting objectives – Laiza N. Otero, *Research Associate*

1:45PM – Introductions by working group members

2:00PM – Discussion – led by Commissioner Ray Martinez

- Discussion of election administration issues that affect Hispanic and Spanish-speaking voters; recommendations for studies and activities
- Identification of Best Practices relating to methods of effective administration of Federal elections impacting Hispanic and Spanish-speaking voters
- Readability and usability of the National Mail-In Registration form
- Review of the List of Translated Election Terms

4:00PM – Adjourn meeting

018654

Working Group – Topics for Discussion

- I. HAVA Section 241 – Studies and other activities to promote effective administration of Federal elections
 - This section allows the Commission to carry out studies and other activities with the goal of promoting effective administration of Federal elections. Effective administration methods are to be the most convenient, accessible, and easy to use for voters, including voters with limited proficiency in the English language [§241(a)(1)]. Two of the election administration issues described for study in §241(b), directly refer to voters with limited proficiency in the English language [§241(b)(5) and (b)(14)]. The former describes “methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters” including voters with limited proficiency in the English language. The second issue described is the “technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.”
 - **Question 1:** What methods do you consider effective in ensuring the accessibility of voting, registration, polling places, and voting equipment to Hispanic and Spanish-speaking voters? – Discuss accessibility for minority language speakers for each component.
 - **Question 2:** What resources are there currently to assist Hispanic and Spanish-speaking voters? How do you rate their level of accessibility?
 - **Question 3:** What materials have proven to be the most effective in your communities in assisting Hispanic and Spanish-speaking voters? - Discuss what would constitute “Best Practices” in each of the areas mentioned before.
 - **Question 4:** What recommendations do you have for research purposes relating to these topics in §241?
- II. HAVA Section 302(a) – Provisional voting
 - If the name of an individual does not appear on the official list of eligible voters at the polling place where he declares to be a registered voter or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot. The section further describes the process by which a voter may cast a provisional ballot.
 - **Question 1:** What particular concerns do Hispanic and Spanish-speaking voters have in regards to provisional ballots? – Some areas to discuss may be provisional voting process, ballot counting, and accessibility of information regarding how the vote was counted.
 - **Question 2:** What type of assistance would be most effective in providing guidance for these voters regarding provisional voting? – Identify “Best Practices.”
 - **Question 3:** What recommendations do you have for research purposes relating to provisional voting?
- III. HAVA Section 302(b) – Voting information requirements
 - Per this section, the following voting information has to be publicly posted at each polling place on the day of each election for Federal office: a sample version of the ballot that will be used for that election; information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under section 303(b); general information on voting rights under applicable Federal and State laws, including information on the right of a person to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on act of fraud and misrepresentation.
 - **Question 1:** How many States and/or jurisdictions voluntarily provide all or some of the above voting requirements in Spanish? How accessible are they to Spanish-speaking voters?
 - **Question 2:** For jurisdictions covered under section 203 and/or section 4 of the VRA, how effectively are the required voting information materials translated and how available are they to voters? What resources do these jurisdictions utilize to ensure the cultural and linguistic appropriateness of the translated materials?
 - **Question 3:** What materials have proven to be the most effective in your communities? - Identify “Best Practices.”

- **Question 4:** What recommendations do you have for research purposes relating to voting information requirements per §302(b)?
- IV. HAVA Section 303(b) – Requirements for voters who register by mail
- If an individual registers to vote by mail and has not previously voted in an election for Federal office, or the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of §303(a) the voter will have to submit a copy of an accepted form of identification along with their registration or present the identification in person at the polls on the day of elections. If the person does not have an accepted form of identification when he or she goes to vote at the polls, the individual may cast a provisional ballot. If the person is voting by mail and did not submit identification upon registration the ballot shall be counted as a provisional ballot in accordance with §302(a). Section 303(b) lists the following as forms of identification: current and valid photo identification, current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. However, the requirements shall not apply if a voter submits with their registration either a driver's license number or at least the last 4 digits of their social security number and the local election official matches the information with an existing State identification record bearing the same number, name and date of birth as provided in such registration.
 - **Question 1:** How have States expanded the above requirements to require voter identification of all voters when they go to cast a vote in person?
 - **Question 2:** How have voter identification requirements impacted Hispanic and Spanish-speaking voters?
 - **Question 3:** What type of assistance would be most effective in providing guidance for these voters regarding voter identification requirements? – Identify “Best Practices.”
 - **Question 4:** What recommendations do you have for research purposes relating to voter identification requirements?
- V. The National Voter Registration Act (NVRA) was passed by Congress in 1993. It was intended to provide more opportunities for all qualified Americans to register to vote in a manner and method convenient to them. Specifically, NVRA creates a single mail-in form that all states must accept; it places requirements for how state deal with registrations for elections; and it calls on designated state agencies, such as motor vehicle agencies, social welfare and handicapped outreach agencies, as well as military recruitment offices to register qualified individuals to vote.
- Translation of Federal Mail-in Form. The Federal Form created by NVRA needs to be provided in English and Spanish. The Federal Elections Commission, as well as the EAC hired translators to adapt the approved English form to Spanish. Complaints have emerged that a literal translation of the English form is not appropriate for readability and usability purposes. In addition to the form itself, the individual state instructions need to be vetted for the same concerns, usability, understanding of election terms in Spanish, and clarity of instructions.
 - **Question 1:** What constitutes a “good translation” or a “legal translation”—word-for-word, or whether the meaning of the requirement expressed is clearly stated?
 - **Question 2:** Have groups encountered “best practices” in translating their materials for Spanish-language audiences?
 - **Question 3:** Are there any rules on adapting English-approved language to Spanish-translation that is translated for usability, not word-for-word?
 - **Question 4:** Do the state offices that receive the mail-in form appropriately contact voters with errors on the Spanish mail-form? (Dedicated Spanish-speaking employees; letters or calls to registrant by Spanish-speaking professional.)
 - **Question 5:** What recommendations do you have for research purposes relating to this registration form?
- VI. Section 301(a)(4); Alternative Language Accessibility. This provision of HAVA specifies that the voting systems used in federal elections shall provide the alternative language accessibilities specified in section 203 of the Voting Rights Act. This requires that the covered jurisdiction--hundreds of counties, and three entire states--have access to the Spanish-language capabilities on the voting system.

- **Question 1:** How are states able to translate the ballot measures on the voting systems? How would a direct translation of the form interact with a readable Spanish-version of the ballot measure—or election instructions on the DRE or optical scan system?
- **Question 2:** How do localities provide for non-printed language accessibility at the polling place to help them use the voting system (Poll workers, dedicated phone lines with Spanish-language accessibility)?
- **Question 3:** What resources do local election officials utilize to ensure the language on the voting systems is translated appropriately? – Identify “Best Practices.”

VII. The combination of 301(a)(3) [requiring the voting system—DRE or otherwise—to be at least one-per polling place in 2006] and 301(a)(4) [requiring that at each voting system provides alternative language accessibility] means that at least one machine per polling place has accessibility for minority language individuals.

- **Question 1:** This means that even in the jurisdictions not covered by Sec. 203 of the Voting Rights Act, there is the capability for a minority language provision on those voting systems. While not required by law, have groups considered working with local election officials to have a Spanish language option included in growing Spanish-language populations?
- **Question 2:** Have groups done studies to see, aside from the Sec. 203 of the VRA covered territories, the counties where there is an emerging Spanish-speaking population, but no Spanish-translated election materials?




Gracia Hillman/EAC/GOV

06/27/2005 04:41 PM

To Laiza N. Otero/EAC/GOV@EAC

cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Joseph D.
Hardy/EAC/GOV@EAC, Karen

bcc

Subject Re: Hispanic Working Group Meeting 

August 1 is right in between the EAC meeting and hearing that will be held July 28 in California and the Board of Advisors meeting that will be held Aug 3-5 in Portland.

I will likely still be in Calif on Aug 1.

GHillman

018658



Laiza N. Otero/EAC/GOV
06/27/2005 03:14 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV@EAC
bcc
Subject Re: Hispanic Working Group Meeting

Vice-Chair,

Thank you for responding. The event would take place from 1pm to 4pm. I will keep you posted as to the final decision.

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
06/27/2005 02:55 PM

To Laiza N. Otero/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV
Subject Re: Hispanic Working Group Meeting

Laiza,

Anytime after 12:30 pm on August 1 works for me.


Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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Suite 1100
Washington, DC 20005
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202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Laiza N. Otero/EAC/GOV



Laiza N. Otero/EAC/GOV
06/27/2005 11:44 AM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Amie J.



Sherrill/EAC/GOV@EAC, Joseph D. Hardy/EAC/GOV@EAC
Subject Hispanic Working Group Meeting

Dear Commissioners and Mr. Wilkey,

I would like your approval for changing the date of the Hispanic Working Group meeting from July 18th to August 1st. Our initial date overlaps with the NCLR's annual conference in Philadelphia, and quite a few of our invitees will be participating of that event. The last week of July is a very busy one and doing it prior to the 18th would be too soon for us to coordinate properly. Therefore, I propose August 1, 2005, as the new date. I would like your thoughts on the date, including if you will be able to attend. If you have any questions, please, do not hesitate to contact me. Thank you.

Sincerely,

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126

018660

Amie J. Sherrill/EAC/GOV
07/13/2005 06:26 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Summary from meeting this afternoon

following the meeting, Grant and I wrote this brief summary to bring you up to speed.

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



Summary of Meeting with Advocates for the Disabled Community.doc

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Summary of Meeting with Advocates for the Disabled Community

The meeting started with Commissioner Martinez explaining the various funding constraints the EAC has dealt with which caused the TGDC and NIST to rush their VVSG recommendations. The Advocates for the Disabled then mentioned section 2.2.5 of the VVSG as providing a 'loophole' for modified optical scan machines such as the ES&S AutoMark, by using the word "should" instead of "shall". Commissioner Martinez acknowledged this problem and urged the VVSG to be viewed as an ever-changing document. The Advocates replied by saying that once States buy machines based on EAC / VVSG recommendations, they will be in place for a long time. With a January 2006 deadline, there must be a sense of urgency to close these 'loopholes'. The idea of machines being able to be fit retroactively with devices which would ensure independence and privacy to persons with disabilities was then introduced by Mr. Dickson. He stated that only a limited number of vendors are addressing this issue.

The next major issue addressed in the meeting was VVPAT. The Advocates pointed out that current VVPAT does not insure security. They also stated that VVPAT hinders machines from being fully accessible especially if they use the VVPAT as the official ballot, as some states have deemed they should for recounts (Commissioner Martinez added the point that no state has made VVPAT the official ballot).

Another issue that was brought up was section 2.2.7. A "shall" is used for visually impaired, but a "should" is used for mobility impaired. They viewed this as potentially divisive within their community. Members of the EAC, including Commissioner Martinez, Mr. Wilkey, and Carol Paquette, responded by saying that the

lack of an independent source is a problem, and that there are other technologies out there that are a better substitute to VVPAT.


Commissioner Martinez concluded the meeting by encouraging them to submit their comments to the EAC, and that those comments should be submitted in writing. He followed by saying that he hopes this will be an ongoing dialogue between the EAC and the disabled community.

In short, the Advocates are mainly concerned with maintaining a unified community – one that advocates for all who are disabled, regardless of their disability. They are concerned that these new voting machines, specifically the VVPAT, will grant access, independence, and privacy to only those who are visually or hearing impaired and that those with mobility or dexterity disabilities will not be guaranteed the same right to access, independence and privacy.

The meeting ended on good terms and it seemed that Commissioner Martinez's comments about the VVSG being a changing document and him encouraging this conversation to be ongoing between the EAC and the disabled community put the Advocates a little at ease. They feared that following the 90 day comment period, some changes would be made to the VVSG, and then the document would be put on a shelf to "collect dust". Commissioner Martinez, Mr. Wilkey, Carol Paquette, and Gavin Gilmour encouraged them to believe otherwise.

018663

Karen Lynn-Dyson/EAC/GOV
07/13/2005 02:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.
bcc
Subject Re: EAC discussions of addressing voter's information needs
and concerns 

So folks-

Is it looking like July 26 at ???? AM?

Let me know.


Thanks

K

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

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
07/13/2005 10:41 AM

To Karen Lynn-Dyson/EAC/GOV
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC,
Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Re: EAC discussions of addressing voter's information needs
and concerns 

Dear Special Assistants-

I've mulled over the newly proposed date for this meeting and have had second thoughts, since it doesn't work for everyone-

I think it is critical for each of the Commissioners to be available for this meeting with the Council for Excellence in Government and for the follow-on presentation by the law clerks.

Can you all give me dates and times between now and August 1, that we can be certain all of them are available?

I'd like to try and solve this problem by COB, today, if at all possible, so I can get back to the senior management at the Council with a precise date and time.

Thanks

K

018664

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


Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

07/12/2005 04:55 PM

To Karen Lynn-Dyson/EAC/GOV

cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, "Carl Fillichio" <cfillichio@EXCELGOV.org>, "Deborah Both" <dbboth@EXCELGOV.org>, Gaylin Vogel/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Josh Loh/EAC/GOV@EAC, Laiza N. Otero/EAC/GOV@EAC, "Matt Kohut" <mkohut@EXCELGOV.org>, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, "Patricia McGinnis" <pmcginnis@EXCELGOV.org>, Raymundo Martinez/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Tamar Nedzar/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: EAC discussions of addressing voter's information needs and concerns 

Greetings (again)

EAC Chair Gracia Hillman, has a schedule conflict and has requested that another date for this meeting be chosen.

I am proposing Thursday, July 21 from 9:00-10:15 am. This meeting will immediately proceed the regularly scheduled EAC Commissioner's meeting.

Please let me know if you have an unavoidable conflict with this date and time.

Thanks

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

Karen Lynn-Dyson/EAC/GOV


Karen Lynn-Dyson/EAC/GOV

07/12/2005 03:31 PM

To Gracia Hillman, Paul DeGregorio, Raymundo Martinez, Thomas Wilkey

cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, "Carl Fillichio"

018665

<cfillichio@EXCELGOV.org>, "Deborah Both"
<dboth@EXCELGOV.org>, Laiza N. Otero/EAC/GOV@EAC,
"Matt Kohut" <mkohut@EXCELGOV.org>, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC, "Patricia
McGinnis" <pmcginnis@EXCELGOV.org>, Sheila A.
Banks/EAC/GOV@EAC, Josh Loh/EAC/GOV@EAC, Tamar
Nedzar/EAC/GOV@EAC, Gaylin Vogel/EAC/GOV@EAC,
Karen Lynn-Dyson/EAC/GOV@EAC
Subject EAC discussions of addressing voter's information needs
and concerns 

Greetings-

On Tuesday, July 19 at 9:00 AM, the Senior Vice President for Programs and the Director of Communications from the Council for Excellence in Government will join us for a 45 minute discussion around possible projects the EAC might undertake to reach out to voters and to connect voters with local election officials.

Immediately following this discussion, the EAC law clerks will present to the Commissioners, a voter information project concept they have been developing over the summer. This will be a 30 minute discussion.


At the end of this dialogue I hope to have given the Commissioners a sense of the range and scope of projects the EAC might undertake in order to address voters' information and education needs:

Thanks for marking your calendars!

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

018666

Karen Lynn-Dyson/EAC/GOV
07/12/2005 04:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, "Carl Fillichio" <cfillichio@EXCELGOV.org>, "Deborah Both"
bcc
Subject Re: EAC discussions of addressing voter's information needs and concerns 

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Thanks

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

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
07/12/2005 03:31 PM

To Gracia Hillman, Paul DeGregorio, Raymundo Martinez, Thomas Wilkey
cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, "Carl Fillichio" <cfillichio@EXCELGOV.org>, "Deborah Both" <dboth@EXCELGOV.org>, Laiza N. Otero/EAC/GOV@EAC, "Matt Kohut" <mkohut@EXCELGOV.org>, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, "Patricia McGinnis" <pmcginnis@EXCELGOV.org>, Sheila A. Banks/EAC/GOV@EAC, Josh Loh/EAC/GOV@EAC, Tamar Nedzar/EAC/GOV@EAC, Gaylin Vogel/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC
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018667

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

018666

Karen Lynn-Dyson/EAC/GOV
07/12/2005 03:31 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Thomas R.
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherril/EAC/GOV@EAC, "Carl Fillichio"
<cfillichio@EXCELGOV.org>, "Deborah Both"
bcc
Subject EAC discussions of addressing voter's information needs
and concerns 

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

018663

Amie J. Sherrill/EAC/GOV
07/13/2005 02:29 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject meeting with the Council for Excellence in Government

I added a meeting with the Council for Excellence in Gov't to your calendar. It is now on July 26, the time is to be determined, but will probably be immediately before the Commissioner's discussion. This meeting was originally scheduled for July 19, then rescheduled for the 21. Each time there was a conflict that arose. As soon as I have a time, I'll let you know. The meeting is with the Senior Vice President for Programs and the Director of Communications from the Council and is to last approximately 45 minutes. The discussion is about possible projects the EAC might undertake to reach out to voters and to connect voters with local election officials.

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

018670



"Archer, Susan K"
<ArcherSK2@state.gov>

07/12/2005 02:32 PM

To "asherrill@eac.gov" <asherrill@eac.gov>

cc

bcc

Subject deGregorio-Finley meeting

Amy,

Here is a bio of Julie Finley, the new Amb designate to the OSCE who is coming in to see Commissioner deGregorio next Monday, the 18th, at 1pm. Do you have a bio of his I could pass on to her?

Susan Archer
OSCE Desk Officer
EUR/RPM Rm. 6229
(202)647-2128



fax: (202) 647-1369 Bio.doc

018671



Paul DeGregorio/EAC/GOV
07/11/2005 11:33 AM

To Amie J. Sherrill/EAC/GOV@EAC
cc
bcc
Subject Re: Meeting with Julie Finley

Great

Sent from my BlackBerry Wireless Handheld
Amie J. Sherrill

From: Amie J. Sherrill
Sent: 07/11/2005 11:31 AM
To: Paul DeGregorio
Subject: Meeting with Julie Finley

I just added a meeting to your calendar with Julie Finley, Ambassador Designate of OSCE, and Susan Archer. It is July 18 at 1 pm here at the EAC office.

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

018672

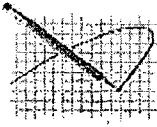
Amie J. Sherrill/EAC/GOV
07/11/2005 11:31 AM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Meeting with Julie Finley

I just added a meeting to your calendar with Julie Finley, Ambassador Designate of OSCE, and Susan Archer. It is July 18 at 1 pm here at the EAC office.

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

018673



Jeannie Layson/EAC/GOV
06/30/2005 06:09 PM

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

cc

bcc

Subject NYT Ed. Bd. meeting tomorrow

Everyone,

We will meet in the lobby of the New York Times building between 11:15 and 11:20 tomorrow morning. Our meeting is at 11:30 a.m. It is about six blocks from the Marriott (within walking distance).

The address is 229 West 43rd. St. (b/w 7th and 8th sts.). POC: Marian Green at 202-556-1876 or Adam Cohen at 202-556-3626.

I will bring background material about EAC and the guidelines.

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

013674

Jeannie Layson/EAC/GOV
06/27/2005 10:23 AM

To pdegregorio@eac.gov
cc
bcc
Subject FYI ONLY: memo for today's 11 a.m. meeting

Mr. Vice Chairman,
At today's meeting, I will discuss the particulars of the NYT ed. bd. meeting. Following is the memo I will distribute. I will have a hard copy for you when you arrive at the office.

TO: Chair Hillman, Vice Chairman DeGregorio and Commissioner Martinez

FR: Jeannie Layson

DATE: June 27, 2005

RE: *New York Times* Editorial Board Meeting

As you know, you are meeting with Adam Cohen of the *New York Times* editorial board on Friday, July 1, at 11:30 a.m. The purpose of the meeting is to provide the editors with an update of EAC activities, specifically the Voluntary Voting System Guidelines.

However, I am sure that you will be pressed to explain what they perceive as conflicts of interest regarding vendors, specifically surrounding the paper trail issue.

Regardless of what the editors want to discuss, this is your meeting, and you should seize the opportunity to talk about what's important to EAC and to its stakeholders. This is also an opportunity to clearly define the role of EAC, because it's clear to me that these editors have some misperceptions about your role and responsibilities. We cannot allow this meeting to be dominated by talk of paper trails when there are so many other issues important to voters.

Meeting Objective

Clearly define the role of EAC, and emphasize the progress already made in a short amount of time. Establish EAC as a resource for everyone; states, voters, reporters and anyone who has an interest in making sure every vote is accurately and fairly counted.

Overall Message

Voters expect and deserve to know that their vote is counted accurately and fairly, and that is our mission at EAC. Our role is to help states enact the mandates of HAVA, and to continue identifying ways to improve election administration. We will continue to conduct our activities in a transparent, inclusive manner.

The Opinions of the *New York Times*

The NYT has weighed in many times on election reform. **The most recurring theme is the**

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unreliability of electronic voting and the need for a verified paper trail. In addition, here are some the paper's other opinions regarding elections:

1. There must be a reliable mechanism for a recount. Voting machines that do not produce paper records make recounts impossible. (Editorial, 1-18-05)
2. All software used in elections should be made public. (Editorial, 11-14-04)
3. Voting machine companies have been given a large say in the process to update voting system standards. Advocates have been relegated to the sidelines. (Editorial, 12-27-04)
4. TGDC does not include anyone who champions paper trails or anyone who thinks electronic voting is unreliable. (Editorial, 12-27-04)
5. Evidence continues to mount indicating that electronic voting machines are vulnerable to tampering. (Editorial, 9-18-04)
6. New York's inability to apply for its HAVA funds has put the 2006 elections at risk. (Editorial, 12-8-04)
7. Provisional voting was one of the few valuable reforms of HAVA. (Editorial, 11-21-04)
8. There need to be uniform national standards regarding provisional voting. (Editorial, 11-21-04)
9. A study of voting times should be conducted. (Editorial, 10-27-04)

Talking Points

- We have always conducted our activities in a transparent manner, involving a diverse group of stakeholders.
- We are bipartisan – an example of people putting aside party affiliation and working toward one common goal.
- We are the Election ASSISTANCE Commission – our job is to provide resources and guidance to states. States make decisions about how to run elections.
- Making sure every vote is counted fairly and accurately is our top priority.

EAC Accomplishments

- **More than \$2.8 billion has been distributed to states to help them meet HAVA requirements.**
- **Every state, territory and the District of Columbia has received HAVA funding.**
- Voting Systems – **EAC has issued proposed VVSG**, and there is a 90-day public comment period. The public can view the document as soon as it's posted at www.eac.gov and make and view comments.
- Statewide Voter Registration Lists – **EAC has already issued draft guidance**, working to have it finalized this summer.
- Provisional Voting – In Nov. 2004 election, **more than 1.5 million provisional votes cast, and more than 1.2 million counted.**

Looking Ahead

- In 2005, EAC will:
 - Study provisional voting
 - Study voter ID requirements
- In 2006, voters will:

- Vote using updated voting technology
- See helpful information posted prominently at polling places
 - Sample ballot
 - Voters' rights
- Have more accessible polling places
- Be able to cast provisional ballots

VVSG Overview

- VVSG were developed in conjunction with Sec. 202 that mandates EAC to adopt voluntary voting system guidelines.
- VVSG updates voting system standards to address increasingly complex voting system technology and the critical areas of accessibility, usability and computer security.
- VVSG were designed for state and local election officials to help ensure that new voting systems function accurately and reliably.
- These guidelines are voluntary. States may adopt the VVSG in whole, in part or not at all. States may also choose to enact stricter performance requirements for their voting systems. Currently, at least 36 states require voting systems be nationally certified.
- Contains an overview of the national certification testing process, which will be transferred to EAC this year, as mandated by HAVA.

Issues Addressed by VVSG

- Formulated to address advances in voting technology, legislative changes and the proliferation of electronic voting systems.
- Addresses the following topics:
 - Human factors that focus on voter interaction such as language barriers, accessibility and usability
 - Security issues including voter verified paper audit trail
 - Wireless technology
 - Software distribution and setup validation requirements
 - Updated glossary

VVSG Process

- HAVA mandated that the Technical Guidelines Development Committee work with the National Institute for Standards and Technology to develop the guidelines.
- TGDC delivered guidelines to EAC in May.
- **EAC conducted an initial review before releasing the guidelines because:**
 - TGDC requested that EAC ensure that guidelines were consistent with Sec. 301 of HAVA.
 - Responsibility to conduct due diligence.
 - Sections needed revision to reflect EAC certification process.
 - Terminology needed to be updated to reflect HAVA.

VVSG Public Comment and Input

- EAC wants as much input as possible about the VVSG from election officials, advocacy

groups and the general public.

- People can view the VVSG on our website at www.eac.gov.
- We will accept comments for 90 days.
- Comments can be posted and viewed on the website.
- Readers can download the VVSG from our website. It will also be available in hard copy format or on a CD. Call the EAC at 1-866-747-1471 to request a copy or for more information.
- After the 90-day public comment period, EAC will consider all comments and adopt a final version of the VVSG.

New York Facts

- New York has received \$221,422,932 in HAVA funds.
- New York received \$153,414,430 in 2003 and 2004 requirements payments earlier this month. (Hurdles remaining were completion of administrative complaint procedure and 5 percent match for both years.)
- Two bills pending in the New York legislature would give counties until 2007 to replace lever machines. NY received \$49,603,917 in Sec. 102 funds for that purpose. According to HAVA, if NY doesn't replace those machines by the first federal election of 2006, it will have to refund some of the funding based on the number of precincts that do not comply.

Conclusion

Regardless of where the board members want to discuss, stay disciplined and talk about the role of EAC as defined by HAVA. That is the safest course, and it will also help to clear up misperceptions the ed. bd. has about the role of EAC.

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



Laiza N. Otero/EAC/GOV
06/27/2005 11:44 AM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Thomas R. Ambrogio/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Amie J.

bcc

Subject Hispanic Working Group Meeting

Dear Commissioners and Mr. Wilkey,

I would like your approval for changing the date of the Hispanic Working Group meeting from July 18th to August 1st. Our initial date overlaps with the NCLR's annual conference in Philadelphia, and quite a few of our invitees will be participating of that event. The last week of July is a very busy one and doing it prior to the 18th would be too soon for us to coordinate properly. Therefore, I propose August 1, 2005, as the new date. I would like your thoughts on the date, including if you will be able to attend. If you have any questions, please, do not hesitate to contact me. Thank you.


Sincerely,

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126

018679



Paul DeGregorio/EAC/GOV
06/27/2005 02:55 PM

To Laiza N. Otero/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV
bcc
Subject Re: Hispanic Working Group Meeting 

Laiza,

Anytime after 12:30 pm on August 1 works for me.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Laiza N. Otero/EAC/GOV



Laiza N. Otero/EAC/GOV
06/27/2005 11:44 AM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
cc Adam Ambrogio/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Joseph D. Hardy/EAC/GOV@EAC
Subject Hispanic Working Group Meeting

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Sincerely,

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-3126

018650



"Susan Dzieduszycka-Suinat"
<susan@overseasvotefoundat
ion.org>

06/23/2005 10:17 AM

To pdegregorio@eac.gov

cc

bcc

Subject Re: today's meeting with FVAP

Paul,

In light of your timely meeting today, I like you to be aware that I also submitted a complete rewrite of the FPCA form and accompanying instructions this week to Polli and Scott. To date, I have received no reply.

Given the substantive need for major revisions, I believe that I am providing valuable input, and importantly these changes are fundamental to improving voter enfranchisement.

If you would like to see these change documents, I can forward them. I'd also be interested in the outcome of your meeting and communication with the other commissioners.

Sincerely,

Susan

At 02:38 PM 6/23/2005, you wrote:

Susan,

Thanks for your note. Sorry I didn't respond to the first one. Regarding this particular form design, I would suggest that you take this up directly with Charlie Abell, as Polli doesn't seem that open to good ideas and suggestions. The Commission is meeting with Polli today and I will bring up your design suggestion directly with her.

I shared the portfolio you gave me with my fellow commissioners and top staff so they can become familiar with your work.

Thanks for your continuing advice and work in this important area.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW

018681

Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018682



Raymundo
Martinez/EAC/GOV
06/17/2005 03:36 PM

To Paul DeGregorio/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC

bcc

Subject Meeting with John Groh, ES&S Systems

Paul/Julie/Bryan:

I have set up the meeting with John Groh for next Tuesday, June 21 at 9AM in the large conference room. John may be accompanied by his product manager (whose name escapes me). John understands that this is an informational meeting only.

Thanks.


RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018683

Amie J. Sherrill/EAC/GOV
06/17/2005 09:06 AM

To Paul DeGregorio/EAC/GOV
cc
bcc
Subject Re: Talent 

Yes, it's set for Wednesday (6/22) at 3 PM in his office.

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



Paul DeGregorio/EAC/GOV
06/16/2005 07:42 PM

To Amie J. Sherrill/EAC/GOV@EAC
cc
Subject Talent

Were you able to get the Talent meeting scheduled for next week?

Sent from my BlackBerry Wireless Handheld

018684

Jeannie Layson/EAC/GOV
06/15/2005 12:18 PM

To pdegregorio@eac.gov, ghillman@eac.gov,
rmartinez@eac.gov
cc aambrogi@eac.gov, cpaquette@eac.gov, sbanks@eac.gov,
jthompson@eac.gov, twilkey@nycap.rr.com,
asherrill@eac.gov

bcc

Subject New York Times ed. bd. meeting

Commissioners,

I've arranged an ed. bd. meeting (Adam Cohen and others) with the New York Times for Friday, July 1. They are going to get back to me with available times, but I wanted you to know it's in the works. After I get the particulars, I'll give you a memo with all of the details.

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

018685



"Jay Eads"
<jeads@sos.state.ms.us>
06/09/2005 07:25 PM

To asherrill@eac.gov
cc "Chuck Bearman" <CBearman@sos.state.ms.us>, "David Blount" <DBlount@sos.state.ms.us>
bcc
Subject RE: Request for Vice Chairman's attendance

From: asherrill@eac.gov [mailto:asherrill@eac.gov]
Sent: Thursday, June 09, 2005 10:13 AM
To: Jay Eads
Cc: Kathy Fortenberry
Subject: Request for Vice Chairman's attendance

Mr. Eads,

This is the information as I understand it so far:

The Secretary of State is requesting Mr. DeGregorio to attend a lunch briefing with the Secretary on the steps Mississippi has taken and is taking to meet the HAVA requirements. The Secretary and the Vice Chairman maybe joined by US Senators Cochran and Lott and Congressmen Wicker, Pickering, Thompson, and Taylor. Or their staff members, we intend to invite them once we think Mr. DeGregorio can attend.

Also included in the request is an opportunity for Mr. DeGregorio to meet with and present an update to local Circuit Clerks lasting approximately one hour.
Forty-five minutes or whatever he needs.

A few questions the Vice Chairman may have are:

who, specifically, will be in attendance (he will want to know what Senators / Congressmen will attend the lunch and how many Circuit Clerks will attend the presentation)? The lunch meeting would be only Secretary of State, Staff and Congressional members/staff.

during the presentation, will he be allowed to use a PowerPoint presentation, Yes,
and will the equipment be provided? I will find out.

will the Vice Chairman be the only speaker, or one of several, or on a panel? One speaker.

following his presentation for the Circuit Clerks, will there be a Q&A session? if so, how long will that last?
Up to him.

If you could answer these questions, as I stated on the telephone earlier this morning, I will bring this to his attention once again. Thank you for your invitation.

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

018686



"Jay Eads"
<jeads@sos.state.ms.us>
06/09/2005 07:25 PM

To asherrill@eac.gov
cc "Chuck Bearman" <CBearman@sos.state.ms.us>, "David Blount" <DBlount@sos.state.ms.us>
bcc
Subject RE: Request for Vice Chairman's attendance

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Up to him.

If you could answer these questions, as I stated on the telephone earlier this morning, I will bring this to his attention once again. Thank you for your invitation.

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

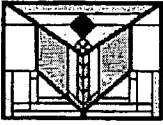
018687

(202) 566 3106

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{msossop2004}

018680



Adam Ambrogi/EAC/GOV
06/01/2005 03:51 PM

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

cc

bcc

Subject Meeting with Pollworker Institute

Commissioners:

As a follow-up to my email of last week, I have been in touch with Tracy Warren, who had asked to speak with both of you regarding the efforts that she and Jennifer Collins-Foley are proposing through the "Pollworker Institute." In addition to the prospectus for the P.I. provided you both, they have also indicated their interest in discussing the future of the College Pollworker Program, in light of their schedule for this year's Pollworker Institute initiatives. Tracy (and Jennifer, if she's back from Albania) are available to meet on Monday, June 6th at 2 PM. Please let me know whether that time is available for you, and whether you desire any additional staff present at this meeting. I will work out the remaining details.

Thanks,
Adam

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

018689



Raymundo
Martinez/EAC/GOV
05/16/2005 10:17 AM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC
bcc
Subject Fw: Monday 5/16 database:meeting.

Gracia/Paul:

Attached is the list of participants for today's meeting with the advocacy community regarding the proposed guidance on statewide voter registration lists.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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----- Forwarded by Raymundo Martinez/EAC/GOV on 05/16/2005 10:14 AM -----



Adam Ambrogi/EAC/GOV
05/16/2005 10:07 AM

To Raymundo Martinez/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV
cc
Subject Fw: Monday 5/16 database meeting

Attached is email from Wendy noting the attendees at this meeting (start time: 1 PM).

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

----- Forwarded by Adam Ambrogi/EAC/GOV on 05/16/2005 10:03 AM -----



"Wendy Weiser"
<wendy.weiser@nyu.edu>
05/13/2005 06:52 PM

To aambrogi@eac.gov
cc

018690



Subject Re: Monday 5/16 database meeting

Adam,

I successfully changed my train to one that is supposed to arrive at Union Station at 11:00 am on Monday. I therefore plan to come meet the Commissioner at 11:30 am. If the train is delayed, I will leave you a message.

As for the meeting attendees, they are:

Wendy Weiser, Brennan Center for Justice at NYU School of Law
Justin Levitt, Brennan Center for Justice at NYU School of Law
Lloyd Leonard, League of Women Voters
James Dickson, American Association of People with Disabilities
Steven Carbo, Demos
Jonah Goldman, Lawyers Committee for Civil Rights Under Law
Laleh Ipsahani, American Civil Liberties Union
Tanya Clay, People for the American Way
Larry Gonzalez, NALEO (arriving late)

Possible additional attendees include:

Jo-Anne Chasnow, Project Vote
Heather Thompson, Appleseed Foundation
Jeanette Senecal, League of Women Voters

Thank you. I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

>>> <aambrogi@eac.gov> 05/13/05 12:07PM >>>

Wendy:

018691

Just making sure you received my phone message from yesterday. Depending on when you get into DC, the Commissioner would like to have a discussion with you over lunch prior to the meeting. Would 11:30 be OK?

Let me know. Best,
Adam

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

"Wendy Weiser" <wendy.weiser@nyu.edu>

05/12/2005 04:30 PM

To aambrogio@eac.gov
cc
Subject Monday 5/16 databse meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser
Associate Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6130 (direct)
(212) 995-4550 (fax)
wendy.weiser@nyu.edu

018692



"Sam Wright"

05/16/2005 10:09 AM

To klynndyson@eac.gov
cc Paul.DeGregorio@eac.gov,
bcc
Subject Re: Meeting with Paul DeGregorio

Thanks. I will be there tomorrow, 17 May, at 4:30 pm.

Sam Wright

--- klynndyson@eac.gov wrote:

> Since Vice Chairman DeGregorio suggested 4:30 on
> Tuesday, May 17, we'll
> meet then.

> Let's plan to meet at EAC's offices- 1225 New York
> Avenue, Suite 1100.

> I look forward to it.

> Regards-

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

> "Sam Wright" <----->
> 05/16/2005 08:47 AM

> To
> KLYnnDyson@eac.gov
> cc
> Paul.DeGregorio@eac.gov, -----
> Subject
> Meeting with Paul DeGregorio

> Ms. Dyson: My work no. is 703-696-1386, ext. 550
> (not
> the number that you have been calling).

> I got an e-mail from Paul suggesting 4:30 pm on
> Tuesday, 17 May, or Wednesday, 18 May. Either would
> work for me, but not Friday--I will be traveling to
> New Orleans on business.

> I am also available any day next week, the week of
> 23
> May. I prefer late afternoon, like 4:30 pm.
> Thanks,

018696

> Sam Wright
>
>
>

018694



Raymundo
Martinez/EAC/GOV
05/16/2005 09:49 AM

To Paul DeGregorio/EAC/GOV@EAC

cc

bcc

Subject Meeting with advocates today regarding draft guidance.

Paul:

I sent an email around early last week regarding a meeting that Adam has set up with about 10-15 representatives from the advocacy community who will be in the office today to discuss the EAC proposed guidance on statewide voter lists. Wendy Weiser (Brennan Center) who testified at our Boston hearing requested the meeting as a follow-up to her testimony. The meeting is taking place today, in the large conference room, from 1 - 2:45PM.

Anyway, I was simply reminding you about the meeting and to also let you know that it is my understanding that in addition to myself, Gracia plans to attend this meeting as well. If you are available, please feel free to attend. It is mostly a listening session on our end, and Julie is taking the lead on the meeting.

Let me know if you have any questions. Thanks, Paul.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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018695



05/12/2005 02:29 PM

To pdegregorio@eac.gov

cc

bcc

Subject Fwd: Reschedule our meeting

----- Message from "Sam Wright" <
(PDT) -----

> on Tue, 10 May 2005 20:57:45 -0700

To:

Subject: Reschedule our meeting

Paul: I heard from your EA about two weeks ago, and she asked me to come by at 4:30 today, 10 May, to meet with you. I was there--maybe she failed to record the appointment properly in your book. Anyway, I am available at your convenience--but late afternoon is best for me. Sam Wright

01869E

Karen Lynn-Dyson/EAC/GOV
05/10/2005 05:53 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC
bcc
Subject Meeting with Sam Wright

Vice Chairman-

Apparently our wires got crossed concerning the meeting with Sam Wright. I misunderstood and thought Adam was working to re-schedule the meeting with Mr. Wright. I did call Mr. Wright at 2:00 this afternoon to indicate that the meeting had to be re-scheduled. He must not have gotten the message I left; he came to the office at 4:30 this afternoon and asked for you.

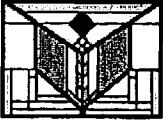
Perhaps he did not know I would be participating in the meeting as he only asked for you when he arrived. I was in the office at that time but he did not ask to meet with me, upon learning you weren't here.

I've called Mr. Wright a second time and apologized for the miscommunication and asked if we could re-schedule at his and your earliest convenience.

Karen

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

018697



Adam Ambrogi/EAC/GOV
05/10/2005 06:08 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Wright Meeting

Commissioner:

This email is just to you, but I want to make it clear that when Karen stopped by my office this morning, she asked when the meeting was with Wright. I responded that I believed that your email asked her to re-schedule the event. I then pulled up your email with Karen present, and showed it to her. She then said she would contact Wright. This occurred mid-day. So any confusion as to the rescheduling of this meeting did not come from my end. I was in the Commissioner's office for much of the afternoon, and was not contacted by anyone at the front desk about a meeting with Wright, aside from a note left on my chair by wither Bola or Joyce that he stopped by for a meeting.

I'd like to not get into any more hot water with staff around here than I have to, but I just wanted to let you know the process of these events. Karen just got back yesterday, and it's likely she was swarmed with emails. Let me know what you want done on this situation.

Thanks so much for all your support over the last week.

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

----- Forwarded by Adam Ambrogi/EAC/GOV on 05/10/2005 05:56 PM -----

Karen Lynn-Dyson/EAC/GOV
05/10/2005 05:53 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC
Subject Meeting with Sam Wright

Vice Chairman-

Apparently our wires got crossed concerning the meeting with Sam Wright. I misunderstood and thought Adam was working to re-schedule the meeting with Mr. Wright. I did call Mr. Wright at 2:00 this afternoon to indicate that the meeting had to be re-scheduled. He must not have gotten the message I left; he came to the office at 4:30 this afternoon and asked for you.

Perhaps he did not know I would be participating in the meeting as he only asked for you when he arrived. I was in the office at that time but he did not ask to meet with me, upon learning you weren't here.

I've called Mr. Wright a second time and apologized for the miscommunication and asked if we could re-schedule at his and your earliest convenience.

Karen

018698

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

018698



Sheila A. Banks/EAC/GOV
05/10/2005 08:19 AM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,
Raymundo Martinez/EAC/GOV@EAC
cc Adam Ambrogi
bcc
Subject NASS Executive Board Meeting

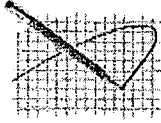
Commissioners,

The NASS Executive Board would like to continue to have open communication with you and have suggested a conference call meeting for next month. Specifically, they are looking at the afternoon of June 14 or 16.

Adam, please let me know what the Commissioners' schedules look like for either one of those days. The call should not last more than an hour.

Thank you,
Sheila

018700



Jeannie Layson/EAC/GOV
04/26/2005 04:11 PM

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

cc

bcc

Subject Boston:Globe Ed. Bd. Meeting

Those of you who are able to stay in Boston through Thursday afternoon have an appt. with Boston Globe Ed. Bd. members Bob Turner and Rene Loth and reporter Brian Mooney at 2 p.m. on Thursday. Tomorrow I will give you a memo outlining the particulars, including the topics that will be covered during the interview.

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

018701



"Kathy Kessinger"
<Kathy@KessingerProductions.com>

04/20/2006 09:48 PM

Please respond to
"Kathy Kessinger"
<Kathy@Kessingerproductions.com>

To pdegregorio@eac.gov

cc

bcc

Subject Fw: Meeting MO-SOS Kathy Palazzolo - St. Louis Hill

Paul,

Thank you for responding so quickly. Donna and myself are available to meet with you Saturday April 30th, May 14th or May 28th. Please let me know if any of these dates work for you. We are anxious to talk with you and provide you with information about our program.

Sincerely,
Kathy Palazzolo

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

From: pdegregorio@eac.gov

To: [Kathy Kessinger](#)

Sent: Wednesday, April 20, 2005 4:43 AM

Subject: Re: Meeting MO-SOS Kathy Palazzolo - St. Louis Hill

Kathy,

Thank you for your note and update. I'll be happy to meet with you to hear more about your services. At least once per month I can be found at my cousin's store, DiGregorio's, stocking up. In fact, I was just there this past Saturday. I also visit my parents, who live on _____, every Saturday. Perhaps we can meet some Saturday morning (I am only in St. Louis on the weekends). Thanks.

Paul DeGregorio

Sent from my BlackBerry Wireless Handheld

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

From: "Kathy Kessinger" [Kathy@KessingerProductions.com]

Sent: 04/19/2006 08:39 PM

To: Paul DeGregorio

Subject: Meeting MO-SOS Kathy Palazzolo - St. Louis Hill

Dear Mr. DeGregorio:

018702

We met last August at the Missouri 2004 County Clerks Annual Conference at the Lake of the Ozarks. To jog your memory you might remember my husband's name Matt Palazzolo. I believe your family knew my husband's father, Gus Palazzolo.

Last August, we were attending the County Clerks Conference introducing our program for the HAVA Act 2002 Election Reform. Last week we meet with Leslye Winslow of the Secretary of State's Office, to discuss further integration of our program throughout the State of Missouri.

We have developed a "retail landscape" methodology using proven models used by national retailers and other consumer-oriented venues like airports, stadiums, etc. This technology is designed to help predict traffic patterns, hardware/fixture techniques and other variables to enable retailers to guide consumer traffic flow and achieve optimal visibility when communicating to consumers.

We have developed a long term strategy to build upon the HAVA criteria. With our current programs like managing election poll logistics, recruitment, training and a turn key model for companies of all sizes to "Adopt a Poll" whereas corporations can volunteer their employees to work polls on Election Day, we firmly believe we can help translate the HAVA Act into a national brand whereas consumers will identify the HAVA election reform as a branded franchise.

Some of our materials were implemented in certain counties during last year's Presidential primary election (as a test) and have been widely accepted by the state's County Deputies. We are receiving great feedback about our product from local, statewide and other state officials and feel it is the right time to take this program to the next level.

We would like to meet with you and share our program mission and strategy and bring you up to date with our progress since last August. Your opinion and guidance on our initiative would be very valuable and appreciated. As I mentioned, we are located on The Hill in St. Louis on the corner of Marconi and Shaw. We would be happy to meet you in St. Louis or travel to Washington D.C.

I will contact your office next week to schedule a meeting, otherwise, should you have any immediate questions, please feel free to contact me at 314-664-0100 ext 2.

Sincerely,
Kathy Kessinger Palazzolo
Helping America Vote
1900 Marconi
St. Louis, MO 63110
314-664-0100
www.helpingamericavote.com

018703



"Kathy Kessinger"
<Kathy@KessingerProductions.com>

04/19/2006 08:39 PM

Please respond to
"Kathy Kessinger"
<Kathy@Kessingerproductions.com>

To pdegregorio@eac.gov

cc

bcc

Subject Meeting MO-SOS Kathy Palazzolo - St. Louis Hill

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Sincerely,
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Helping America Vote
1900 Marconi
St. Louis, MO 63110
314-664-0100
www.helpingamerica.com

018704



Gracia Hillman/EAC/GOV
04/18/2005 11:05 PM

To Paul DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Adam Ambrogi/EAC/GOV, Holland M. Patterson/EAC/GOV,
Spring A. Taylor/EAC/GOV, Carol A. Paquette/EAC/GOV,
Juliet E. Thompson/EAC/GOV, "Sheila Banks"
bcc

Subject Re: Meeting With California Secretary of State Bruce
McPherson

I have confirmed this meeting with Secretary McPherson.

Sent from my BlackBerry Wireless Handheld
Sheila A. Banks

From: Sheila A. Banks
Sent: 04/18/2005 05:48 PM
To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez; DeForest Soaries
Jr.
Cc: Adam Ambrogi; Holland Patterson; Spring Taylor; Carol Paquette; Juliet
Thompson
Subject: Meeting With California Secretary of State Bruce McPherson

Commissioners,

Secretary Bruce McPherson has requested to meet with you at the May 5
Commissioners Discussion at 10:00 a.m. He wants to deliver the California
Certificate of Compliance in person. In addition, he wants to discuss how
California can be a positive participant with the EAC as the state continues
its implementation of HAVA. Others attending this meeting include Assistant
Secretary of State Brad Clark and Los Angeles County Registrar-Recorder Conny
McCormack.

Brad will provide more details.

Thanks,
Sheila

018705



Sheila A. Banks/EAC/GOV
04/18/2005 05:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,
Raymundo Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC
cc Adam Ambrogi, Holland M. Patterson/EAC/GOV@EAC,
Spring A. Taylor/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC, Juliet E.
bcc

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Brad will provide more details.

Thanks,
Sheila

018706



Sheila A. Banks/EAC/GOV
04/09/2005 02:22 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
cc Carol A. Paquette/EAC/GOV@EAC, Adam
Ambrogio/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Spring A.
bcc

Subject April 11 Meeting with Disability Advocacy Groups

Commissioners,

Attached is the list of participants for Monday's meeting.

We will use a voice relay caption service for those attendees who are hearing impaired. If you are unable to attend, this service will also allow you to monitor the meeting from anywhere in the United States. Simply, go to <http://www.fedrcc.us> and input our event code, 344557. If you'd like to participate by phone, the dial-in number is 202-708-9998 (local) or 866-222-9044 (toll free) and the passcode is 63111.

Thanks,
Sheila



Attendees.doc

01870

**U.S. Election Assistance Commission Discussion with
Disability Advocacy Groups**

April 11, 2005

Participants

American Association of People With Disabilities

Andy Imparato, President
Jim Dickson, Vice President

American Council of the Blind

Daye al-Mohamed, Director of Governmental Affairs

ARC/United Cerebral Palsy

Janna Starr, Director of Disability Rights & Technology Policy

American Federation of the Blind

Joy Relton, Government Relations Representative

Bazelon Center for Mental Health

Jennifer Mathis, Staff Attorney

Brain Injury Assoc of the USA

Robert Demichelis, Legislation Liaison

Children and Adults with AD/HD

Stephen Spector, Director of Public Policy

ENDependence Living Center of Northern Virginia

Doris Ray, Advocacy & Outreach Coordinator

Fairfax Area Disability Services Board

Anne Pimley, Vice Chair, Board of Directors

Freedom Center for Independent Living

Jamey George, Executive Director

Jaburg & Wilk, P.C.,

Jim Reed, Attorney

Maryland Statewide Independent Living Council

Kimball Gray, Executive Director

018708

National Association of Protection and Advocacy Systems

Curt Decker , Executive Director
Christina Galindo-Walsh

National Council on Independent Living

Daniel Davis, Policy Analyst

National Federation of the Blind

Jim McCarthy, Director of Governmental Affairs

National Spinal Cord Injury Association

Marcie Roth, Executive Director

Paralyzed Veterans of America

Lee Page, Associate Advocacy Director

State of Florida

Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

United Spinal Association

Kara Lee-Brunton, Policy Analyst

University Legal Services

Pam Mebane, Staff Attorney

U.S. ACCESS Board

JR Harding, Board Member

Jim Elekes, Board Member (via teleconference)



"Pennington, Terry"
<terry.pennington@dlapiper.com>

04/04/2005 05:13 PM

To pdegregorio@eac.gov

cc

bcc

Subject RE: Iraqi Election Commission meeting

Paul,

It was great to hear from you again. I'm really excited for you, and just a little bit concerned. If you should take them up on their offer, be careful. I think that it would be a fantastic opportunity and I certainly would not pass it up. I forwarded you photo, and I hope you don't mind, to Leader Armeiy, and he and his assistant were quite impressed with the meeting and we all wish you the very best.

I hope that you've had an opportunity to catch your breath following our November election and from following the Iraqi elections. Don't forget that you're always welcome in Dallas.

Sincerely,

Terry Pennington

Please note that effective January 1, 2005, my email address has changed

Terry K. Pennington

DLA Piper Rudnick Gray Cary US LLP

Office Telephone: 214.743.4522

Office Fax: 972.813.6257

<mailto:terry.pennington@dlapiper.com>

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

Sent: Thursday, March 24, 2005 6:31 PM

To: pdegregorio@eac.gov

Subject: Iraqi Election Commission meeting

I just wanted to let you know of the great opportunity I had yesterday to meet with the members of the Iraq Electoral Commission at our EAC offices in Washington for about 90 minutes. This was the group that conducted the successful January 30 elections that brought democracy to the Iraqi people for the first time (with tremendous US military assistance and sacrifice, of course). The meeting was a great experience for everyone. We wanted to know what they learned from their election and they wanted to know what we learned from the November 2, 2004 US election. They spoke of the great guidance and assistance that my former employer, IFES, gave to them.

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018710

Attached is a photo of Commissioner Ray Martinez and I with the delegation.

All the best,

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

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Thank you.

018711



"John J. Blaida"
<john@cobrasource.com>
04/04/2005 04:33 PM

To: pdegregorio@eac.gov
cc
bcc
Subject: Re: Iraqi Election Commission meeting

you are one handsome dude.....Congrats and thanks for your efforts.....Ever get to Chicago, call me.

John J. Blaida
President/CEO
Phone: 847-223-1011
Fax: 847-223-1117
john@cobrasource.com

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

From: pdegregorio@eac.gov
To: pdegregorio@eac.gov
Sent: Thursday, March 24, 2005 7:31 PM
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Attached is a photo of Commissioner Ray Martinez and I with the delegation.

All the best,

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Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018712



"Gary"
<gary@eac.gov>
03/31/2005 11:53 AM

To pdegregorio@eac.gov
cc
bcc

Subject Fw: Iraqi Election Commission meeting

Paul -- Ken Meyer forwarded to me the message about your meeting with the members of the Iraqi Election Commission which I found very inspirational. Here in the USA, I think we tend at times to take our right to vote for granted, whereas others around the world have to fight and at times risk their lives to exercise the same right. I am particularly reminded about that now, because we only had an 18% turnout on March 8 for the Municipal Primary Election and will likely have an even smaller turnout next Tuesday for the Municipal General Election.

I had lunch the other day with my predecessor, Kevin Coan, and he mentioned to me that he had applied for a research position with the EAC. I don't know if you have seen his application, but I thought I would mention that to you. Given Kevin's many years of experience here at the City Election Board and his legal background, he might be a good "fit" for a position with your organization and would undoubtedly appreciate an opportunity to discuss it further with you.

Hope all is well with you and your family and that you had a joyous Easter. If your travels bring you this way and your schedule permits, I would be pleased to meet you for breakfast or lunch and talk "shop" a bit.

Best regards.

Gary

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

From: Ken A. Meyer

To: amcclure@cityutilities.net ; [Vernon Schmidt](mailto:Vernon_Schmidt) ; stoffg@ ; jberho@ ;
jez3285@bjcmail.carenet.org ; jlawson@urbanleague-stl.org ; [Kerry DeGregorio](mailto:Kerry_DeGregorio) ;
kdw54321@ ; ldhanson@ ; spacesistah@ ; [Rob Dawes](mailto:Rob_Dawes) ;
sylviaastoll@wustl.edu ; [Tim Dreste](mailto:Tim_Dreste) ; [Val White](mailto:Val_White) ; [Tom Wilsdon](mailto:Tom_Wilsdon) ; [Barbara Nahlik](mailto:Barbara_Nahlik) ; [Bill Volk](mailto:Bill_Volk) ;
Bob ; [Bob Koetting](mailto:Bob_Koetting) ; [Bud & Gerry Gilberg](mailto:Bud_Gerry_Gilberg) ; [Charlene LaRosa](mailto:Charlene_LaRosa) ; [Dave Jones](mailto:Dave_Jones) ; [David Jones](mailto:David_Jones) ; [Dick Bauer](mailto:Dick_Bauer) ;
[Dick Marshall](mailto:Dick_Marshall) ; [Don Gravlin](mailto:Don_Gravlin) ; [Eva Norton](mailto:Eva_Norton) ; [Good News](mailto:Good_News) ; Herman ; [Jack Goldman](mailto:Jack_Goldman) ; [Jeff Chapman](mailto:Jeff_Chapman) ;
[Jim Fiete](mailto:Jim_Fiete) ; [John D. Wiemann](mailto:John_D._Wiemann) ; [John Winston](mailto:John_Winston) ; [Kacky Garner](mailto:Kacky_Garner) ; [Michael Chance](mailto:Michael_Chance) ;
[Patrick Werner](mailto:Patrick_Werner) ; [Rita Carlson](mailto:Rita_Carlson)

Sent: Monday, March 28, 2005 9:44 AM

Subject: FW: Iraqi Election Commission meeting

I just wanted to let you know of the great opportunity I had yesterday to meet with the members of the Iraq Electoral Commission at our EAC offices in Washington for about 90 minutes. This was the group that conducted the successful January 30 elections that brought democracy to the Iraqi people for the first time (with tremendous US military assistance and sacrifice, of course). The meeting was a great experience for everyone. We wanted to know what they learned from their election and they wanted to know what we learned from the November 2, 2004 US election. They spoke of the great guidance and assistance that my former employer, IFES, gave to them.

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018713

democracy and freedom in Iraq country. They had confidence that they could overcome this and said that free and fair elections are the best way to fight those who want to take away the freedoms that the Americans have given them. The Commissioners invited me to observe their constitutional referendum and parliamentary elections expected later this year. I just might take them up on their offer.

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All the best,

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202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov



Iraqi Election Commission.JPG

018714



"Mary Kertz"

<

>

03/30/2005 04:09 PM

To pdegregorio@eac.gov

cc

bcc

Subject Re: Iraqi Election Commission meeting

Mr. DeGregorio-

This is incredible to hear about from you on a first-hand account. Thank you for sharing, and for keeping me on your distribution list!

--Mary

pdegregorio@eac.gov wrote:

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All the best,

Paul DeGregorio
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www.eac.gov

018715

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Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

018710



"AJ Profiri"

< >

03/28/2005 02:35 PM

To pdegregorio@eac.gov

cc

bcc

Subject Re: Iraqi Election Commission meeting

Mr. DeGregorio,

I hope you had a great time with your family in Italy.

I was impressed with the results of the election in Iraq.

Personally I am against the war, but probably the war is necessary to change a strong totalitarian system.

In Albania we had good and helpful neighbors like Italy and Greece, but beginning of the democratic system was very difficult and the fight with the people associated with the communist totalitarian regime was difficult because they preferred to believe what was convenient for them.

In Iraq, neighbors like Iran and Syria complicate the situation but I believe the new generation is realizing the western democratic progress and they will be useful in the democratic process, the election was a very strong parameter of the progress in Iraq. I am confident they will overcome the transition period and hopefully the western help will continue in Iraq.

Albania elections probably will be this July, hopefully is not going to be painful this time.

Best Regards,

Artan Profiri

pdegregorio@eac.gov wrote:

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018717

referendum and parliamentary elections expected later this year. I just might take them up on their offer.

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All the best,

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pdegregorio@eac.gov
www.eac.gov

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018718



"Hollingsworth, Bob Mr.,
OSD-RA-ESGR"
<Bob.Hollingsworth@osd.mil>

To pdegregorio@eac.gov

cc

bcc

03/28/2005 05:08 AM

Subject RE: Iraqi Election Commission meeting

Paul, Sounds like a great opportunity! What was their reaction to your comments on what we learned in the US election? sf Hawk

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

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

Sent: Thursday, March 24, 2005 7:31 PM

To: pdegregorio@eac.gov

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pdegregorio@eac.gov
www.eac.gov

018719



"Mike Witt"

< >
03/25/2005 01:52 AM

To pdegregorio@eac.gov

cc

bcc

Subject RE: Iraqi Election Commission meeting

That's amazing Paul! Your work is really puts you on the forefront of some of the most dramatic change the world is seeing right now, in my opinion. Just get home safely when you're done, if you haven't done so already, so we can get together for lunch sometime! -Mike

-----Original Message Follows----- From: pdegregorio@eac.gov To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting Date: Thu, 24 Mar 2005 19:31:15 -0500 I just wanted to let you know of the great opportunity I had yesterday to meet with the members of the Iraq Electoral Commission at our EAC offices in Washington for about 90 minutes. This was the group that conducted the successful January 30 elections that brought democracy to the Iraqi people for the first time (with tremendous US military assistance and sacrifice, of course). The meeting was a great experience for everyone. We wanted to know what they learned from their election and they wanted to know what we learned from the November 2, 2004 US election. They spoke of the great guidance and assistance that my former employer, IFES, gave to them. The group was very appreciative of US intervention and assistance in Iraq. They said it was not only a new start for Iraq but for the whole region. The Commission spoke of the outside forces that want to thwart democracy and freedom in Iraq country. They had confidence that they could overcome this and said that free and fair elections are the best way to fight those who want to take away the freedoms that the Americans have given them. The Commissioners invited me to observe their constitutional referendum and parliamentary elections expected later this year. I just might take them up on their offer. Attached is a photo of Commissioner Ray Martinez and I with the delegation. All the best, Paul DeGregorio Vice Chairman US Election Assistance Commission 1225 New York Ave, NW Suite 1100 Washington, DC 20005 1-866-747-1471 toll-free 202-566-3100 202-566-3127 (FAX) pdegregorio@eac.gov www.eac.gov << IraqiElectionCommission.JPG >>

018720



"Tony J. Sirvello III"
<...>
03/25/2005 01:42 PM

To pdegregorio@eac.gov
cc
bcc
Subject Re: Iraqi Election Commission meeting

Hi Paul,

What a great experience - wish I could have been there. Do you have any contact information for these gentlemen - I would like to invite them to our conference?

Thank you for your hospitality this week - I feel privileged to have one-on-one time with you when I visit your office.

A Safe and Happy Easter to You and Your Family,

Your friend always,

Tony

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

From: pdegregorio@eac.gov

To: pdegregorio@eac.gov

Sent: Thursday, March 24, 2005 6:31 PM

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Attached is a photo of Commissioner Ray Martinez and I with the delegation.

All the best,

Paul DeGregorio
Vice Chairman
US Election Assistance Commission

018721

1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018722



"Bauer, Dick"
<DBauer@stlouisco.com>
03/25/2005 01:24 PM

To pdegregorio@eac.gov
cc
bcc

Subject RE: Iraqi Election Commission meeting

Good picture. Heck of an opportunity, going to Iraq, if it comes off. Go for it. I spent 3 hrs. in a phone bank last night for Bill Alter. John Weir was there. Hadn't seen him in a coon's age. Also Miriam Stonebraker. Lookin' good in that district. Think we'll take it on the 5th.

Richard J. Bauer, Assistant Director
The St. Louis County Board of Elections
12 Sunnen Drive, Ste. 126
St. Louis, MO 63143
314/615-1804 (voice)
314/615-1999 (fax)
email: <mailto:dbauer@stlouisco.com>
website: <http://www.stlouisco.com/elections>

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thursday, March 24, 2005 6:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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All the best,

018726

Paul DeGregorio
Vice Chairman
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1-866-747-1471 toll-free
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pdegregorio@eac.gov
www.eac.gov

018724



CSBurkhardt@DOC.GOV
03/25/2005 01:11 PM

To pdegregorio@eac.gov
cc
bcc
Subject Re: Iraqi Election Commission meeting

Paul:

What a great meeting it must have been. Our country can be so proud for what we have done there, and the great election management is icing on the cake.

Progress is going well on the final 2 weeks of hard-core drafting at NIST. Feel free to call me directly if you and the Commission are not getting what you want. The word on Tony is that he is adding much value.

Have a great Easter.

Regards,
Craig

018725



Brownhunter4
03/25/2005 12:13 AM

To pdegregorio@eac.gov
cc
bcc
Subject Re: Iraqi Election Commission meeting

No doubt it was serious work. Yvonne

018720



"LaRosa, Charlene"
<CLaRosa@stlouisco.com>
03/25/2005 11:12 AM

To pdegregorio@eac.gov
cc
bcc

Subject RE: Iraqi Election Commission meeting

What a great opportunity! I don't think the average Joe (Democrat) realizes exactly what took place over there and what an impact it has to civilization.

Things here are the same. We are anxiously awaiting our destiny. I hope it happens soon.

Bona Pasquale !!!!

Charlene

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thursday, March 24, 2005 6:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov

018727

www.eac.gov

018728



"Grant, Pamela W."
<Pamela_W_Grant@who.eop.gov>
03/25/2005 08:40 AM

To pdegregorio@eac.gov
cc
bcc
Subject RE: Iraqi Election Commission meeting

Paul - This is fantastic. What a memorable experience. All your hard work is paying off - you truly are spreading democracy around the world. My heartiest congratulations!! Is it ok if I share your email with some people here?

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

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thursday, March 24, 2005 7:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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pdegregorio@eac.gov
www.eac.gov

018728



PEC367(
03/25/2005 07:03 AM

To pdegregorio@eac.gov

cc

bcc

Subject Re: Iraqi Election Commission meeting

Paul, you are truly making history. We have come a very long way in the election process, and you have been right there in the forefront. IFES had had a tremendous impact – with your assistance and guidance.

I remember when Kerry was so concerned with your safety and you were out there making inroads into Russia and numerous other places. We were always praying for your safety.

Keep up the amazing work.

I know you are keeping a journal. I hope you are beginning your book--it would be so beneficial to those countries where elections are finally becoming a possibility and reality. I am requesting my own personal signed copy -- please note and keep in a most important place.

God bless - Be safe.

Barbara Cooper

018730



"Diamond, Sandra"
<sdiamond@umsl.edu>
03/25/2005 06:00 AM

To pdegregorio@eac.gov
cc
bcc
Subject RE: Iraqi Election Commission meeting

Paul:

Your email brought smiles to my face and tears of joy to my eyes. What a wonderful 90 minutes this must have been for you, the Iraqi people, IFES and others involved. I know how proud you must have felt listening to the Iraqi people and a bit nostalgic wishing you had been there in January to see this first hand. I hope things work out for you to go to Iraq later this year. I know how much this would mean to you personally and professionally. In any event, congratulations--this is the best news for anyone, especially for those us os who love free elections and democracy.

Sandy Diamond
Kids Voting Missouri

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thu 3/24/2005 6:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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1-866-747-1471 toll-free

018731

202-566-3100
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pdegregorio@eac.gov
www.eac.gov

018732



SarahBall.Johnson@ky.gov
03/24/2005 08:45 PM

To pdegregorio@eac.gov
cc
bcc

Subject Re: Iraqi Election Commission meeting

Fascinating! I think you need a traveling buddy-I volunteer.
Sarah Ball Johnson
Executive Director
State Board of Elections
140 Walnut Street
Frankfort, KY 40601
(502) 573-7100
(502) 573-4369-f
cell

Sent from my BlackBerry Wireless Handheld

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

From: pdegregorio@eac.gov <pdegregorio@eac.gov>
To: pdegregorio@eac.gov <pdegregorio@eac.gov>
Sent: Thu Mar 24 19:31:15 2005
Subject: Iraqi Election Commission meeting

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Suite 1100
Washington, DC 20005
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202-566-3100

018738

202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018734



"Matt Jessee"
<matt@bryancavestrategies.com>
03/24/2005 08:55 PM

To pdegregorio@eac.gov
cc
bcc
Subject RE: Iraqi Election Commission meeting

That's so awesome – thanks again for dinner – you are great mentor and friend!

Matt

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

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thursday, March 24, 2005 7:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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pdegregorio@eac.gov

018735

www.eac.gov

018736



"Edward R Martin - AUL"
<ed@aul.org>
03/24/2005 08:10 PM

To pdegregorio@eac.gov
cc
bcc

Subject RE: Iraqi Election Commission meeting

Wow. Pretty cool photo – even cooler work.

All well here ... again, Paul, sorry I got crossways with your ideas for the County board ... I will call you earlier in my efforts.

Things are progressing with the City ... we have three solid Commissioners set – with one D left to find.

One question: I think that part of being Chair – my preference at least – is for me to be the public voice of the Board. Is that appropriate? I mean, I think Patrick will be good, but I really want – for me and for control – to be the one out front. Can you comment on this?

Thanks again for all of your encouragement.

All the best.

Ed

Ed Martin

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thursday, March 24, 2005 6:31 PM
To: pdegregorio@eac.gov
Subject: Iraqi Election Commission meeting

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All the best,

018737

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018738



"mike palank"

03/24/2005 07:42 PM

To pdegregorio@eac.gov

cc

bcc

Subject Re: Iraqi Election Commission meeting

cool Uncle Paul!

Don't go to Iraq.

pdegregorio@eac.gov wrote:

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pdegregorio@eac.gov
www.eac.gov

018739



"Shen, Terry W CIV SHIPS"
<terry.shen@navy.mil>
03/24/2005 10:28 PM

To pdegregorio@eac.gov, rmartinez@eac.gov
cc
bcc
Subject REply: Iraqi Election Commission meeting

Commissioners,

This is truly inspirational. Thanks for sharing. And keep up the good work! vr/TS

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

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Thu 3/24/2005 7:31 PM
To: pdegregorio@eac.gov
Cc:
Subject: Iraqi Election Commission meeting

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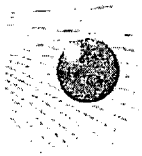
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pdegregorio@eac.gov
www.eac.gov

018740



Paul DeGregorio/EAC/GOV
03/24/2005 07:31 PM

To pdegregorio@eac.gov
cc
bcc
Subject Iraqi Election Commission meeting

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www.eac.gov



Iraqi Election Commission.JPG

018741



"Montaña, Katalina"
<KMontana@oas.org>
03/22/2005 04:45 PM

To pdegregorio@eac.gov
cc
bcc
Subject Invitation to the III Inter-American Meeting on Electoral
Technology

Dear Mr. DeGregorio:

It was a pleasure to meet you at the Carter Center Meeting. As mentioned to you in Atlanta, the Electoral Institutions of Colombia, the National Civil Registry and the National Electoral Council, in collaboration with the Organization of American States (OAS) are organizing the Third Inter-American Meeting on Electoral Technology in Bogotá, Colombia on April 6 and 7, 2005. The meeting will bring together once again bring together electoral authorities, as well as experts in information technology, from throughout the hemisphere to discuss the state of electoral administration and the role of technology in the electoral process. Each Electoral institution will have the opportunity to present their approaches to the use of technology in the electoral process.

We are cordially inviting you or a representative of the U.S Election Assistance Commission to participate in this event. At this meeting, an exchange of information, best practices, experiences and technology will be examined throughout the hemisphere, focusing on the consolidation and modernization of electoral processes as a means to promote democracy. This computerization provides the necessary framework for free and fair elections and allows election administrators to better utilize their resources. The expenses of your participation will be covered by the OAS.

Please take a moment to look at the enclosed information on the meeting. It provides general information, including background, content and methodology to be used at the meeting. Due to the difference in the electoral system between Latin America and the United States, we would appreciate if your presentation could provide a brief description of the electoral system in the U.S. as well as information on electoral technologies that are in use. We have prepared a draft document that may be useful to guide this presentation. Please let us know if equipment will be required for your presentation.

Please confirm your participation to Alexandra Osorio at mosorio@oas.org or via fax at (202) 458-6299, to Juan Carlos Yepes Alzate at jcyepes@registraduria.gov.co or via fax at (571) 222-2798 and to Guillermo Francisco Reyes Gonzalez at gf_reyes@yahoo.com or fax (571) 222-7039.

We take this opportunity to renew to you the assurances of our highest consideration.

018742

Katalina Montana

Specialist

Department of Democratic and Political Affairs

Organization of American States (OAS)

<<DOCUMENTO INFORMATIVO 3.8.05 eng.doc>> <<Agenda final revisada 3.21.05.doc>> <<Temas de La Comision de Asistencia Electoral delos EEUU eng..doc>>



DOCUMENTO INFORMATIVO 3.8.05 eng.doc Agenda final revisada 3.21.05.doc



Temas de La Comision de Asistencia Electoral delos EEUU eng..doc

018743



Organización de los Estados Americanos
Organizaçãu dos Estados Americanos
Organisation des États américains
Organization of American States

ELECTORAL ORGANIZATION OF COLOMBIA ORGANIZATION OF AMERICAN STATES

Invite to the
Third Inter-American Meeting on Electoral Technology
Bogota, Colombia
April 6 and 7, 2005

Informative Document

BACKGROUND

Interest in the use of new technology in electoral processes is becoming increasingly evident in our Hemisphere. From voter identification mechanisms to electronic voting machines, more and more innovations have been appearing on the electoral scene of various countries of the American hemisphere.

It is important to emphasize that currently in our democracies electoral processes rely heavily on the confidence of the electorate and the acknowledgement of the international community regarding the success of the steps taken by the electoral authorities to strengthen and modernize their institutions, specifically in the organization and administration of elections. It is for this reason that the Organization of American States (OAS) through the electoral area of the Department of Democratic and Political Affairs (DADP) has, since 2002, initiated in the framework of its Inter-American Electoral Technology Program [In Spanish, Programa Interamericano de Tecnología Electoral (PITE)], the Inter-American Meeting on Electoral Technology, which allows for the acknowledgement of technological advancement made in the Inter-American hemisphere, which contributes to the celebration of elections, each time more modern, transparent and efficient in all countries of our region. The Meeting addresses areas, such as, attention to voters, the automatization of the processes applied to elections, and the incorporation of the use of information technology.

To date, the OAS has successfully held two Inter-American Meetings on Electoral Technology. Each opened the door to the exchange of practices and experiences in terms of the incorporation of technological innovations in the field of elections, as well as the fostering of horizontal cooperation among the different electoral authorities of our continent.

In addition, Member States have considered the gathering as suitable for the generation of ideas and the development of areas of common interest, in order to promote the integration of information in electoral processes.

It is worth noting that in the First Meeting the challenges that come with the introduction of new electoral technology were analyzed. It also provided the opportunity

018744



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États américains
Organization of American States

to learn and share the experiences of the different electoral bodies in incorporating electoral technology innovations, especially those related to procedures in the organization of elections. The benefits of horizontal cooperation in this area were also examined.

On that occasion, the OAS presented the Inter-American Electoral Map, a useful tool for consultation and information on electoral issues. This virtual tool has turned into a forum for all interested in developing forecasts or comparative analysis of the situation of electoral bodies of the hemisphere in matters of legislation, organization and electoral technology.

The Second Meeting sought to introduce an academic and "outside" perspective on the different voting mechanisms and allowed for fruitful discussions on the challenges that electoral technology poses in terms of efficiency as well as the care that should be taken in its implementation.

In this way, the electoral authorities explored the mechanisms to coordinate the implementation of technology with electoral administrations, the electorate, political organizations and the legislative branch. This is how the conclusion was reached that technology is not an end in itself, but rather a useful tool to attain a certain end: the modernization of electoral procedures through voting procedures which will become more efficient and reliable than they are now. It is as much a short-term as a long term goal. The strengthening of democracies in the region should at all times favor citizen participation with the application of basic rights such as, equality, security, transparency, confidence and confidentiality.

In both Meetings, the OAS, in order to provide the electoral authorities of the its Member States exposure to the existing products, services, and applications in the market aimed at the improvement and automatization of the electoral processes invited numerous suppliers that presented and demonstrated the innovations and their functions, in suitable exhibition halls, that permitted participants to acquaint themselves with the advancements in the science of electoral technology.

OBJECTIVE

In this the third Meeting on Electoral Technology, the OAS with the support of the Electoral Organization of Colombia proposes to continue its clear efforts to support and strengthen the exchange of knowledge, best practices, and experiences of the different electoral authorities in areas of technology, in the interest of promoting cooperation among the electoral institutions of the hemisphere and the multilateral framework proclaimed by the Organization.

In the scope of this general objective, we are seeking to:

- Present the achievements accomplished by the OAS in this field during the past year.

018745



Organización de los Estados Americanos
Organizaçào dos Estados Americanos
Organisation des États américains
Organization of American States

- Reinforce the basic idea that at this particular socio-political juncture in the hemisphere, the electoral bodies are indisputably the agents of change that influence not only the electoral regimes but also the consolidation of democracy in their countries and their institutions, obligating all the political, social, and academic actors to become involved in the study and analysis of the challenges they need to tackle to ensure that political and electoral processes are more responsive, modern, efficient and transparent.
- Recognize verbally, all the electoral authorities gather at the Meeting, the reach of the new technologies they have acquired or developed, their successful achievements as well as the lessons learned. This will rely on the most accurate and adequate "inventory of technological products and services in use and/or in development for inter-American electoral needs."

METHODOLOGY

The Organization of American States (OAS) and the Electoral Organization of Colombia, comprising the National Civil Registry and the National Electoral Council are the organizers of the Third Inter-American Meeting on Electoral Technology, an event which will take place from April 6 and 7, 2005 in Bogotá, Colombia.

The methodology to be used at the Meeting will be the following:

1. **Inauguration**
2. **Presentations by the Electoral Authorities.** These presentations will be the responsibility of the leaders of the participating electoral bodies, accompanied by their expert in technology and computer science. Each country will be allowed a maximum of fifteen (15) minutes to present its experiences in the use and development of new technology in electoral matters. The presentations must focus on the products and services in the field of electoral technology that are available or in development in each country as well as any challenges that the Institutions might have in these areas. Likewise, to help document the event, we request that each delegation submit a written document, which will in this way, too, give countries the opportunity to detail the most important aspects of the utilization and implementation of these technologies.
3. **Presentation by Special Guest.** A presentation will be made by an expert outlining an Inter-American perspective of the initiatives of "e-government," which with the support of the OAS will be developed in many of the countries.
4. **Presentations by Suppliers.** This Meeting will offer the opportunity for each one of the suppliers to participate in the Exhibition Hall, mount an exposition of no more than 10 minutes so that they can present to the electoral authorities the products and/or services they offer. This segment will allow those present and, in particular, the experts in information technology the chance to interact with the

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different electoral technologies offered in the market so that they can get a better idea of what is out there.

5. **Plenary Session.** At the end of the event, a plenary session will provide a forum for the exchange of questions and concerns arising from the Meeting and a matrix that will gather the conclusions from the presentations and other elements that might have been brought up during the Third Inter-American Meeting on Electoral Technology.
6. **Show Room.** While the Meeting is taking place, there will be an exhibition hall for the Suppliers of Services and Products of Electoral Technology that can be viewed by the electoral authorities and other participants during the event.

OUTCOME

During the Third Inter-American Meeting on Electoral Technology it is our hope to attain the following results:

- Prepare an account of the current situation in the area of electoral technology from all the participating electoral bodies at the Meeting
- Create a matrix of the strengths and opportunities which the institution can rely on in terms of legislation, technology and electoral organization that allow for the promotion of concrete actions and the support of horizontal cooperation with the aim of creating projects of exchange of practices, technologies, and personnel among the participating countries and/or businesses that offer electoral technology products and services.
- Create the foundations for the formulation of a comparative study on the situation of the Member States in the area of electoral technology that will allow the OAS to lend more support to their programs of electoral technology assistance.
- Establish a preparatory plan of concrete activities according to the Inter-American electoral calendar for the next five years.
- Establish and/or strengthen links among the electoral bodies and their advances in the incorporation of electoral technology.
- Promote the efforts of horizontal cooperation among the electoral bodies of Member States.

INVITATION

The participation of the representative of the electoral authority and the information technology manager in the electoral organization of each participating country will be financed by the OAS. (This financing includes the costs of transport, room and board, and meals.)

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Organizaçion des États américains
Organizaçion of American States

For the coordination of logistical matters, we ask that the electoral authorities and IT managers interested to participate in the meeting to send, upon receipt of this letter, confirmation of their attendance and the name of the IT manager to Juan Carlos Yepes Alzate at jcyepes@registraduria.gov.co or via fax at (571) 222-2798 and to Alexandra Osorio at mosorio@oas.org or via fax at (202) 458-6299, and to Guillermo Francisco Reyes González at gf_reyes@yahoo.com or fax (571) 222-7039.

For additional information, please visit the webpage www.oea-rite.org.

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ORGANIZACIÓN ELECTORAL DE COLOMBIA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS

III Reunión Interamericana de Tecnología Electoral
Abril 6 y 7 de 2005 - Bogotá, Colombia

Agenda Tentativa

MIÉRCOLES 6 DE ABRIL

- 8:00 a.m.** Sesión de inauguración - Intervenciones por confirmar según el nivel:
- Presidente de la República, ó un Delegado por él.
 - Secretario General Interino OEA, ó
 - Director de Departamento de Asuntos Democráticos y Políticos (OEA), ó
 - Directora Oficina para la Promoción y la Democracia (OEA)
 - Presidenta Consejo Nacional Electoral
 - Registradora Nacional del Estado Civil de Colombia
- 10:30 a.m.** Pausa - Café
- 11:00 a.m.** Presentación Autoridades Electorales de Norte América (Estados Unidos, Canadá, México (2))
Moderador: Dr. Guillermo Reyes, Magistrado del CNE
- 12:00 m.** Receso - Almuerzo
- 2: 00 p.m.** Presentación Autoridades Electorales de Centro América (El Salvador, Honduras, Nicaragua, Guatemala)
Moderador: Dr. Marco Emilio Hincapié Ramírez, Magistrado del CNE
- 3: 00 p.m.** Pausa - Café
- 3: 15 p.m.** Continuación de la presentación de las Autoridades Electorales de Centro América (Costa Rica, Panamá, República Dominicana)
Moderador: Sr. Santiago Murray, Asesor de la OEA
- 4: 00 p.m.** Presentación Autoridades Electorales de la Región Andina (Bolivia, Ecuador, Venezuela, Perú (2))
Moderador: Sr. Orlando Abello
- 5:15 p.m.** Pausa – Café
- 5: 30 p.m.** Continuación de la presentación de las Autoridades Electorales de la Región Andina (Colombia (2 autoridades))
Moderador: Sr. Moisés Benamor, Coordinador del Área Electoral de la OEA

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- 6:00 p.m. Cierre del día
- 8:30 p.m. Cóctel de Bienvenida por la Organización Electoral Colombiana

JUEVES 7 DE ABRIL

- 8:30 a.m. Presentación Autoridades Electorales del MERCOSUR
(Argentina (2), Uruguay, Paraguay, Chile (2) y Brasil)
Moderador: Dr. Antonio José Lizarazo, Magistrado del CNE
- 10:15 a.m. Pausa - Café
- 10:45 a.m. Presentaciones por parte de la OEA
Moderador: Dr. Roberto Bornacelli, Magistrado del CNE
Presentación sobre E-Government. Sr. Miguel Porrua, Especialista en Gobierno Electrónico de la OEA
Presentación del Programa Interamericano de Tecnología Electoral. Sr. Moisés Benamor, Coordinador Área Electoral del Departamento de Asuntos Democráticos y Políticos de la OEA
- 11:15 a.m. Sesión de Preguntas
Moderadores: Doctores Luís Eduardo Botero y Guillermo Mejía Mejía, Magistrados del CNE
- 12:00 m. Receso - Almuerzo
- 2:00 p.m. Presentación de las Compañías Proveedoras de Servicios Tecnológicos
Moderador: Sr. Moisés Benamor, Coordinador del Área Electoral del Departamento de Asuntos Democráticos y Políticos de la OEA
- 5:00 p.m. Sesión Plenaria.
Presidenta: Presidenta Consejo Nacional Electoral
Registradora Nacional del Estado Civil de Colombia
Representante de la OEA.
Los Moderadores
- 6:00 p.m. Clausura del Evento por:
Presidenta Consejo Nacional Electoral
Registradora Nacional del Estado Civil de Colombia
Representante de la OEA.
- 8:30 p.m. Cóctel de Despedida por la OEA

018750



Gracia Hillman/EAC/GOV
03/22/2005 06:07 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC

cc

bcc

Subject Meeting w/Disability Groups

Following today's discussions with NASS, I am wondering if we should invite a NASS representative(s) to our April 11 discussions with the Disability Groups so they (the NASS reps) can hear for themselves what the disability groups are concerned about?

It sounds like some states are considering purchasing an accessible voting system that some of the disability groups have threatened to file suit over.

Your thoughts on this?

018751



"Platte County"
<platte@sos.mo.gov>
03/08/2005 12:25 PM

To pdegregorio@eac.gov
cc
bcc
Subject Missouri Urban Board Meeting

Hi Paul!

Hope that all is going well for you and your family.

The Platte County Board of Elections is hosting this year's MO Urban Board conference from May 11-13 at Tan-Tar-A.

Would you be available to give us an update on the EAC's activities on Friday, May 13th? We start at 9:00 a.m. and end at 11:00 a.m. on this day. We would accommodate your schedule if you are able to make it.

I know that you are on a busy and tight schedule but would appreciate your consideration!

Take care!

Wendy Flanigan
Director
Phone-816/858-4400
Fax- 816/858-3387
<mailto:e-mail:platte@sos.mo.gov> e-mail: <mailto:platte@sos.mo.gov>
platte@sos.mo.gov

018752



"Sarah Dionne"
<dionne@media.mit.edu>
02/25/2005 05:26 PM

To pdegregorio@eac.gov
cc
bcc
Subject Meet with Ted Selker, MIT/Caltech Voting Project

Hello Mr. DeGregorio,

Ted Selker will be in DC next week and he was hoping to be able to meet with you.

He will be arriving Wednesday, March 2 around noon and would have time after 3:00 that day or Thursday morning before 10:00.

Please let me know what could work with your schedule.

Thank you.

sarah
:.....
Sarah Dionne
Administrative Assistant
Context-Aware Computing Group
Ambient Intelligence Group
20 Ames Street, E15-322
Cambridge, MA 02139
phone: 617.253.0291
fax: 617.258.0910

p.s. I will be out of the office Monday so I will be able to confirm any suggested meeting time on Tuesday.



"Doug Lewis"
<dlewis@electioncenter.org>
12/31/2004 06:17 PM

To "Ray Martinez" <rmartinez@eac.gov>, "Deforest Soaries"
<dsoaries@eac.gov>, "Gracia Hilman"
<ghillman@eac.gov>, "Paul Degregorio"

.cc

bcc

Subject Joint Election Officials Meeting this week

Back on November 6, I sent an email inviting each of you to participate in the Joint Election Officials Liaison Committee meeting in DC at the Westin Embassy Row (21st and Mass) on Thursday and Friday, January 6 & 7.

Congressional staffers Kennie Gill, Tom Hicks, Paul Vinovich and Brian Lewis will be doing a panel at 10:00 to 11:30 a.m. on Thursday. Our meeting begins at 9 a.m. and concludes each day at 4:30 p.m.

I would love for you to be able to be introduced and speak to this group if you so choose. We will have about 120 attendees this year. You can speak either on Thursday afternoon or Friday.

You can reach me on my mobile number or at the hotel beginning Sunday, Jan 2.

I hope each of you will be able to participate.

R. Doug Lewis
Executive Director
The Election Center, Inc.
12543 Westella, Ste. 100
Houston, TX 77077-3929
Phone: 281-293-0101
FAX: 281-293-0453 or 293-8739
Mobile: 713 510 0000
Email: dlewis@electioncenter.org

018754



11/12/2004 11:25 PM

To pdegregorio@eac.gov

cc

bcc

Subject Fwd: I would like to meet with you.

----- Message from "Sam Wright" <

> on Fri, 12 Nov 2004 10:13:30 -0800 (PST)

To: "Hemenway, Margaret, CIV, OSD" <Margaret.Hemenway@osd.mil>

cc: RADMCarey@aol.com, PaulDGOP@aol.com, jerickso@erols.com

Subject: RE: I would like to meet with you.

Thanks. See you Tuesday at 6:30 pm at 437 New Jersey Ave. SE. Sam

--- "Hemenway, Margaret, CIV, OSD" <Margaret.Hemenway@osd.mil> wrote:

> Sam, I will be there- got a \$50 pkng ticket last
> time so I think I'll take
> metro this time and David can babysit.

>

> -----Original Message-----

> From: Sam Wright [mailto:]

> Sent: Friday, November 12, 2004 6:11 AM

> To: PaulDGOP@aol.com; Margaret.Hemenway@osd.mil

> Cc: RADMCarey@aol.com; David.Hemenway@osd.mil;

>

>

> Subject: Re: I would like to meet with you.

>

>

> Proposed meeting time and place:

>

> 1830 hours (6:30 pm)

> Tuesday, 16 November

> 437 New Jersey Ave. SE

> Washington, DC 20003

>

> Ducky & David: Are you available for this time and
> place? If not, we will reschedule the meeting for
> another evening.

>

> Paul: New Jersey Ave. SE is the street that runs
> between the Cannon House Office Bldg. and the
> Longworth House Office Bldg. Proceed south, through
> D

> St. and through Ivy St. 437 is on the right as you
> go

> south on New Jersey Ave. SE.

>

> I think that the congressional "Lame Duck Session"
> starts Monday. That may make street parking more
> difficult. I will be coming by Metro.

>

> See you Tuesday, unless otherwise advised.

018755

>
> Samuel F. Wright
>
> --- wrote:
>
> > Sam,
> > How about Tuesday evening, November 16 at 6:30 PM?
> > You can pick the place.
> > Will that work?
> >
> > Happy Veteran's Day!
> >
> > Paul
> >
>



DeForest Soaries
Jr./EAC/GOV

11/10/2004 04:00 PM

To Gracia Hillman/EAC/GOV@EAC, rmartinez@eac.gov, Paul
DeGregorio/EAC/GOV@EAC
cc cpaquette@eac.gov, Kay Stimson/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Dsavoy@eac.gov
bcc

Subject Civil Rights meeting

We had hoped to have a pre-election day meeting with Civil Rights Organizations. My efforts to get Wade Henderson to assist with this never materialized.

I think we should have a post-election day meeting with civil rights organizations to discuss their concerns about November 2. We may also want to invite representatives of DOJ as some of their concerns will involve voting rights and political pranks. I think a private meeting of this type can begin a process of on going dialogue with these groups that can even include state and local election officials in the future.

Dr. DeForest B. Soaries, Jr.
Chairman
U. S. Election Assistance Commission
1225 New York Avenue
Suite 1100
Washington, DC 20005
202-566-3100
202-566-3127 fax

018757



"John Attala"
<jattala@infogard.com>
11/02/2004 07:32 PM

To pdegregorio@eac.gov
cc dmurphy@eac.gov
bcc

Subject InfoGard (NIST Accredited Lab) Meeting Request

Paul and Dan:

We hope this email finds you both well on this Election Day.

Since last meeting with each of you (Paul at the CACEO conference and Dan at the Election Conference), we have spent a considerable amount of time assisting California Counties with process improvements and election security. It has been very enjoyable work with a great group of individuals. Because of our experiences we have a very high confidence level in those counties we've been fortunate enough to work with and trust, despite the media and activist criticisms, that each one will have an accurate, secure election.

We are in the process of scheduling our next trip back to Washington, DC and have tentatively planned to be there the week after Thanksgiving, November 29th thru December 3rd. Ideally we would like to spend an hour and a half or so with you to update you on our work at the local level and share with you our view on developing voting system standard and the related testing. We believe we are uniquely suited to give you a perspective due to our familiarity with NIST's accreditation process and requirements and our work in the elections arena over the last few years. We would like to assist you in developing a solution.

Given this advance notice and flexibility with our east coast customers, we will work our other meetings around your schedule. Please let us know if you are interested in meeting, and if so, which days/times work best into your schedules.

Sincerely,
John

John Attala
Business Development
Infogard Laboratories, Inc.
805.783.0810 office

jattala@infogard.com
www.infogard.com

018758

Daniel Murphy/EAC/GOV
10/25/2004 06:43 PM

To maccurti@state.pa.us
cc andyb@osceusa.org, Paul DeGregorio/EAC/GOV@EAC
bcc
Subject Meeting with OSCE

Dear Monna,

It was really good to meet with you last week, we know how busy you are and appreciate your taking the time to spend with us while we were in Harrisburg.

I tried calling this afternoon, but since it was after 5 PM, there was no answer. We are helping to facilitate meetings between the observers from the Organization for Security and Cooperation in Europe (OSCE) and they asked us for assistance in setting up a meeting with you. If you are available and could spare some time to meet with them we would appreciate it. I know it is short notice, but they are hoping to travel to Harrisburg tomorrow afternoon (October 26) or sometime on Wednesday (October 27). The individual coordinating the meeting is Andy Bruce. His telephone number is: 202-361-3087 and his email is andyb@osceusa.org. You can contact him directly to coordinate a time if you're able to meet with them.

Of course, I am happy to answer any questions or provide clarification. Please feel free to call or shoot me an email if you need to.

We hope that you will be able to meet with this group, the Commissioner fully supports their efforts and he has worked with them several times in the past.

We also wish you the very best for the rest of this long week! Hang in there, we're in the home stretch!!!

Take care,
Dan

Daniel M. Murphy
Special Assistant to Commissioner Paul DeGregorio
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
Telephone: (202) 566-3106
Fax: (202) 566-1389
www.eac.gov

018759

Daniel Murphy/EAC/GOV
10/25/2004 01:30 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Veshnyakov Meeting Time Change

Paul,

Svetlik just emailed me. He said that it would be much easier for them to do 2:30 on Thursday 4 November rather than 2:00. Please be sure to note that change when discussing this with your colleagues.

Also, don't forget the OSCE-PA group meeting on Friday the 29th (2:30 at the Rayburn Building).

D.

Daniel M. Murphy
Special Assistant to Commissioner Paul DeGregorio
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
Telephone: (202) 566-3106
Fax: (202) 566-1389
www.eac.gov

018760



"Mark Poole"

10/20/2004 09:36 AM

To pdegregorio@eac.gov
cc
bcc
Subject Re: Request for meeting

Paul -

Tom, as usual, has his hands in a number of different pies leading up to the election, but I suspect he is most heavily invested in Matt's race. As for my role in this madness, the Secretary General for the OSCE Parliamentary Assembly, Spencer Oliver, is an old friend and so by virute of this I got suckered into putting together all the states the various teams will visit.

It now appears observers will be headed to Florida, NC, Ohio, Minnesota, Arizona, and New Mexico, as well as staying here in the DC to look at both MD and VA. Missouri was on the list but it now looks like they will not receive a visit.

I am currently officing out of the FEC - in part as a result of my relationship with Danny McDonald. Starts to make you wonder what kind of company I keep...

Anyway, I can be reached at _____ and I will have someone follow-up with Dan. Many thanks in advance and I appreciate your willingness to sit down with these folks.

Mark

pdegregorio@eac.gov wrote:

Mark,

Thanks for your note. I would be happy to meet with the OSCE observers, should my schedule permit. The 29th is open. I am not sure I can do the 28th, but if you contact my Special Assistant, Dan Murphy, he can work with my schedule to make this happen. You can reach Dan at 202-566-3100.

We have already met with the OSCE/ODHIR pre-election teams over the past month. Dan has been working with them to suggest locations they want to visit in the USA. What is your role with the group? How can we reach you?

Haven't heard from Tom Carter for quite a while. Do you know what he is up to?

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100

018761

202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

"Mark Poole"

10/19/2004 05:01 PM

To pdegregorio@eac.gov
cc
Subject Request for meeting

Paul -

I wanted to put a request in to you and perhaps some of the other commissioners to meet with a group I am currently assisting. As you know, the OSCE is sending a group of 60 observers to take a look at our elections. They will be in DC for briefings on the 28th and 29th and I would very much like for them to receive the benefit of your insight, preferably on the 28th.

You may remember me as the former Executive Director of ACYPL, and don't hold the following against me, but ever since Tom Carter and I traveled together to Australia and New Zealand in 1989 I have considered him a good friend. I hope all is well with you and look forward to hearing back.

Mark N. Poole

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<http://mail.yahoo.com>

Do you Yahoo!?

vote.yahoo.com - Register online to vote today!

018762

Daniel Murphy/EAC/GOV
09/22/2004 01:09 PM

To Joan A. Wooley/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Fw: Meeting next Wednesday at 2:00 with Commissioner DeGregorio

Thanks, for forwarding, Joan.

It's now scheduled for 4 PM.

D.

Daniel M. Murphy
Special Assistant to Commissioner Paul DeGregorio
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
Telephone: (202) 566-3106
Fax: (202) 566-1389
www.eac.gov
Joan A. Wooley/EAC/GOV

Joan A. Wooley/EAC/GOV
09/22/2004 12:47 PM

To Paul DeGregorio/EAC/GOV@EAC, Daniel
Murphy/EAC/GOV@EAC
cc
Subject Fw: Meeting next Wednesday at 2:00 with Commissioner DeGregorio

FYI

----- Forwarded by Joan A. Wooley/EAC/GOV on 09/22/2004 12:44 PM -----



"CLARK, JOANNE"
<JCLARK@meridian.org>
09/22/2004 11:41 AM

To jwooley@eac.gov
cc
Subject Meeting next Wednesday at 2:00 with Commissioner DeGregorio

Hi there,

I am wondering if the Commissioner can switch from 2:00 to 3:30 or 4:00? I can do PBS if he can switch. If he can, great, if not, of course we will leave it as is. Thanks so much, Joan

018763

Joanne

Joanne M. Clark

Program Officer

Meridian International Center

1624 Crescent Place, NW

Washington, DC 20009

Tel: (202) 939-5596

Toll Free: (800) 424-2974, Ext. 5596

Fax: (202) 667-8980

Email: jclark@meridian.org

<http://www.meridian.org>

018764



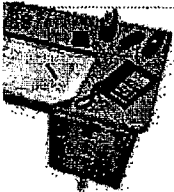
Nancy Jackson/EAC/GOV
09/01/2004 11:01 AM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for meeting: September 10 or 14

Commissioner DeGregorio,

I sent the following to Dan, however he is on vacation. Please read the information below and let me know if your schedule will allow you to do and/or participate in the briefing.

Thanks,
Nancy
Nancy Jackson/EAC/GOV



Nancy Jackson/EAC/GOV
08/31/2004 05:31 PM

To Sheila A. Banks/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Daniel Murphy/EAC/GOV@EAC
cc
Subject Fw: Request for meeting: September 10 or 14

All,

Attached is a request for one of the commissioners to brief a group of 21 political specialists from around the world. The available times are listed below. Check your respective commissioners' calendar and let me know. You may forward your information to me and I will contact Joanne.

Thanks,
Nancy

----- Forwarded by Nancy Jackson/EAC/GOV on 08/31/2004 05:25 PM -----



"CLARK, JOANNE"
<JCLARK@meridian.org>
08/31/2004 04:16 PM

To njackson@eac.gov
cc
Subject Request for meeting: September 10 or 14

Hi Nancy,

Thanks again for offering to try to help. I have attached the participant list for 21 political specialists from around the world coming to DC next Tuesday for a State Dept. program on the U.S. election process. I have had several conversations with Joan Wooley and as I mentioned to you, she indicated that my request would have to wait until the new interim Executive Director and/ or General Counsel started at EAC.

018765

I only have a few time slots left in my Washington program, and it will be very disappointing if the EAC isn't included in this program. The times are: Friday, Sept. 10 at 3:30 or 4:00, or Tuesday, Sept. 14 at 9:30 or at 11:00.

I am hoping that something can be arranged with a staff person who can brief the group on what the mission and activities of the EAC.

Warm regards, Joanne

Joanne

Joanne M. Clark

Program Officer

Meridian International Center

1624 Crescent Place, NW

Washington, DC 20009

Tel: (202) 939-5596

Toll Free: (800) 424-2974, Ext. 5596

Fax: (202) 667-8980

Email: jclark@meridian.org

<http://www.meridian.org>



Participant List.doc

018766

INTERNATIONAL VISITOR PROGRAM

B I O G R A P H I C I N F O R M A T I O N

September 9 – September 30, 2004

LIST OF PARTICIPANTS

Barbados

Mr. Peter W. Wickham
Temporary Lecturer, University of the West Indies

Cape Verde

Ms. Matilde Cristina Amado Dias
News Correspondent, Cape Verdean National Television, Praia

Chile

Mr. Eugenio Luis Guzman
Chief of Political Analysis, The Freedom and Development
Institute

Egypt

Ms. Amal Mohamed Roushdi Hamadi
Television Anchor, Egyptian Television

Ghana

Mr. Emmanuel Benjamin Ephson
Editor, The Daily Dispatch

Honduras

Ms. Luz Ernestina Mejia
Lawyer and Independent Consultant

India

Mr. Rajesh Pandey
Member, Legislative Council, Uttar Pradesh

Malta

Mr. Victor G. Scerri
President, Nationalist Party

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Norway

Mr. Torbjorn Urfjell
Chairman, Socialist Left Party

Pakistan

Mr. Sohail Akhtar Chaudhry
Deputy Editor, Urdu Daily "Pakistan"

Phillipines

Mr. Ferdinand T. Rafanan
Regional Election Director, Commission on Elections, National
Capital Region

Poland

Mr. Adam Bielan
Member of Parliament, Spokesman, Law and Justice Party

Poland

Mr. Jaroslaw Flis
Lecturer and Researcher, The Jagiellonian University, Krakow

Qatar

Mr. Khalid Jamal M. H. Al-jaber
Columnist, Al Watan Newspaper

Romania

Ms. Iuliana Manolache
Regional Program Coordinator, Pro Democratia Association

Singapore

Mr. Sujadi Siswo
Editor, Current Affairs (Malay)

Syria

Mr. Riad Al Ajlani
Associate Professor, Faculty of Law, Damascus University

Trinidad and Tobago

Mr. Anand Ramologan
Attorney at Law, A. Ramlogan & Co.

Turkey

Mr. Mevlut Cavusoglu
Member of Parliament, Justice and Development Party

United Kingdom

Mr. Nicholas Joseph Bibby

Spokesman for Political Strategy, Scottish Green Party

Zimbabwe

Mr. Nomore Sibanda

National Elections Coordinator, Movement for Democratic Change

Joan A. Wooley/EAC/GOV
08/05/2004 03:56 PM

To Daniel Murphy/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
bcc
Subject Re: Meeting with Leslie Reynolds on August 17th at 12Noon

Well forget my most request e-mail inquiring about the 19th.

P.S. Dan, you had way too much cake for lunch.
Daniel Murphy/EAC/GOV

Daniel Murphy/EAC/GOV
08/05/2004 03:52 PM

To Joan A. Wooley/EAC/GOV@EAC
Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries
Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Paul
cc DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC
Subject Re: Meeting with Leslie Reynolds on August 17th at 12Noon

Joan,

Sorry, I spoke too soon. We are not staying for the entire meeting and should be back by noon.

Thanks,
Dan
Joan A. Wooley/EAC/GOV

Joan A. Wooley/EAC/GOV
08/05/2004 03:14 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
Daniel Murphy/EAC/GOV@EAC
cc
Subject Meeting with Leslie Reynolds on August 17th at 12Noon

I have scheduled a meeting with Leslie Reynolds and the Commissioners on August 17th @ 12 Noon.



"John Attala"
<jattala@infogard.com>
08/02/2004 06:36 PM

To pdegregorio@eac.gov
cc
bcc

Subject CACEO Follow Up - Meeting Request

Paul:

We met briefly at the CACEO conference a few weeks ago after you swore in Connie McCormack as President. It was quite a night and California is very lucky to have her during this time of uncertainty for Election officials. She is an inspiring leader and very well respected among her peers.

I am writing because we have been providing election services to California Counties for over a year. Our services have been offered at the local level because, quite honestly, they needed the most help and since funding for the EAC and the NIST accreditation program were slow coming. We were very encouraged to hear of your background and appreciate the progress you and the rest of the EAC commissioners have made in a very short period of time.

We are headed back to NIST for the Laboratory Accreditation Meeting on August 17th and would appreciate it if we could schedule a short meeting (1hr) with you to discuss EAC status and priorities either during the evening of August 16th or the morning of August 18th. We would also like to share with you our election system assessment experiences (hardware, policies and procedures) and our ideas around improving the process. In no way will our time be a "sales pitch". We want to improve the process and feel we have valueable input given our role in California as a trusted provider of security services.

We respectfully appreciate your consideration and look forward to hearing from you soon.

Sincerely,
John

John Attala
Business Development
Infogard Laboratories, Inc.
805.783.0810 office

jattala@infogard.com
www.infogard.com

018770



"Jennifer Collins-Foley"

06/08/2004 07:34 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
arquatus@earthlink.net, twilkey@nycap.rr.com,
aambrogi@eac.com
cc bhancock@eac.gov, psims@eac.gov, dsavoy@eac.gov

bcc

Subject Docs for Meeting

We could not save this on disk so these are the docs
that need to be printed and copies made for 30 people
tomorrow morning. (We left a note for Adam.)

See you at 8:45! Jen and Tom

Do you Yahoo!?
Friends. Fun. Try the all-new Yahoo! Messenger.



<http://messenger.yahoo.com/> Recommended Agenda for June 9-10 Working Sessions II.doc Table of Contents.doc



Outline BP Tool Kit II.doc

018771

**BEST PRACTICES IN VOTING SYSTEM
ADMINISTRATION/SECURITY
AND PROVISIONAL VOTING**

**WORKING GROUP SESSIONS
June 9-10, 2004**

DAY ONE: Wednesday, June 9

9-9:20AM Commissioners DeGregorio and Martinez welcome participants and describe the project

9:20-11AM Discussion of Draft "All Voting Systems: Common Issues, Solutions and Best Practices"

Facilitator: Tom Wilkey

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

11-11:20AM Break

11:20-Noon Discussion of Punch Card Challenges, Solutions and Best Practices

Facilitator: Tracy Warren

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

Noon-1PM Discussion of Lever Challenges, Solutions and Best Practices

Facilitator: Tom Wilkey

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

1-2PM Lunch at EAC

2-3PM Discussion of Optical Scan Challenges, Solutions and Best Practices

Facilitator: Tracy Warren

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

3-5PM Discussion of DRE Challenges, Solutions and Best Practices

Facilitator: Tracy Warren

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

018772

DAY TWO: Thursday, June 10

9am-9:15AM Commissioners DeGregorio and Martinez Open Working Sessions/Summarize Progress from Day One

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

9:15-11AM

- **Punch Card/Optical Scan Breakout Session**
Facilitator: Jennifer
Punch Card and Optical Scan Working Groups, Craig Burkhardt
- **DRE/Lever Breakout Session**
Facilitator: Tracy and Tom
DRE and Lever Working Groups, Allan Eustis

11-11:15AM Break

11:15-12:30PM Breakout Sessions Report Back

Facilitator: Tom and Group Leaders

Participants: Commissioners, EAC Staff, Contractors, all Voting Systems Working Groups, Technical Advisors

12:30-1:30PM Working Lunch at EAC

1:30-3PM Provisional Voting Working Group

Facilitator: Tracy Warren

Participants: Commissioners, EAC Staff, Contractors, Provisionals Working Group

Voting Systems Working Groups: Lever, Punch Card, Optical Scan, DREs

Lever Working Group: Tom Wilkey, Brian Hancock, George Gonzalez, Peter Quinn, Betty Weimer

Punch Card Working Group: Jennifer Collins-Foley, Tony Reissig, Richard Bauer

Optical Scan Working Group: Jennifer Collins-Foley, Wendy Noren, Dawn Williams, Lance Ward

DRE Working Group: Tracy Warren, Tom Wilkey, Brian Hancock, Connie Schmidt, Kathleen McGregor

Provisionals Working Group: Tracy Warren, Jennifer Collins-Foley, Tom Wilkey, Peggy Sims, Charlotte Cleary, Sara Harris, Hans von Spakovsky, Brian Smith (EAC), Adam Ambrogi (EAC)

NIST Technical Advisors: Allan Eustis, Craig Burkhardt

(JCF:ConsGi: EAC: RecAgenda:June 8: 7pm)

018773

Election Assistance Commission Best Practices Tool Kit Table of Contents

- I. All Voting Systems: Challenges, Solutions and Best Practices in Administration/Management and Security**
 - A. Top 10 Pre-Election Management Tools**
 - B. Are You Introducing a New Voting System This Year?**
 - C. Vendor Issues**
 - 1.) Timing**
 - 2.) Communications**
 - D. Tried and True Ideas for Pollworker Recruiting and Retention**
 - E. Key Points on Pollworker Training**
 - F. 5 Tips on Preventing Voter Error**
 - G. 5 Things Election Officials Can Do to Make Any Voting System Accessible for Voters with Disabilities**
 - H. 5 Things Election Officials Can Do to Make Any Voting System Accessible for Voters with Limited-English Proficiency (Multilingual Voters)**
 - I. Pre-Election Common Issues and Solutions**
 - J. Election Day / Election Night Common Issues and Solutions**
 - K. Post-Election Common Issues and Solutions**
- II. Lever Voting Systems**
- III. Punch Card Voting Systems**
- IV. Optical Scan Voting Systems**
- V. Direct Recording**
- VI. Provisional Voting: Issues and Solutions**
- VII. Checklist for HAVA Implementation**

018774

I. All Voting Systems: Issues and Best Practices in Administration/Management and Security

A. TOP 10 PRE-ELECTION MANAGEMENT TOOLS:

(1) Develop an Election Checklist Calendar and Stick to it!

Best Practice: LA County's Checklist?

(2) Conduct a pre-election Strategy Session with staff (or vendor) and conduct weekly status meetings. Conduct post-election critique with staff.

(3) Conduct a pre-election Strategy Session with Candidates and Community Organizations. Conduct a post-election critique with Candidates and Community Organizations and other Stakeholders.

(4)

(5)

(6)

(7)

(8)

(9)

(10)

B. ARE YOU ARE INTRODUCING A NEW VOTING SYSTEM THIS YEAR?

Conventional wisdom advises never to launch a new voting system in a Presidential Election year. Too many inexperienced voters, too much potential for problems with untested system, untested pollworkers, etc. But it can be done.

5 most important things for introducing a new voting system this year:

(1)

(2)

(3)

(4)

(5)

C. VENDOR ISSUES.

- 1) Timing.** Vendors should prepare to provide training materials to election officials at an early enough stage so that election officials can adequately train internal staff and prepared pollworker training materials.

5 THINGS YOU CAN DO TO ENSURE TIMELY RECEIPT OF MATERIALS:

(1) Establish timelines.

(2)

(3)

(4)

(5)

- 2) Communication and Security Checks.** If your vendor does the bulk of your election planning, here are some questions to ask:

(1)

(2)

(3)

D.) Tried and True Ideas for Pollworker Recruiting and Retention

Problem: Aging pollworker work force, fewer people volunteering, long hours, low pay, etc.

Solutions:

(1) Student Pollworker Program (para to describe)

(2) College Pollworker Program (para to describe)

(3) County Pollworker Program (para to describe)

(4) Corporate Pollworker Program (para to describe)

(5) Bilingual Pollworker Program (para to describe)

(6) Interpreter Program (para to describe)

(7) Split Shift Agreements (para to describe)

Best Practices: (Link on EAC website to LA County's Pollworker Connections manual.)

E. KEY POINTS ON POLLWORKER TRAINING

Remember: It's not about **YOU**; it's about **THEM**. Training presentations should focus on what the *pollworkers* need to know to do the best job possible.

Training should not occur more than 6 weeks out.

Need to provide training based on adult learning.

Hands-on training is key to a successful polling place on Election Day.

Videos not only provide a break in the lecture-style format of training classes, they also ensure consistency of presentation for key points.

Provide special training on HAVA requirements

Provide a person with whom pollworkers can follow up after class. Los Angeles County, CA, recently began an "Ask Wanda" program. Trainers distributed business cards after training classes for pollworkers to call staffmember Wanda Hamilton on questions they thought of after class ended. The program has been enormously popular (and valuable for tracking those areas that needed to be strengthened in training.)

Coordinate with your local universities in developing your training needs (i.e., credential program, training videos, etc.)

F. 5 TIPS ON PREVENTING VOTER ERROR:

Provide a demo unit for every voting site and encourage every voter to try it.

Voting Instructions should have well-developed graphics.

Get feedback on voting instructions through focus groups. (Focus groups need not be sophisticated. They can be college classes, family members, members of the public or community organizations, etc.)

G. 5 THINGS ELECTION OFFICIALS CAN DO TO MAKE ANY VOTING SYSTEM ACCESSIBLE TO VOTERS WITH DISABILITIES:

- 1)
- 2)
- 3)
- 4)
- 5)

H. 5 THINGS ELECTION OFFICIALS CAN DO TO MAKE ANY VOTING SYSTEM ACCESSIBLE TO VOTERS WITH LIMITED ENGLISH PROFICIENCY:

- 1) **Provide Bilingual Pollworkers and Interpreters.** Bilingual Pollworkers and Interpreters can wear identification badges and can assist voters with limited-English proficiency to feel more comfortable in a polling place. They can demonstrate the voting system and translate election verbiage such as "provisional ballot" or "roster".

Best Practice: Chicago, Illinois translated its pollworker training materials into X languages and most importantly, translated key election verbiage for use at polling places.

- 2)
- 3)
- 4)
- 5)

I. PRE-ELECTION SECURITY AND TESTING

CHALLENGE/ ISSUE	SOLUTION	BEST PRACTICE
Conduct testing	Transparency – Invite the public to view all aspects of testing.	
Calibration Issues	Standards Test every unit when it comes out of storage, using the ballot for that election. Invite public to view.	
Chain of Custody		

J. ELECTION DAY / ELECTION NIGHT COMMON ISSUES AND SOLUTIONS:

CHALLENGE/ISSUE	SOLUTION	BEST PRACTICE
<p>Physical Security Issues:</p> <p>1 - Supplies dropped off at polling places pre-election.</p> <p>2 - Security of ballots in election office pre and post-election.</p> <p>(See Eric Fischer's 2001 report.)</p>	<p>1 - Seal supply box and each sensitive item within so you can know if it has been tampered with.</p> <p>2 - Require staff and visitors to sign-in, sign-out and wear badges in ballot room. Video camera in ballot room.</p>	<p>Swipe cards coded to report who entered/exited.</p>
<p>Polling Places containing more than one precinct / more than one ballot style.</p>	<p>Pollworker instructions should dictate good set up configuration to avoid voter confusion.</p> <p>Color coded supplies, rosters.</p> <p>Precinct maps.</p> <p>Recruit an experienced pollworker to be a "Traffic Coordinator."</p>	<p>Los Angeles County's "Neighborhood Voting Centers" are a good model of up to 5 precincts in a location. They seek sites that are Accessible, Visible, Sizeable, Stable and Technology Friendly. (Contact Polls Division Manager, (562) 462-2716, for a write-up.)</p>
<p>Chain of Custody / Security and Processing of "other" ballots in polling place (provisional ballots, emergency ballots, absentee ballots dropped off at polls if state law permits)</p>	<p>Security: Issue well-marked containers for issuance and return of ballots.</p> <p>Processing: Ballot accounting procedures should be in the form of checklists for consistency and thoroughness. Provide well-marked</p>	<p>San Bernardino, CA, uses large, zip-lock baggies with pre- and post-processing checklists affixed to side of bag.</p>

	<p>supplies with good instructions.</p> <p>Good pollworker training.</p>	
Voter Privacy / Voting Accessibility	<p>Pollworkers should configure polling place to maximize voter privacy.</p> <p>Pollworkers should ensure routes to voting units are accessible.</p>	
Election Night Results: Security and Media Projections	<p>Security: If you must modem in your unofficial results, encrypt the lines.</p> <p>Media: Educate media and candidates re the difference between unofficial and official results. Explain that there may be large numbers of ballots involved in the canvass, such as provisionals, which can impact the results of close elections.</p>	Conduct mock elections to test modems and educate media.
Election Night Audits: Voters in Roster = Voters Voted on Units	<p>Reconcile that the number of voters who voted on voting system matches the number of voters who signed the roster.</p> <p>Lever machines: check public counter.</p> <p>Optical Scan / Punch cards: Reconcile ballot Reconciliation Statements.</p> <p>DREs:</p>	

Voter Confidence in Integrity of Election Results	Arrange for 3 rd -party audits.	New Mexico state law requires pollworkers to mail a copy of the Election Night audit to the Secretary of State for a complete post-election audit.
What happens when a voter leaves before final casting of their vote(s)?	Establish a policy for what constitutes a vote.	

K. POST-ELECTION: COMMON ISSUES AND SOLUTIONS

Chain of Custody		
Canvass		

L. ISSUES AND BEST PRACTICES IN SECURITY: ALL VOTING SYSTEMS

Standards for Readability and Sensitivity.

Testing.

Federal Certification. Checklist: Does your system meet the certification required by your state? Have there been any modifications to your system by you or your vendor that have not been approved by the state?

State Certification.

Checklist:

II. Lever Voting Systems

CHALLENGE	SOLUTION(S)	BEST PRACTICE
Testing	Every election, test every unit with a sampling of contests for at least 100 votes.	
Overvote/Undervote Potential	<p>Overvotes are not possible.</p> <p>Undervotes are permitted but good voter instructions can help prevent unintended "lost votes."</p> <p>If a voter casts a write-in, they are prevented from voting, using the lever, for that office. Voter instructions should make this clear to voter.</p>	
Election Day Accounting		
Post-Election Canvass – alleged problem of possible tampering in rear of voting unit.	Conduct a "re-canvass," i.e., physically compare the paper results from Election Night with the back of the voting machines.	

5 Considerations for Making Lever Voting Systems Accessible		
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III. Punch Card Voting Systems

CHALLENGES	SOLUTION(S)	BEST PRACTICE
Overvote/Undervote Potential		
If you don't clean the chad out of the vote recorders after every election, attempted votes may not register.	Clean out chad after every election.	LA County employed a production known by the warehouse workers as "Shake and Bake" where staff knocked the vote recorders on its side to loosen any loose chad.
"Chad" problem – What do you with a ballot that can't be read? Voters may not punch through thoroughly, leaving doubt as to voter intent	Voter Education Establish policies for what constitutes a vote	LA City's "Got Chad?" Campaign
Inability to Offer Second Chance Review	(See Ted Selker's testimony)	Chicago's model
Humidity or Dryness making ballots sticky or warped. Impacts counting.	Keep in climate controlled environment for as long as possible.	
Not Language Accessible	Provide translated mirror-image sample ballots which can be used in conjunction with the vote recorder.	

5 Considerations for Making Punch Card Voting Systems Accessible		
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IV. Optical Scan Voting Systems

CHALLENGES/ISSUES	SOLUTION(S)	BEST PRACTICE
Overvote/Undervote Potential	Use precinct ballot counters with a capacity to return the ballot for the voter to correct.	
Storage of Optical Scanners	Take steps to prevent condensation in storage and in transition to polling place.	Washington State?
"Inability to provide direct access to those voters with language barriers, with visual impairments or with literacy limitations." (Testimony of MC)	Use a tactile ballot. Provide alternate language paper ballots.	Rhode Island
How to facilitate the ballot review without compromising the voters' privacy and without embarrassing the voter?	Pollworker training tips:	
"Concern with having both DRE and optical scan technology in each polling places. Will result in our citizens having less confidence in our election system." (Testimony of MC)		
Variations in the Required Instrument (pens, pencils, etc.)	Issue the implement or have it available to use in each unit.	Washington, DC Board of Elections
The specifications for making a vote readable can be difficult for voters	Have samples with graphics showing a valid vote. Graphic and	

to understand or to comply with.	minimal verbiage could be at the top of the ballot. Have established policies for what constitutes a vote.	
What to do with a ballot that cannot be read but the voter intent is clear?	Re-make the ballot if state law allows.	
5 Considerations for Making Optical Scan Voting Systems Accessible		

V Direct Recording Equipment (DREs)

ISSUE / CONCERN	SOLUTION(S)	BEST PRACTICE
Overvote/Undervote Potential		
Pollworker training: Pollworkers daisy chain units but did not plug in – led to power failure		
Orange County's problem with pollworkers burning the wrong ballot type.	Build in good procedures for polling places with more than one ballot style. (Or avoid polling places with more than one ballot style.)	
Calibration Issues – too much wear and tear can impact sensitivity	(Don't use touchscreens – use Hart system?) Adequate pre-election testing on every unit when it comes out of storage.	
(Paste in here the 23 Steps being adopted by SOSs)		
Security Procedures to Prevent Alleged Potential for Tampering	Have pollworker insert the Smart Card in to the unit on behalf of the voter.	Montgomery County, MD
5 Considerations for		

Making DRE Voting Systems Accessible		
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VI. Provisional Voting.

One para re why HAVA mandated provisional ballots – what was intent.

Every jurisdiction should have transparent and uniform standards and procedures for issuing, processing, researching and counting. Provisional ballots.

* **Transparency:** Jurisdictions are already mandated by HAVA to provide feedback to individual voters on the status of their provisional ballot. Counties and states should also report summaries of how many provisional ballots were issued, how many provisional ballots were counted and the reasons for not counting.

Best Practice: South Dakota posted on its' website the number of provisionals per County that were issued in its' June 2004 Special Election.

* **Pollworker Training.** If pollworker error contributed to some provisionals not being counted, the jurisdictions should make recommendations to prevent such pollworker error in future. (Need Best Practice - maybe from Sara?)

* **Voter Comfort Level.** Should not be an intimidating process. **Best Practice:** maybe LA's "Count Me In!" sign?

ISSUING PROVISIONALS

("paper or plastic" option issue)

PROCESSING PROVISIONALS

COUNTING PROVISIONALS

(FOR INSIDE COVER OF TOOL KIT)

Checklist for HAVA IMPLEMENTATION:

- Registration
 - First-time voter ID requirements
 - New forms include DL# or SS#

- Provisional ballots
 - _ Develop envelopes
 - _ Develop prodedures for issuing
 - _ Develop procedures for counting

- HAVA / Voter Rights Sign

- Develop Complaint Procedures (coordinate with SOS)



"Tracy Warren"

To pdegregorio@eac.gov

cc

05/24/2004 10:10 PM

bcc

Please respond to
"Tracy Warren"

Subject Wednesday meeting

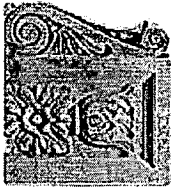
Hi Paul,

I got your message and will be there on Wed. Also, I was going to send you the League's best practices on protecting valid votes and eligible voters, but the powers that be don't want it going to the Commission until a few more changes have been made. I hope to have the final changes done by the end of this week at the latest. Lastly, as you may have seen, DC got its self-certification letter to the Commission on Friday. I delivered the letter and a copy of the regs. describing the District's administrative complaint procedure to Peggy.

I hope to bring a draft of the EAC hearing report -- intro., background, technical experts section and election officials section -- on Wed.

See you Wednesday -- Tracy

018795



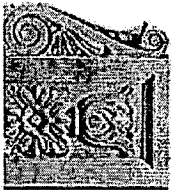
Brian Hancock/EAC/GOV
05/19/2004 12:10 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: Proposed meeting with State Department-sponsored
International Visitors

Commissioner DeGregorio,
I know you have a lot on your plate right now, but have you made a decision on the attached international visitors? Jennifer called me again a short while ago to check our availability. Thank you.
Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

----- Forwarded by Brian Hancock/EAC/GOV on 05/19/2004 12:06 PM -----



Brian Hancock/EAC/GOV
05/17/2004 08:05 AM

To Paul DeGregorio/EAC/GOV
cc
Subject Fw: Proposed meeting with State Department-sponsored
International Visitors

Commissioner DeGregorio,
Please see the attached request from the Phelps Stokes Fund on behalf of the State Department. They are requesting a briefing for representatives from 19 emerging democracies. The briefing for a group this size will, of course, need to be accommodated elsewhere. (At least until we have the large meeting room furnished). By the way, she *does* know that we are EAC and not FEC as stated in the email.
Brian

Brian Hancock
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005
202-566-3100
www.eac.gov

----- Forwarded by Brian Hancock/EAC/GOV on 05/17/2004 08:01 AM -----



"Jennifer Strauss"
<jennifer@psfdc.org>
05/13/2004 04:55 PM

To bhancock@eac.gov
cc jennifer@psfdc.org, "Margarita" <Margarita@psfdc.org>
Subject Proposed meeting with State Department-sponsored
International Visitors

Mr. Hancock:

018796

Attached please find a project summary and participant list for a group of twenty-one community activists, government officials, journalists, and business professionals from around the world who will be visiting the United States under the auspices of the Department of State's International Visitor Leadership Program. DoS has asked the Phelps Stokes Fund, a small non-profit organization located here in Washington, to design and administer a three week program which will introduce these distinguished individuals to ways in which US citizens participate in our governance and society.

The group begins their program here in Washington from May 27 – June 2. They will be introduced to how we define civic participation and civil society, and how our federal system and our society both help and hinder participation within the system.

It would be beneficial for this group to understand how various entities support and encourage citizen participation, particularly before they observe the June 8 primaries. I am putting together a panel discussion which will address the role of the media, the role of advocacy groups, and the role of the federal government in informing the public and encouraging active participation. I would very much like to have you, or another representative from the FEC, on this panel to discuss the voter registration process and issues related to access. In particular, the participants may want to hear about the Help America Vote Act, and how that legislation has provided guidance and guidelines to states, where the process is administered.

I have tentatively scheduled this discussion for **Tuesday morning, June 1**. I welcome the opportunity to discuss your participation in this exciting project. Should you have any questions or concerns, please do not hesitate to contact me via return email or at the number listed below.

I understand that you are out of the office until Monday, May 17. I hope to talk to you shortly after your return. Thank you for your consideration.

Sincerely,

Jennifer Strauss

018797

Jennifer Strauss, Director

International Exchange Programs

Phelps Stokes Fund

1420 K Street, NW - Suite 800

Washington, DC 20005

Telephone: 202/371-9544, ext. 227



May 13 Participant List.doc Summary and themes for emails.doc

01879E

LIST OF PARTICIPANTS – Citizen Participation Multi-Regional Project

Albania

Mr. Fatbardh KADILLI
Executive Director, Anti-Corruption Albanian Coalition

Belarus

Mr. Maksim HRUZDZEU
Project Coordinator/Interpreter, Public Association *Doverie*

Bulgaria

Ms. Lora Aram SARKISYAN
Executive Director, Open Society Club (Rousse)

Colombia

Mr. Gabriel Fernando VALDERRAMA Gomez
Advisor on Economic Infrastructure, Office of the Colombian Vice-Minister of Defense

Croatia

Mr. Bojan LALIC
Project Manager, Organization for Civil Initiatives

Democratic Republic of Congo

Mr. Chikez DIEMU
Vice-Minister, Ministry of Interior
General Secretary, People's Party For Reconstruction and Development

Guatemala

Mr. Jose Carlos MARROQUIN PEREZ
Executive Director, Diario la Hora, S.A. (afternoon daily newspaper)

India

Mr. K. MURALEEDHARAN
Member of Parliament, Indian National Congress Party

Mr. Mehmood PRACHA
Political Activist, Indian National Congress Party

Kazakhstan

Mr. Pavel A. MOROZOV
Vice President, NGO Echo

Namibia

Mr. Sandi Tjizameuva TJARONDA
Program Coordinator, Namibia Institute for Democracy (NID)

Nigeria

Ms. Iginla OLASUBOMI
Lagos State Coordinator, National Women Peace Group (NAWOPEG)

Pakistan

Mr. Haroon Bashir BILOUR
Nazim (advocate and coordinator of government services)
Mayor, city of Peshawar, Pakistan

Mr. Hassan Iqbal MALIK
District Coordination Officer, Sargodha

Peru

Mr. Gonzalo German AGUIRRE ARRIZ
Councilman, Lima City Hall

Serbia/Montenegro-Kosovo

Mr. Nebojsa RANCIC
City Counselor, Member of the Executive Board, Nis

Uganda

Mr. Abdu KATUNTU
Member, Ugandan Parliament

Venezuela

Ms. Alexandra FREITAS

Project Coordinator, Justice of the Peace and Alternate Conflict Resolution, Civil
Association *Consortio Justicia*

Yemen

Ms. Nadwa Younis AL-DAWSARI

National Democratic Institute for International Affairs (NDI)

Zambia

Ms. Christine Lundambuyu MUNALULA

Executive Director, Transparency International

Zimbabwe

Mr. Joel GABBUZA

Member of Parliament

These visitors will be accompanied by three English Language Officers:

Ms. Anne ELVIN

Mr. J Barry LEWIS

Mr. Norman SKOUGSTAD

018801

PROJECT SUMMARY

Nearly two centuries ago, Alexis de Tocqueville outlined the character traits that encourage Americans to participate in their self-governance in such large numbers – the strength of the individual, the spirit of volunteerism, and the suspicion of Government. Today, those traits are still evident and our nation's laws, government, and social landscape reflect the impact of grassroots involvement. The Civil Rights Act of 1965, the Consumer Product Safety Act, the soon-to-be dedicated World War II Memorial on the National Mall, and the current debate on the definition of marriage, all began with action at the local level.

Our decentralized system of government facilitates citizen participation by providing many venues of access – from participating in the parent-teacher association at our neighborhood school, to taking part in citizen advisory committees, to working on local and state issues and elections, as well as at the national level. When the voice of the individual isn't loud enough, Americans band together to make their voices louder. If politicians turn a deaf ear, citizens can use other peaceful means – referenda and ballot initiatives, lawsuits, or the next election – to effect change.

The U.S. Department of State has asked the Phelps Stokes Fund to develop a three-week program focused on grassroots democracy for elected and appointed officials, civic and community leaders, business representatives, and journalists from around the world. While here, these international visitors will learn that while we enjoy many rights as individuals, we also take an active role to preserve those rights, by becoming involved and making our voices heard. By working separately as well as together, the people of this country ensure that American democracy continues to be a government "*of the people, by the people and for the people.*"

A schematic outline of the national itinerary and themes is on the next page.

Deleted: <#>Case Studies that illustrate specific concepts;¶

018802

NATIONAL ITINERARY AND THEMES

Washington, DC
May 25 – June 2, 2004
Federalism and Its Effect on Citizen Participation
Defining Citizen Participation

Kansas City, Missouri
June 2 – 6, 2004
Getting Youth Involved
Citizen Rights and Responsibilities

TEAM SPLIT CITIES
Citizen Participation: Voting and Constituent Relations
June 6 – 9, 2004

Minot, N. Dakota Balancing Cultures	Bozeman, Montana Community Outreach	Little Rock, Arkansas Role of Religion	Des Moines, Iowa Human Rights for All
--	--	---	--

Formatted: Indent: First line: 0.5"

Denver, Colorado
June 9 – 13, 2004
Governance at the State Level
Accountability and Transparency

Portland, Oregon
June 13 – 17, 2004
The Role of Technology in Citizen Participation
Living Green: The Role of Citizens in Environmental Protection
Final Evaluation

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018803

Penelope Bonsall/EAC/GOV
04/27/2004 10:27 AM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject: Fw: List of Groups for Overseas Meeting

Paul,

FVAP called---Polly who has been travelling overseas is back in the office and would like to confirm the May 6th meeting with you sometime in the morning. They expect about 10 reps from the organizations listed in the attached email. Do you still have a time slot?

Penelope

----- Forwarded by Penelope Bonsall/EAC/GOV on 04/27/2004 10:23 AM -----



"Griffiths, Brian, Mr., OSD
P&R/FVAP"
<griffithsb@fvap.ncr.gov>
04/27/2004 10:19 AM

To "pbonsall@eac.gov" <pbonsall@eac.gov>
cc
Subject: List of Groups for Overseas Meeting

Penelope

Here is a sampling of the groups that will be represented at the overseas voting meeting:

Democrats Abroad
Republicans Abroad
Federation of American Women's Clubs Overseas (FAWCO)
Association of Americans Residing Abroad
American Business Council of the Gulf Countries


One of the confirmed attendees will be Lucy Laderich, who works on Legislative Issues for FAWCO.

Thanks
Brian

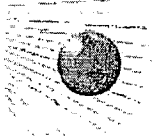
Brian Griffiths
Program Analyst
Federal Voting Assistance Program
703-588-8133
griffithsb@fvap.ncr.gov

018804


Joan A. Wooley/EAC/GOV
04/21/2004 05:31 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Meeting requested by Joanne Thomas, County Clerk
of Peoria, ILL 

Yes,
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
04/21/2004 05:19 PM

To Joan A. Wooley/EAC/GOV@EAC
cc
Subject Re: Fw: Meeting requested by Joanne Thomas, County Clerk
of Peoria, ILL 

Joan,

I'll be happy to meet with Ms. Thomas, although 2 hours is a bit much. Can you call her to set it up from 10:00 am until 11:00 am for me? Thanks.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov

Joan A. Wooley/EAC/GOV

Joan A. Wooley/EAC/GOV
04/21/2004 04:21 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
Subject Fw: Meeting requested by Joanne Thomas, County Clerk of
Peoria, ILL

Commissioner:

The Chairman asked that you please meet with Joanne Thomas, County Clerk of Peoria, Ill (she said that she knew you), on Friday, April 23rd from 10:00 - 12:00. Ms. Thomas' cell phone number is

018805



Patricia A.
James-Cope/WPI/RW/GSA/G
OV@GSA

04/16/2004 04:27 PM

To pDeGregorio@EAC.GOV

cc

bcc

Subject Requested Meeting

The meeting has been rescheduled to 4/19/04 @1:00 PM.

Patricia A. James-Cope
Program Analyst
WPI-Procurement Room 6628
Telephone No. (202) 260-8840
Fax No. (202) 401-3213

018806



"Hart, David"
 <Dhart@hartic.com>
 04/19/2004 03:04 PM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
 cc
 bcc
 Subject May 5 meeting

Paul,
 Thanks so much for your time last week on the telephone. I appreciate your willingness to share such a scarce commodity with me!

We will be pleased to participate in the May 5 discussion in Washington. Our chief technology officer and the principle architect of our eSlate voting system is Neil McClure. He will be attending the meeting and he will make a statement on behalf of Hart InterCivic, and will be available to answer questions. In fact, following the EAC meeting he will be going to an IEEE meeting to discuss voting system standards, so this all works well together.

In addition, Michelle Shafer from Hart InterCivic will attend the meeting. She is responsible for our public affairs and policy coordination, so she will certainly want to be there to listen in on the proceedings. I regret I'll be out of the country, but I'll catch up when I get back.

Thanks also for the reference at IFES. I will check with Mr. Soudriette on his return to the U.S.

Finally, I appreciate your consideration of vendor input into the Technical Guidelines Development Committtee that NIST is chairing. I've sent a note to Dr. Bement advising him that we have discussed the issue, so you may hear from him on the subject.

Good luck with your conference on the 5th - I truly appreciate the EAC taking this subject on. I'm hoping there will be more light than heat generated at the end of the day!


David

David E. Hart
 Chairman
 Hart InterCivic, Inc.
 512.252.6575
 dhart@hartic.com

 *****Confidentiality Notice: This email message, including all the attachments, is for the sole use of the intended recipient(s) and contains confidential information. Unauthorized use or disclosure is prohibited. If you are not the intended recipient, you may not use, disclose, copy or disseminate this information. If you are not the intended recipient, please contact the sender immediately by reply email and destroy all copies of the original message, including attachments.

018807

DeForest Soaries
Jr./EAC/GOV
04/14/2004 03:17 PM

To Paul DeGregorio/EAC/GOV@EAC
cc jwooley@eac.gov
bcc
Subject Re: April 23, meeting with Mexican election officials 

I can meet also. I would like to be in the beginning of the meeting.

018808



Patricia A.
James-Cope/WPI/RW/GSA/G
OV@GSA

04/08/2004 10:22 AM

To ghillman@eac.gov, dsoaries@eac.gov, rmartinez@eac.gov,
pdegregorio@eac.gov

cc

bcc

Subject [ELECTION REFORM]: Meeting with Election Assistance
Commission

The Leadership Conference on Civil Rights & the disability community have a meeting set up with the four Commissioners of the Election Assistance Commission. The meeting is set for Tuesday, April 13, at 1:00 in the George Meany conference room of the AFL-CIO headquarters, 815 16th St. NW .

Please RSVP to me if you would like to attend.

Rob Randhava, Policy Analyst

1629 K St. NW, Suite 1000

018809

Gracia Hillman/FEC/US
03/18/2004 03:24 PM

To "DeForest Soaries" < >, Paul
DeGregorio@fec.gov, "Ray Martinez"
< >
cc "Terry Shen" <shentw@navsea.navy.mil>, Penelope
Bonsall/FEC/US@FEC, Brian Hancock/FEC/US@FEC,
Margaret Sims/FEC/US@FEC, Bryan
bcc
Subject Meeting with LCCR

I have left a message for Jim Dickson replying that the afternoon of Tuesday, April 13 works for the Election Assistance Commissioners to meet with the Leadership Conference on Civil Rights (LCCR).

I also asked that he provide us with background information prior to the meeting. Ex: who is likely to be in attendance and the issues that they wish to discuss.

018810

Brian Hancock/FEC/US
02/25/2004 02:42 PM

To PDeGregorio@fec.gov
cc
bcc
Subject VEBA Annual Meeting March 5-7

Commissioner DeGregorio,
More information regarding the Virginia Meeting.

Brian

----- Forwarded by Brian Hancock/FEC/US on 02/25/2004 02:44 PM -----



"Ronald B. Chaney, Sr." <

> on 02/25/2004 02:41:24 PM

To: bhancock@fec.gov
cc:

Subject: VEBA Annual Meeting March 5-7

Brian, per our conversation, I have opened up a place on the Sunday morning program for Paul to speak - 9:45 to 10:30. I want to list him on the agenda as soon as you confirm that he will be available to give us that time. Our meeting starts Saturday morning at 9 a.m. and Sunday @ 8:30 a.m. and we plan in introduce him on several occasions before Sunday morning but I really hope that he will be able to have a place on the program as well. Also, look forward to having him at the head table for the Saturday night banquet. Remind him to pick up his registration packet at the VEBA table so he will have an agenda and the tickets for the events. Again, thanks for all the assistance you have give in making these arrangements.
Ron

Brian, per our conversation, I have opened up a place on the Sunday morning program for Paul to speak - 9:45 to 10:30. I want to list him on the agenda as soon as you confirm that he will be available to give us that time. Our meeting starts Saturday morning at 9 a.m. and Sunday @ 8:30 a.m. and we plan in introduce him on several occasions before Sunday morning but I really hope that he will be able to have a place on the program as well. Also, look forward to having him at the head table for the Saturday night banquet. Remind him to pick up his registration packet at the VEBA table so he will have an agenda and the tickets for the events. Again, thanks for all the assistance you have give in making these arrangements.
Ron

018811

Brian Hancock/FEC/US
02/26/2004 03:46 PM

To PDeGregorio@fec.gov
cc
bcc
Subject Re: VEBA Annual Meeting March 5-7

More from Virginia.

----- Forwarded by Brian Hancock/FEC/US on 02/26/2004 03:49 PM -----



"Ronald B. Chaney, Sr." < > on 02/26/2004 03:17:25 PM

To: bhancock@fec.gov
cc:

Subject: Re: VEBA Annual Meeting March 5-7

Brian, I am really sorry for the schedule conflict and apologize that we were so late extending the Sunday invitation. We will be introducing Paul and asking him to speak for a few minutes during the Saturday morning session. It will be helpful if he will let me know if he plans to attend the Saturday night banquet. This can be done at the Homestead. Many thanks. Ron

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

From: <bhancock@fec.gov>
To: <
Sent: Wednesday, February 25, 2004 2:51 PM
Subject: Re: VEBA Annual Meeting March 5-7

Ron,

See the message below from Paul regarding his conflict.

Brian

----- Forwarded by Brian Hancock/FEC/US on 02/25/2004
02:52 PM -----

Paul DeGregorio
02/25/2004 02:50 PM

To: Brian Hancock/FEC/US@FEC
cc:

Subject: Re: VEBA Annual Meeting March 5-7 (Document link: Brian Hancock)

Brian,

I cannot speak on Sunday morning as I have to travel to New Orleans (to

018812

observe the LA election) either late Saturday or early Sunday from the VEBA conference (flying out of Roanoke). My preference is to speak Friday afternoon or Saturday morning. Please get with Ron to let him know this information. thanks.

Paul

Brian Hancock/FEC/US

02/25/2004 02:42 PM

To

cc

Subject

Commissioner DeGregorio,

More information regarding the Virginia Meeting.

Brian

----- Forwarded by Brian Hancock/FEC/US on 02/25/2004
02:44 PM -----

"Ronald B. Chaney, Sr." <
02:41:24 PM

> on 02/25/2004

To: bhancock@fec.gov
cc:

Subject: VEBA Annual Meeting March 5-7

Brian, per our conversation, I have opened up a place on the Sunday morning program for Paul to speak - 9:45 to 10:30. I want to list him on the agenda as soon as you confirm that he will be available to give us that time.

Our meeting starts Saturday morning at 9 a.m. and Sunday @ 8:30 a.m. and we plan in introduce him on several occasions before Sunday morning but I really hope that he will be able to have a place on the program as well. Also, look forward to having him at the head table for the Saturday night banquet. Remind him to pick up his registration packet at the VEBA table so he will have an agenda and the tickets for the events. Again, thanks for all the assistance you have give in making these arrangements.
Ron

Brian, per our conversation, I have opened up a place on the Sunday morning program for Paul to speak - 9:45 to 10:30. I want to list him on the agenda as soon as you confirm that he will be available to give us

018813

that time.

Our meeting starts Saturday morning at 9 a.m. and Sunday @ 8:30 a.m. and we plan in introduce him on several occasions before Sunday morning but I really hope that he will be able to have a place on the program as well. Also, look forward to having him at the head table for the Saturday night banquet. Remind him to pick up his registration packet at the VEBA table so he will have an agenda and the tickets for the events. Again, thanks for all the assistance you have give in making these arrangements.

Ron

018814

Brian Hancock/FEC/US
02/23/2004 08:57 AM

To PDeGregorio@fec.gov
cc
bcc
Subject VEBA Annual meeting March 5-7 at The Homestead

Commissioner DeGregorio,
Attached is more information for your upcoming trip to Virginia.
Brian

----- Forwarded by Brian Hancock/FEC/US on 02/23/2004 08:59 AM -----



"Ronald B. Chaney, Sr." <

> on 02/19/2004 11:42:05 PM

To: bhancock@fec.gov
cc:

Subject: VEBA Annual meeting March 5-7 at The Homestead

Paul DeGregorio
Brian, Thanks for your help in making the arrangements for Paul to attend. Please let him know that a guest packet will be waiting for him at the VEBA registration table in the Garden Room on Friday, March 5th. It will have a final agenda and a ticket each for the Saturday luncheon and Banquet. Also, I hope he can attend the reception Friday night at 6:00pm in the Crystal/Empire room - no ticket is necessary for this event. At this moment, I am not sure exactly when he will speak, but hopefully it will be noted on the final agenda. He will definitely be presented to the group several times and perhaps sit at the Head Table on Saturday night. We are looking forward to seeing him at the Homestead. Thanks Ron.

----- Original Message -----
From: <bhancock@fec.gov>
To: < >
Sent: Monday, February 09, 2004 3:36 PM
Subject: Bio

>
>
>
>
>
> Ron,
> Attached is Commissioner De Gregorio's bio.
> (See attached file: DeGregorio shortbio latest.doc)
> Brian

018815



"Avery Davis-Roberts"
<aodavis@emory.edu>
03/10/2005 11:03 AM

To "Keith Jennings" <
kmontana@oas.org, "Avi Rubin" <rubin@jhu.edu>, "David
Dill" <dill@cs.stanford.edu>, "Eric Rudenshiold" >

cc

bcc

Subject DOCUMENTS: CARTER CENTER MEETING ON
AUTOMATED VOTING

Dear Participants:

Attached please find a welcome letter from David Carroll, the draft agenda for The Carter Center's meeting on automated voting and a participant list.

I will send the selected readings on electronic voting in separate emails, as some of the attachments are rather large. You will also find links to the documents below.

Please let me know if you have difficulty accessing the documents.

Best Wishes,

Avery

/CRS Report for Congress: Election Reform and Electronic Voting Systems (DREs): Analysis of Security Issues/, Eric Fischer

<http://www.epic.org/privacy/voting/crsreport.pdf>

/E-Voting Misconceptions/, David Dill

<http://www.verifiedvoting.org/article.php?id=2609&printsafe=1>
<<http://www.verifiedvoting.org/article.php?id=2609&printsafe=1>>

/Frequently Asked Questions about DRE Voting Systems/, David Dill, Rebecca Mercuri, Peter G. Neumann and Dan S. Wallach

<http://www.verifiedvoting.org/article.php?id=5018&printsafe=1>
<<http://www.verifiedvoting.org/article.php?id=5018&printsafe=1>>

/Making Each Vote Count: A Research Agenda for Electronic Voting/, American Association for the Advancement of Science

<http://www.aaas.org/spp/sfrr/evoting/report2.pdf>

/Security as Belief: User's Perceptions on the Security of Electronic Voting Systems/, Anne-Marie Oostveen and Peter van den Besselaar

<http://www.social-informatics.net/ESF2004%20Final%20OOSTVEEN.pdf>

/Fixing the Vote/, Ted Selker in Scientific American

http://www.sciam.com/print_version.cfm?articleID=00018DD5-73E7-1151-B57F83414B7F0000

/Poll Monitors' and Poll Workers' Guide to Electronic Voting/, Verified Voting

018816

<http://www.verifiedvoting.org/downloads/20041024.pollmonitorsguide.pdf>

Auditing, Douglas Jones

<http://delivery.acm.org/10.1145/1030000/1022622/p46-jones.pdf?key1=1022622&key2=2576040111&coll=GUIDE&dl=GUIDE&CFID=40317002&CFTOKEN=98217790>

<

<http://delivery.acm.org/10.1145/1030000/1022622/p46-jones.pdf?key1=1022622&key2=2576040111&coll=GUIDE&dl=GUIDE&CFID=40317002&CFTOKEN=98217790>>



Draft agenda 02.23.05.doc participant list.doc Cover ltr. final.doc aodavis.vcf

DRAFT AGENDA

AUTOMATED VOTING AND ELECTION OBSERVATION THE CARTER CENTER, ATLANTA, GA MARCH 17-18, 2004

We hope to have a rich and lively discussion during this meeting and we are aware that it will be tempting to combine discussion of voting technology, country examples and challenges to international election observation. We have broken down each of these elements to structure a more thorough and systematic discussion. To this end, we have designed the agenda as follows:

- Session 1 (morning of March 17) will provide an overview of the field of automated, or electronic, voting, as well as a technical comparison of the main systems in use.
- Sessions 2 (morning of March 17) will examine the political impact of automated voting technology.
- Sessions 3-4 (afternoon of March 17) will discuss automated voting issues in several cases studies.
- Session 5 (morning of March 18) will examine the methodological challenges of observing automated voting.

After the heading for each section we have listed a brief number of questions or topics to help guide our discussion.

Thursday, March 17, 2005

8:30 – 9:00

Participants arrive at The Carter Center – coffee and breakfast snacks (transportation provided from hotel)

08:45 – 09:30:

Introductions and Overview of Agenda

Chairs: David Carroll and Jennifer McCoy

- What is automated voting and who uses it?
- Opportunities, risks and challenges
- Security risks and opposition to automated voting
- Challenges for election observation

09:30 – 11:00:

Session One: Technical Comparison of Automated Voting Systems

Chair: Keith Jennings

Presenter: Helena Alves and Avi Rubin

Discussion topics:

- Brief introduction to automated voting in the global context
- Touchscreen vs. Optical scanning systems
- Networked vs. non-networked systems
- Voter-Verifiable Audit trail (VVAT) vs. non-verifiable systems

- Internet voting/phone voting, other methods of automated voting.
- Issues raised by smartcards, personal identification numbers, etc.

11:00 – 11:15: *Coffee Break*

11:15 – 12:30: Session Two: The political impacts of automated voting technology

Chair: Catherine Weiss

Presenters: Eric Rudenshiold

Discussion Topics:

- Advantages and disadvantages of electronic voting technology
- Costs and benefits for electoral authorities
- Automated voting and voter confidence
- Private sector service provision to public electoral management bodies
- Intellectual property rights and principle of transparency in election administration
 - What are the criteria that electoral authorities use when choosing automated technology? Who advocates for automated voting and why?
- What are the effects of electronic voting on disadvantaged or minority groups?

12:30 – 2:30 pm *Lunch at Carter Center – Vendor demonstrations of electronic voting machines. (Vendor tables, with demonstration equipment, will be set up outside of the meeting space for participants to visit)*

2:30 – 3:00 pm Introduction to election observation challenges

Chairs: David Carroll and Jennifer McCoy

Discussion Topics:

- Brief outline of the goals of the case study discussions and challenges of observing automated voting

3:00 – 4:30 Session Three: Automated voting issues in The Netherlands, Kazakhstan, and Brazil

Chair: Katelina Montana

Presenters: Herman Ruddijs, Gerald Mitchell and Paulo Camarao, Carlos Velloso and Tarquato Jardim

- Debates and issues related to automated voting in each country
- Challenges faced by election observers as applicable

4:30 – 5:00 *Coffee Break*

5:00 – 6:30 Session Four: Automated voting issues in USA and Venezuela
Chair: Gerald Mitchell
Presenters: Merle King, Ted Selker, David Dill, and Rachel
Fowler
Discussion Topics:
▪ Debates and issues related to automated voting in each country
▪ Challenges faced by election observers as applicable

19:00 – 21:30 *Dinner*
Remarks on US election reform and electronic voting from Paul
DeGregorio

Location: Mary Mac's Tea Room, 224 Ponce de Leon Ave
(Transportation provided from The Carter Center to the restaurant
and to hotel after dinner)

Friday, March 18, 2005

08:45 – 09:00 *Participants arrive at The Carter Center –coffee and breakfast*
snacks (transportation provided from hotel)

09:00 - 09:15 Review of previous day's discussion

09:15 – 10:30 Session Five: Operational and technical challenges of observing
automated voting
Chairs: Jennifer McCoy and David Carroll
Discussion Topics:
▪ What is the impact of automated voting on election observation
methodology?
 ○ Are different methods required for different systems,
 and/or different stages of the automated process?
 ○ When should observation of automated systems begin?
 ○ What expertise/training is needed to observe automated
 voting systems?

10:30-10:45 *Coffee Break*

10:45-12:15 Session Five continued
▪ What is the potential impact of automated voting on parallel
vote tabulation methodology?
▪ How can election observers increase public confidence in
automated voting?

12:15 – 12:45 Concluding remarks

Participants depart for airport or hotel (transportation provided)

DRAFT

"Automated Voting: Challenges and Lessons for Election Observation"

Atlanta
March 17 – 18, 2005

Participant List

Maria Helena Alves
Coordinator,
ACE Project

Henry Brady
Professor of Political Science and Public Policy,
UC Berkeley

David Carroll
Interim Director, Democracy Program
The Carter Center

Paul DeGregorio
Vice Chairman,
Election Assistance Commission

David Dill
Professor of Computer Science,
Stanford University

Rachel Fowler
Senior Program Associate, Democracy Program
The Carter Center

John Hardman
Executive Director
The Carter Center

Tarquato Jardim
Former Member of the Tribunal
Electoral Tribunal of Brazil

Keith Jennings
Senior Representative, Electoral Processes
National Democratic Institute of International Affairs

Merle King
Executive Director, Center for Election Systems,
Kennesaw State University

9/27/2005

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DRAFT

Jennifer McCoy
Director, Americas Program
The Carter Center

Gerald Mitchell
Head of Election Section,
OSCE/ODIHR

Katalina Montana
Specialist of the Department of Democratic and Political Affairs.
Organization of American States

David Pottie
Senior Program Associate, Democracy Program
The Carter Center

Aviel Rubin
Professor of Computer Science,
Johns Hopkins University

Herman Ruddijs
Business Project Manager
Sdu Uitgevers

Eric Rudenshiold
Director for the Europe and Eurasia Division
IFES

Ted Selker
Associate Professor,
MIT Media and Arts Technology Lab.

Carlos Mario da Silva Velloso
President
Electoral Tribunal of Brazil

Catherine Weiss
Associate Counsel
Brennan Center for Justice

DRAFT

Observers

Dana Beegun
Representative
United States Agency for International Development

Paulo Bhering Camarão
Computer Science Secretary
Electoral Tribunal of Brazil

Glenn Cowan
Principal
Democracy International

Avery Davis-Roberts
Assistant Program Coordinator, Democracy Program
The Carter Center

Steve Hochman
Director of Research
The Carter Center

Shelley McConnell
Associate Director, Americas Program
The Carter Center

Vladimir Pran
Elections Officer, West Bank and Gaza
National Democratic Institute for International Affairs

Gordon Streeb
Visiting Professor, Dept. of Economics
Emory University

Nikolai Vulchanov
Deputy Head of Election Section
OSCE/ODIHR

Phil Wise
Assistant Executive Director, Operations
The Carter Center Center

9/27/2005

018825

DRAFT

Rapporteurs

Daniel Kosinski
Intern, Democracy Program
The Carter Center

Jennifer Martin-Kohlmorgen
Intern, Democracy Program
The Carter Center

018824

9/27/2005

THE
CARTER CENTER



March 10, 2005

Dear Participant:

On behalf of The Carter Center, I want to thank you for agreeing to participate in the March 17-18 meeting on ***Automated Voting: Challenges and Lessons for Election Observation***. The purpose of the meeting is for monitoring organizations and technical electoral experts to share ideas and expand our common knowledge of automated voting systems and the challenges they pose for election observation and assessment missions.

In order to encourage a frank and open discussion of these issues, all of the sessions will be private and off-the-record. After the meeting, we will circulate a rapporteur's report to the participants summarizing key points of the discussion, but without attribution.

Along with this letter, please find a background packet with the final agenda, a list of participants and selected readings on electronic voting. Please take a few moments to look at these documents prior to the March 17-18 meeting in Atlanta. We also invite you to bring to the conference any documents on observing automated voting that you would like to share with other participants.

If you have any questions, please do not hesitate to contact Ms. Avery Davis-Roberts by phone on 404. 420.3807, or by email at aodavis@emory.edu. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Carroll".

David Carroll
Interim Director

018825



Gracia Hillman/EAC/GOV
03/16/2005 08:01 AM

To Carol A. Paquette/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Re: Cyber Security Industry Alliance - Susan Zevin - Request
for meeting

Carol,

Per our SOS, this type of item or recommendation should be referred to one commissioner for review and then that commissioner will make a recommendation to the other commissioners. Let's not deviate from that.

By way of this memo, I am asking Comm Soaries to review this information and make a recommendation.

Sent from my BlackBerry Wireless Handheld
Carol A. Paquette

From: Carol A. Paquette
Sent: 03/15/2005 07:48 PM
To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez; DeForest Soaries
Jr.
Cc: Sheila Banks; Adam Ambrogi; Holland Patterson; Spring Taylor
Subject: Cyber Security Industry Alliance - Susan Zevin - Request for
meeting

Commissioners -

Susan Zevin contacted me several weeks ago to set up a meeting between the Commissioners and Paul Kurtz, the Executive Director of the Cyber Security Industry Alliance (CSIA). CSIA is an industry advocacy group that has been formed to promote improvement of cyber security through public policy, education and technology-focused initiatives. Their membership is comprised of major cyber security software providers such as Symantec, Entrust, McAfee, Check Point (they've been getting some unfavorable press lately), and others. They are "interested in assisting the Commission in the evolution of new approaches to voting systems." Susan was rather vague about what this means. I suggested that it might be useful for this group to review and comment on the TGDC/NIST work on the NIST website. Susan indicated they are interested in "higher level, big picture policy matters." Whatever these matters are, she indicated that they can only be discussed directly with the Commissioners, not with some intermediary.

Checked out this group with some colleagues in the security business. The feedback I received was that they're relatively new on the scene, only one of several similar industry advocacy groups, and that they're looking for an issue to make their mark on. (There might have been some professional rivalry seeping through in these comments.) Mr. Kurtz has pretty impressive credentials, having been National Security Council senior director of the Office of Cyberspace Security and a member of the President's Critical Infrastructure Protection Board (prior to 2003).

Is there interest in a meeting by all or some of you?

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

018826

F05-001

FOIA File



U.S. ELECTION ASSISTANCE COMMISSION

FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866/747-1471

DATE: 20 May 05

TO: MS Lillie Coney

FAX NUMBER: (202) 483-1248

FROM: Gavin Gilmore

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

MESSAGE

per our discussion this AM.

Gavin Gilmore

018827



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

May 20, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Via Facsimile Transmission
(202)483-1248

RE: FOIA Request

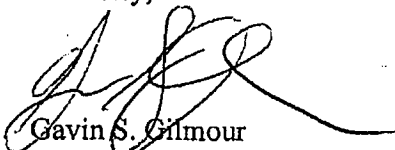
Dear Ms. Coney:

Per our telephone discussion this afternoon, this letter serves to memorialize the clarifications made by EPIC regarding its Freedom of Information Act request. At a teleconference meeting between the EAC and EPIC, you were kind enough to clarify your May 10, 2005 FOIA request. Specifically, you noted that the request is limited to the following documents:

- Any and all transcripts, meeting minutes or similar documents memorializing the Technical Guidelines Development Committee (TGDC) meetings or hearings which are in the possession of the EAC and not publicly available on the NIST web site.
- Any and all EAC documents or communications regarding the selection or appointment of members of the TGDC.
- All Public Financial Disclosure Forms (OGE Form 278) filed by members of the TGDC.
- The recommended Voluntary Voting Systems Guidelines presented to the EAC by the TGDC.

I believe the above accurately reflects our conversation this morning. If you believe I have missed some element of the conversation, please let me know. I can be reached at (202)566-1392. Thank you for your assistance in this matter. You will hear from us regarding this request soon.

Sincerely,


Gavin S. Gilmour
Associate General Counsel



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

June 7, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Via Courier

Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on May 10, 2005. The request was clarified in a May 20, 2005 phone conversation as memorialized in a letter sent to you on that same day. Your clarified request sought certain records from "March 23, 2004 to the present," including:

- Any and all transcripts, meeting minutes or similar documents memorializing the Technical Guidelines Development Committee (TGDC) meetings or hearings which are in the possession of the EAC and not publicly available on the NIST web site.
- Any and all EAC documents or communications regarding the selection or appointment of members of the TGDC.
- All Public Financial Disclosure Forms (OGE Form 278) filed by members of the TGDC.
- The recommended Voluntary Voting Systems Guidelines presented to the EAC by the TGDC.

With regard to your request for transcripts, minutes and similar documents not found on the NIST web site, the EAC has no records responsive to the request. All available minutes, transcripts and digital recordings of TGDC meetings and hearings are maintained by NIST on the web at www.vote.nist.gov.

In response to your request for documents or communications regarding the selection or appointment of TGDC members, all responsive documents have been attached (Attach. 3). A few of these documents contain redactions required by FOIA Exemption 6 (5 U.S.C. §552(b)(6)), to protect personal information and avoid unwarranted invasions of personal privacy. Generally, the redacted information included personal identifiers and contact information (i.e. home addresses and phone numbers).

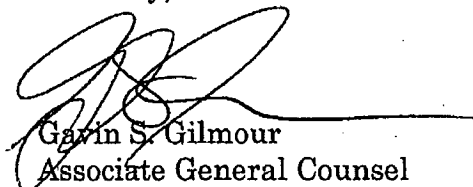
018829

As for your request for Public Financial Disclosure Forms (SF 278) filed by members of the TGDC, this information may be released under Section 105 of the Ethics in Government Act of 1978 (and 5 C.F.R. §2634.603). The law requires that prior to the release of Public Financial Disclosure Forms the requestor affirm his or her understanding of the limited use of the forms. I have attached OGE Form 201 (Attach. 4). You may use this form to meet the above requirements. The form should be sent to NIST, as the only member of the TGDC presently required to file a SF 278 is a NIST employee, Dr. Hratch Semerjian. As such, NIST is the custodian of this record.

Finally, in response to your request for the Voluntary Voting Systems Guidelines presented to the EAC by the TGDC, a copy of this document is attached (computer disk). (Attach. 5).

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,



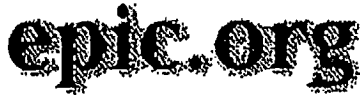
Gavin S. Gilmour
Associate General Counsel
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (May 10, 2005);
2. Request Clarification Letter (May 20, 2005);
3. TGDC Appointment Documents;
4. OGE Form 201;
5. Voluntary Voting Systems Guidelines presented to the EAC by the TGDC

018830

ELECTRONIC PRIVACY INFORMATION CENTER



May 10, 2005

1718 Connecticut Ave NW
Suite 200
Washington DC 20009
USA
+1 202 483 1140 (tel)
+1 202 483 1248 (fax)
www.epic.org

Fax 202-566-3127

The Honorable Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

RE: Freedom of Information Act Request

Dear Commissioner DeGregorio,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the Technical Guidelines Development Committee (TGDC) from March 23, 2004 to the present (including but not limited to electronic records) including records regarding appointments to the TGDC, disclosure statements by members of the TGDC, meetings, hearings, and work of the TGDC related to voting technology standards. Please, also provide all printed meeting and hearing transcripts for the TGDC.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney
Associate Director

018834

Attachment 1

018832

ELECTRONIC PRIVACY INFORMATION CENTER



May 10, 2005

Fax 202-566-3127

The Honorable Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

1718 Connecticut Ave NW
Suite 200
Washington DC 20008
USA
+1 202 483 1140 (tel)
+1 202 483 1246 (fax)
www.epic.org

RE: Freedom of Information Act Request

Dear Commissioner DeGregorio,

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Sincerely,

Lillie Coney
Associate Director

018833



Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,
Suite 200
Washington, DC 20009
USA

Phone: 202-483-1140
Ffax: 202-483-1248
<http://www.epic.org>
Email: coney@epic.org

Fax Cover Sheet

Send to: US Election Assistance Commission	From: Lillie Coney
Attention: Commission DeGregorio	Office Location 1718 Connecticut Avenue, NW
Office location: Washington DC	Date: 5/10/05
Fax number: 202-566-3127	Phone number: 202-483-1140 Ext. 111

- URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: **2**

Comments:

Attachment 2

018335



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

May 20, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

Via Facsimile Transmission
(202)483-1248

RE: FOIA Request

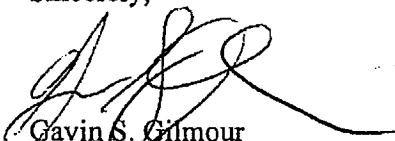
Dear Ms. Coney:

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Sincerely,


Gavin S. Gilmour
Associate General Counsel

Attachment 3

01883



Paul DeGregorio/FEC/US
03/04/2004 07:46 PM

To csburkhardt@doc.gov
cc
bcc
Subject meeting ASAP

Craig,

As I may have discussed with you, the EAC would like to announce at its March 23rd first public meeting the formation of the Technical Guidelines Development Committee (TGDC) and, possibly, when their first meeting will be held. The formation of this committee will put into motion a timetable to develop and approve the voluntary standards outlined in HAVA. We would like to discuss with NIST what HAVA requires the TGDC to do--and what we can do realistically what the funds we may or may not have. We can also work on a strategy whereby we put the things we cannot do in FY04 into our (or your) FY05 budget request.

There has been some confusion in recent days over what monies NIST does or does not have available for this purpose. Today, Penelope Bonsall of my staff was told by Dr. Zevin that there was only \$350,000 to work with for FY04--and that very little progress with standards could be made with it. In addition, Dr. Zevin's presentation at NASS and NASED has confused some people because they didn't quite understand that when Susan included 7 pages of "what could be done in the next six months" in her presentation, some folks thought that is what NIST will do in 2004. I understood it to be the NIST wish list and was not sure what portion will come under the TGDC umbrella. In addition to all of this, we have been reviewing the Human Factors report developed by NIST and have some questions. We would like to release this report at our March 23 meeting. We would like for representatives of NIST to be at our public meeting to discuss the TGDC and Human Factors report.

Therefore, I would like to propose that the following folks meet ASAP (Monday or Tuesday of next week; March 8 or 9) to talk about these issues.

Paul DeGregorio, EAC
Penelope Bonsall, EAC
Craig Burkhardt, DOC
Dr. Zevin, NIST
Allan Eustis, NIST

I think it might be best if the NIST folks heard from you to set this meeting up. Can you (or your designee) call Penelope Bonsall at 202-694-1097 with a time and place (we are flexible) for a meeting on Monday or Tuesday?

The agenda could be as follows:

- 1) TGDC: expectations on who will be appointed; what is it they must/can do in FY04 and FY05. What is the TGDC timetable?
- 2) Human Factors report
- 3) Dr. Zevin's "what could be done in the next 6 months";
- 4) Funding issues for all of this. Can we get money from DOD?

I am on travel on Friday, March 5 but can be reached on my federal cell phone which is [REDACTED]

Thanks for your help and attention to this important matter.

Paul DeGregorio

018838



Allan Eustis
<allan.eustis@nist.gov>
03/16/2004 01:26 PM

To PDeGregorio@fec.gov
cc Susan Zevin <susan.zevin@nist.gov>, Craig S Burkhardt
<CSBurkhardt@DOC.GOV>
bcc

Subject Rush Holt Suggested Nominees to TGDC

Paul-

Along with the NIST voting team, I reviewed the names and biographies submitted by Congressman Holt's Office for nomination to the four "open" positions on the Technical Guidelines Development Committee. Avi Rubin, Barbara Simons and Michael Alvarez are all extremely qualified for the TGDC. In fact, during our deliberations, the NIST voting team considered each of these individuals for inclusion on our final list. However, there were important reasons for choosing the individuals we did. Rather than criticize these fine nominees, any of whom would bring expertise to the TGDC, I will list the criteria for NIST's final selection of nominees:

1. Technical Competence in Standards Development Processes,
2. Open Minded and Unbiased View points. No pre-set agendas,
3. Global view of security and usability issues related to voting systems and voting equipment
4. Unique "lifetime/career" experiences and expertise not available from other appointed TGDC members

I would also note that like Michael Alvarez, NIST nominee Ron Rivest was also a co-author of the Cal tech/MIT report. We at NIST stand by our nominees as the strongest candidates to meet our strict criteria for inclusion on the TGDC.

I hope this description of our TGDC nominee evaluation process will assist the EAC in the selection of the four "open" positions. We will shortly provide you with a "final four" list from the original list of six individuals. We have broadened our selection to include women who were on our original list.

I will send you some talking points for the March 23rd EAC meeting tomorrow morning. I am a bit swamped today having just returned from leave.

Regards

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg, Md. 20899-8901
301-975-5099

018833

allan.eustis@nist.gov
<http://vote.nist.gov>

018840



Allan Eustis
<allan.eustis@nist.gov>
03/19/2004 09:14 AM

To s.tatiner@ieee.org
cc Paul Degregorio <PDeGregorio@fec.gov>
bcc

Subject: Re: IEEE Representative

Susan-

I have forwarded your e-mail on to the Election Assistance Commission. IEEE will still likely receive a formal letter requesting a nominee, but your response is quite helpful and will speed the process of spinning up the TGDC.

thanks

At 05:22 PM 3/18/2004 -0500, you wrote:

Dear Allan:

Judy Gorman referred me your email query about a formal nomination of the IEEE representative to the Technical Guidelines Development (TGD) Committee of the Election Assistance Commission (EAC).

I spoke with Donald Heirman, IEEE Standards Association President Elect and IEEE-SA Board of Governors (IEEE-SA BoG) Liaison to Standards Coordinating Committee 38 (SCC38), which is the group within IEEE working on voting standards. Don asked that I write to let you know that last year, the IEEE-SA BoG named Stephen H. Berger as its choice to represent IEEE on the TGD Committee. Stephen is a member of the IEEE-SA Standards Board and Chair of SCC 38.

I hope that this email answers your questions. I would be glad to provide further information or assistance, if needed.

Sincerely,

Susan

Susan K. Tatiner, CAE
Associate Managing Director,
Technical Program Development
IEEE Standards Activities
s.tatiner@ieee.org
PH: +1 732 562 3830

01834

FX: +1 732 562 1571
<http://standards.ieee.org/>

IEEE

445 Hoes Lane, PO Box 1331, Piscataway, NJ 08855-1331 USA

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg, Md. 20899-8901
301-975-5099
allan.eustis@nist.gov
<http://vote.nist.gov>

018842



"Allan Eustis"
<allan.eustis@nist.gov>
04/22/2004 03:41 PM

To "Paul Degregorio" <pdegregorio@eac.gov>
cc
bcc
Subject

Final NIST nominees are:

patrick Gannon
daniel Schutzer
Whitney Quesenbery
Ronald Rivest

bios attached

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg, Md. 20899-8901
301-975-5099
allan.eustis@nist.gov



<http://vote.nist.gov> DanielSchutzerBIO.doc Gannonresumee.doc nomanresumee.doc quesenbery bio and abstract.doc

018343

Attachments found at

NIST letter to the

EAC dated

April 27, 2004

Penelope Bonsall/EAC/GOV
04/26/2004 03:16 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: ANSI Representative - HAVA bio

Here is a brief bio from Anne Caldas. Steve Berger called while en route and said he'd email his speaker's bio later this afternoon.

— Forwarded by Penelope Bonsall/EAC/GOV on 04/26/2004 03:14 PM —



"Anne Caldas"
<Acaldas@ansi.org>
04/26/2004 01:37 PM

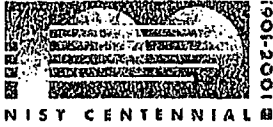
To "pbonsall@eac.gov" <pbonsall@eac.gov>
cc "Amy A Marasco" <amarasco@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>
Subject ANSI Representative - HAVA bio

Hello -
I trust that this is acceptable.
Regards,
Anne

Anne Caldas
acaldas@ansi.org
Director, Procedures and Standards Administration
American National Standards Institute
www.ansi.org
25 West 43 Street, 4th Floor
New York, New York 10036
212-642-4914

Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the primary staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), the ANSI Board of Standards Review (BSR) and the ANSI Appeals Board. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

018845



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

APR 27 2004

Commissioner DeForest B. Soaries, Jr.
Chairman, Election Assistance Commission
1225 New York Avenue, N.W.
Washington, D.C. 20005

Dear Commissioner Soaries:

I am pleased to notify the Commission that the following four individuals have agreed to serve on the Technical Guidelines Development Committee (TGDC) pending financial disclosure clearance and final approval by the Election Assistance Commission (EAC):

- Dr. Ronald L. Rivest
- Ms. Whitney Quesenbery
- Dr. Daniel Schutzer
- Mr. Patrick J. Gannon

I am confident that each of these individuals will bring unique technical competence in standards development to the challenging tasks that await the TGDC. In my conversations with the nominees, they each expressed an appreciation of the importance of the guidance that they will offer the EAC as we implement the Help America Vote Act of 2002. I have enclosed their resumés and am most willing to answer your questions concerning their qualifications.

Sincerely,

A handwritten signature in black ink, appearing to read "Arden L. Bement, Jr.".

Arden L. Bement, Jr.
Director

Enclosures

NIST

01884E

Technical Guidelines Development Committee

Dr. Arden Bement
Acting Director of the National Science Foundation (NSF)
Director of the National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000
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arden.bement@nist.gov

Donetta Davidson
Colorado Secretary of State
Standards Board (EAC)
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Denver CO 80202
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303-894-2389

Alice Miller
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816-472-4960
sharon@kceb.org

Helen Purcell
Maricopa County Recorder
Board of Advisors (EAC)
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602-506-4050
hpurcell@risc.maricopa.gov

James (Jim) R. Harding
Board Member
Architectural and Transportation Barrier Compliance Board
Access Board

[REDACTED]
Tallahassee, FL [REDACTED]
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James Elekes
Board Member
Architectural and Transportation Barrier Compliance Board
Access Board

[REDACTED]
North Plainfield, NJ [REDACTED]
[REDACTED]

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H. Stephen Berger
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Institute of Electrical and Electronics Engineers (IEEE)

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[REDACTED]

stephen.berger@ieee.org

Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
National Association of State Election Directors (NASSED)

[REDACTED]
Tucker, GA [REDACTED]
[REDACTED]
[REDACTED]

Paul Craft
Florida Department of State, Voting Systems Division
National Association of State Election Directors (NASSED)
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850-921-0783
pcraft@dos.state.fl.us

Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
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617-258-9738
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Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup
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Patrick Gannon
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Billerica, MA 01821
978-667-5115
978-667-5114
patrick.gannon@oasis-open.org

Whitney Quesenbery
Director-Usability Professionals' Association
Other Sci-Techs
[REDACTED]
High Bridge, NJ [REDACTED]
[REDACTED]

Ronald L. Rivest, Ph.D.

**Professor, MIT
545 Technology Square
Room 324
Cambridge, MA 02139
Telephone: 617-253-5880
Fax: 617-258-9738
Email: rivest@mit.edu
Web Site: <http://theory.lcs.mit.edu/~rivest/>**

Professor Rivest is the Viterbi Professor of Computer Science in MIT's Department of Electrical Engineering and Computer Science. He is a member of MIT's Laboratory for Computer Science, a member of the lab's Theory of Computation Group and is a leader of its Cryptography and Information Security Group. He is also a founder of RSA Data Security. (RSA was bought by Security Dynamics; the combined company has been renamed to RSA Security.)

Professor Rivest has research interests in cryptography, computer and network security, and algorithms.

Professor Rivest is a Fellow of the Association for Computing Machinery and of the American Academy of Arts and Sciences, and is also a member of the National Academy of Engineering. Together with Adi Shamir and Len Adleman, he has been awarded the 2000 IEEE Koji Kobayashi Computers and Communications Award and the Secure Computing Lifetime Achievement Award. He has also received, together with Shamir and Adleman, the 2002 ACM Turing Award. Professor Rivest has received an honorary degree (the "laurea honoris causa") from the University of Rome. He is a Fellow of the World Technology Network and a Finalist for the 2002 World Technology Award for Communications Technology.

Professor Rivest is an inventor of the RSA public-key cryptosystem. He has extensive experience in cryptographic design and cryptanalysis, and has published numerous papers in these areas. He has served as a Director of the International Association for Cryptologic Research, the organizing body for the Eurocrypt and Crypto conferences, and as a Director of the Financial Cryptography Association.

He received a B.A. in Mathematics from Yale University in 1969, and a Ph.D. in Computer Science from Stanford University in 1974.

He has also worked extensively in the areas of computer algorithms, machine learning, and VLSI design.

Books and Publications:

{ Books }

Rivest, R.\L., A.\Sherman, and D.\Chaum (editors), { Proceedings CRYPTO 82}. New York: Plenum Press (1983).

018350

Rivest, Ronald, David Haussler, and Manfred K. Warmuth (editors), { Proceedings of the Second Annual Workshop on Computational Learning Theory } (Morgan Kaufmann, 1989).

Cormen, T., C.E. Leiserson, and R.L. Rivest, { Introduction to Algorithms } (MIT Press/McGraw-Hill, 1990).

Hanson, G., G. Drastal, and R.L. Rivest (editors), { Computational Learning and Natural Learning }, (MIT Press, 1991).

Meyer, A., J. Guttag, R.L. Rivest, and P. Szolovits (editors), Research Directions in Computer Science: An {MIT} Perspective, (MIT Press, 1991).

Hanson, S.J., W. Remmele, and R.L. Rivest (editors), Machine Learning: From Theory to Applications, Lecture Notes in Computer Science No. 661, (Springer-Verlag, 1993).

Hanson, S.J., G.A. Drastal, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume I: Constraints and Prospects, (MIT Press, 1994).

Hanson, S.J., T. Petsche, M. Kearns, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume II: Intersections between Theory and Experiment, (MIT Press, 1994).

{Recent Papers in Refereed Journals}

Kaliski, Burton S., Ronald L. Rivest, and Alan T. Sherman, "Is the Data Encryption Standard a Group?," { Journal of Cryptology }, vol 1 (1988), 3--36.

Ben-Or, Michael, Oded Goldreich, Silvio Micali, and Ronald L. Rivest, "A Fair Protocol for Signing Contracts," { IEEE Transactions on Information Theory }, vol 1 (1990), 40--46.

Linial, Nathan, Yishay Mansour, and Ronald L. Rivest, "Results on Learnability and the {V}apnik-{C}hervonenkis dimension," { Information and Computation }, vol 1 (Jan. 1991), 33--49.

Rivest, Ronald L., and Robert E. Schapire, "Inference of Finite Automata Using Homing Sequences," { Information and Computation } vol 2 (April 1993), 299--347

Rivest, Ronald L., and Robert H. Sloan, "On Choosing between Experimenting and Thinking when Learning," { Information and Computation }, vol 1 (September 1993), 1--25.

Goldman, Sally A., Ronald L. Rivest, and Robert E. Schapire, "Learning Binary Relations and Total Orders," { SIAM Journal of Computing } vol 5 (October 1993), 1006--1034.

Rivest, Ronald L., and Robert E. Schapire, "Diversity-Based Inference of Finite Automata," { Journal of the ACM }, vol. 3 (May 1994), 555--589.

018351

Rivest, Ronald L., and Robert Sloan, "A Formal Model of Hierarchical Concept Learning," { Information and Computation } vol 1 (October 1994), 88-114.

Betke, Margrit, Ronald L. Rivest, and Mona Singh, "Piecemeal learning of an unknown environment," { Machine Learning } { vol 2/3 (February/March 1995), 231--254.

Gillman, David, and Ronald L. Rivest, "Complete Variable-Length 'Fix-Free' Codes," { Designs, Codes, and Cryptography } vol 2 (March 1995), 109--114.

Gillman, David W., Mojdeh Mohtashemi, and Ronald L. Rivest, "On Breaking a Huffman Code," { IEEE Transactions on Information Theory } vol 3 (May 1996), 972--976.

Bellare, Mihir, and Ronald L. Rivest, "Translucent Cryptography---An Alternative to Key Escrow and its implementation via fractional oblivious transfer," { Journal of Cryptology } vol 2 (1999) 117--140.

Awerbuch, Baruch, Margrit Betke, Ronald L. Rivest, and Mona Singh, "Piecemeal Graph Exploration by a Mobile Robot," { Information and Computation } Vol 2 (August 1999), 155--172.

Ronald L. Rivest, "Permutation Polynomials Modulo 2^w ," { Finite Fields and Their Applications } (2001), 287--292.

{ Recent Papers in Refereed Conferences }

Rivest, R. L., "Finding Four Million Large Random Primes," { Proceedings CRYPTO 90 }, (Springer 1991), 625--626.

Rivest, R. L., "Cryptography and Machine Learning," { Proceedings ASIACRYPT '91 }, (Springer 1993), 427--439.

Rivest, R. L., "Electronic Lottery Tickets as Micropayments," { Proceedings Financial Cryptography '97 }, (Springer 1997), 307--314.

Rivest, R. L., "Perspectives on Financial Cryptography," { Proceedings Financial Cryptography '97 }, (Springer 1997), 145--149.

{ Other Recent Major Publications }

Ronald L. Rivest and Adi Shamir, "PayWord and MicroMint: Two Simple Micropayment Schemes," in { Proceedings 1996 International Workshop on Security Protocols }, (Springer Lecture Notes in Computer Science Number 1189, edited by Mark Lomas, 1997), pages 69--87.

Ronald L. Rivest, "Chaffing and Winnowing: Confidentiality without Encryption,"

{ CryptoBytes } (RSA Laboratories), Volume 4, Number 1, 12--17 (Summer 1998).}

Oded Goldreich, Birgit Pfitzmann, and Ronald L. Rivest, "Self-Delegation with Controlled Propagation - or - What If You Lose Your Laptop," {Proceedings CRYPTO '98 (Lecture Notes in Computer Science No. 1462)}(Springer-Verlag, August 1998), pages 153-168.}

Ronald L. Rivest, "The Beer Bottle Cipher," CCE Quarterly Journal (Pricewaterhouse Coopers Cryptographic Center of Excellence), Issue 3 (1999), 28--30.}

{54} {Anna Lysyanskaya, Ronald L. Rivest, Amit Sahai, and Stefan Wolf, "Pseudonym Systems," {Selected Areas in Cryptography '99} (Springer Verlag '00), Lecture Notes in Computer Science No. 1758 (edited by H. Heys and C. Adams), pages 184--199.

Recent Cryptography and Security Lectures

- *Micropayments Revisited* by Silvio Micali and Ronald L. Rivest. (Proceedings of the Cryptographer's Track at the RSA Conference 2002, Bart Preneel (ed.), Springer Verlag CT-RSA 2002, LNCS 2271, pages 149--163.)
- *The Untrusted Computer Problem and Camera-Based Authentication*, by D. Clarke, B. Gassend, T. Kotwal, M. Burnside, M. van Dijk, S. Devadas, and R. L. Rivest. *Lecture Notes in Computer Science 2414, Proceedings of the International Conference on Pervasive Computing (Pervasive2002)*, pages 114-124, August 2002.
- *Access-Controlled Resource Discovery for Pervasive Networks*, by S. Raman, D. Clarke, M. Burnside, S. Devadas and R. L. Rivest. *Proceedings of the 18th ACM Symposium on Applied Computing (Security Track)*, March 2003.
- *Tweakable Block Ciphers* by Moses Liskov, Ronald L. Rivest, and David Wagner. *Proceedings CRYPTO 2002* (Springer-Verlag, Lecture Notes in Computer Science No. 2442, Moti Yung(ed.), 2002), pages 31--46.
- *Making Mix Nets Robust for Electronic Voting by Randomized Partial Checking* by Markus Jakobsson, Ari Juels, and Ronald L. Rivest. In D. Boneh, ed., *USENIX Security '02*, pp. 339-353. 2002.
- *Proxy-Based Security Protocols in Networked Mobile Devices* by M. Burnside, D. Clarke, T. Mills, A. Maywah, S. Devadas, and R. Rivest. *Proceedings of the 17th ACM Symposium on Applied Computing (Security Track)*, pages 265-272, March 2002.

**Whitney Quesenbery
Usability Professionals' Association**



Biography

Whitney Quesenbery is the director of the UPA Voting and Usability Project, a role she took on when she joined the board just days after the 2000 US Presidential election. This project has focused on the human side of the voting experience, and has worked to raise awareness of the need for usability and user-centered design in voting systems as with all technology. Whitney was on the advisory council for the FEC project on human factors in voting systems. A discussion group brings together usability advocates and researchers from around the world. Information is available on the UPA web site – www.usabilityprofessionals.org

In her 'civilian' life, Whitney Quesenbery is a user interface designer, design process consultant, and highly regarded speaker. She is an expert in developing new concepts that achieve the goal of meeting business, user, and technology needs. She has extensive user interface design experience and has produced award winning multimedia products, user interfaces, web sites, and software applications.

She is the owner and principal consultant for Whitney Interactive Design, LLC (www.WQusability.com) where she continues the work begun during her dozen years at Cognetics Corporation. Whitney's projects ranged from online financial news retrieval to hospital management software, web applications, and corporate information tools for companies such as the TriZetto Group, FDA, Open University, Armstrong, Novartis, Deloitte Consulting, Dow Jones, McGraw-Hill, Siemens, Hewlett-Packard, and Eli Lilly.

Whitney is active in the user experience community as a member of the Board of Directors for the Usability Professionals' Association (UPA) and the past-manager of the Society for Technical Communication (STC) Special Interest Group on Usability.

Experience

2002 - Present: Whitney Interactive Design, LLC.

Consultancy in user-centered design, interface design and usability

Clients include:

- Trizetto
- ITG - Interpersonal Technology Group
- IRS
- Blackbaud

1990 - 2002: Cognetics Corporation

Principal and Senior Vice President for Design

Key accomplishments

- One of the primary developers for LUCID, a user-centered approach to user experience design.
- Product management and documentation for Hyperties 3.0 and 4.0, released in 1992 and 1995

- Usability training and process implementation for Cognetics and clients
- Developed professional skills evaluation process for staff designers
- Principal or lead designer for design and consulting projects:
 - Web-based applications for healthcare, pharmaceutical, financial services
 - Siemens Health Systems *Soarian*
 - The McGraw-Hill Companies
 - ADP
 - StreamNet
 - Cynocom *IASyst*
 - Con Edison
 - Intranet design and information architecture
 - McNeil
 - Novartis Consumer Health *InfoWeb*
 - Deloitte Consulting
 - Sanofi
 - Web site design and usability
 - Eli Lilly
 - International Center of Photography
 - NSI
 - Congressional Information Systems
 - Cognetics Corporation
 - Online books and reference
 - Hewlett Packard *Laser Jet 4 Travel Guide*
 - The Productivity Shoppe *Get Smart*
 - Gale Research
 - Primary Source Media *American Journey*
 - Research Publications *Broadcast News*
 - Union Carbide *Safety Manual*
 - Lederle Pharmaceuticals
 - Multimedia and interactive television
 - Dow Jones Investor Network
 - Ameritech *Interactive TV Prototypes*
 - AT&T/Lucent *PDD - Capabilities Demo*
 -

1977 - 1990: Theatrical Lighting Designer

New York and regional theatre, dance and opera

- Arden Theatre Company
- Movement Theatre International
- Lenox Arts Center
- Hyde Park Festival Theatre
- American Music Theatre Festival
- Berkshire Ballet Company
- Center for Contemporary Opera
- LaMama E.T.C.
- Laurie Anderson's *United States I - IV*
- *Poppie Nongena*

Professional Society Affiliations

Usability Professionals' Association

- Board of Directors, 2000 - present
- Certification for Usability Professionals project, 2002

- Voting and Usability project, 2000-present
- Conference Presentations, 1999-2002

Society for Technical Communication

- Usability SIG Webmaster, 1997 - present
- Conference Program Manager for Usability, 2002
- Usability SIG Manager, 1999 - 2002
- Distinguished Chapter Service Award, 1997
- Philadelphia Chapter Webmaster, 1995 - 1998
- STC International Online Competition Judge, 1996-1997
- Conference Presentations, 1995-2002

ACM SIGCHI (Special Interest Group on Computer-Human Interaction)

- Conference Panel, 2001: Ethics in HCI
with Rolf Molich, Brenda Laurel, Chauncey Wilson, Carolyn Snyder

United Scenic Artists

- Lighting Designer #3259, 1984-present

Education

- Bryn Mawr College
- National Theatre Institute

Awards and Honors

- E-Comm Ohio Pioneer Awards
National Judge, 2002
- UTEST Advisory Council
- 2001 Frank R. Smith Outstanding Journal Article
"On Beyond Help - Use Assistance and the User Interface"
- STC Competitions Awards
NSI web site, 1998
AT&T PDD, Best in Show 1996
Productivity Shoppe *Get Smart*, 1996
Cognetics web site, 1996-1997
Hyperties documentation, 1996-1997
Primary Source Media *American Journey*, 1995
Hewlett Packard *LaserJet 4 Travel Guide*, 1992

Publications

Balancing the 5Es

Functional requirements answer the question, "What does this program have to do?" Usability requirements answer different questions: How do users approach this work? How do they think about the tasks? How do they judge a successful experience?
Cutter IT Journal - February 2004, pp 4-11

"Starting from People: Designing Usable Voting Systems"

An article based on my presentation at the NIST Symposium on Building Trust and Confidence in Voting Systems, December 10-11, 2003

"Designing a Search People Can Really Use"

Intercom, December 2003, p 18-21

Lessons on how to help people succeed with search, from usability research with consumers using online health information.

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018856

"Dimensions of Usability: Opening the Conversation, Driving the Process"

Proceedings of the UPA 2003 Conference, June 2003

A look at using the 5Es as an advocacy and communications tool"

"Who is in Control? The Logic Underlying the Intelligent Technologies Used in Performance Support"

Technical Communication, Volume 49, Number 4, November 2002 (Frank R. Smith Outstanding Journal Article Competition - Outstanding Issue 2002)

An exploration of technologies such as intelligent agents, information visualization, search engines and collaborative filtering and how they related to performance support.

"Building Blocks to a Body of Knowledge for User-Centered Design: To Certify or Not to Certify"

Usability Interface, STC Usability SIG, April 2002

A report on activities investigating certification for usability professionals.

"When the show must go on, it's time to collaborate or die."

Boxes and Arrows, March 2002

What I learned about UI design while working in the theatre.

"What We Don't Know About Internet Voting and Usability"

Georgia Tech Research Institute workshop on Internet Voting, November 13-14, 2001

"Voting and Usability: Lessons Learned from the 2000 Presidential Election"

STC-PMC News & Views, November 2001

A look at some of the usability issues in the 2000 Presidential election ballot crisis

"Building A Better Style Guide"

Proceedings of Usability Professionals' Association, 2001

A report on ways of using style guides to build consensus within a design team

"What's in a Name?"

Design Matters, STC Information Design SIG, May 2001

A short article looking at the various titles and how they relate to the different skills needed for usability.

"Using a Style Guide to Build Consensus"

Usability Interface, STC Usability SIG, April 2001

A short introduction to the social aspects of style guides.

"Applying a UCD Process to Implementing a UCD Process"

Proceedings of the 48th Annual Conference, Society for Technical Communication, 2001

A look at how user-centered design can be applied to implementing usability and a better design process.

"What Does Usability Mean: Looking Beyond 'Ease of Use'"

Proceedings of the 48th Annual Conference Society for Technical Communication, 2001

This paper accompanied a panel with Caroline Jarrett, Judy Ramey and Ginny Redish and introduces the 5Es concept of dimensions of usability

"Storytelling: Using Narrative to Communicate Design Ideas"

Presentation at the 48th Annual Conference Society for Technical Communication, 2001

Storytelling is a powerful way to explain complex concepts, and present a vision for a design

"On Beyond Help - User Assistance and the User Interface"

Technical Communication, STC, April 2001.

Winner 2001 Frank R. Smith Outstanding Journal Article

How to make a user interface helpful, by designing for different user approaches to information.

"Voters Learn the Importance of Usability"

Usability Interface, STC Usability SIG, January 2001

A few lessons from the November 2000 election and how they apply to usability.

"UPA 99 Workshop Report: Crossing the Chasm - Promoting Usability in the Software Development Community"

Common Ground, UPA, Vol 10 No 1, March 2000

"Lessons from the InfoWeb - Creating a Successful Knowledge Management System"

Presented at Hot Trends for Communicators - STC Region 5 Conference, October 1999

"Documentation's Holistic Role"

Journal of Computer Documentation, ACM-SIGDOC, Vol 23 No 4, November 1999

"Designing Library Reference CD-ROM Interfaces for Usability"

Common Ground, UPA, Vol 7 No 4, October 1997

018857

"Designing for Interactive Television"

Published online, 1997

"The Basics of Graphics That Really Do Work Online"

Hyperviews (STC Online SIG) Vol 3 No 2, Summer 1996

"Get Smart: Interface Design and Production Meet Editorial on a New CD-ROM Magazine"

Proceedings of the 43rd Annual Conference, Society for Technical Communication, 1996

"UI Design - Keys to the Interactive Kingdom"

IEEE Multimedia Conference, Washington DC, May 1995

"An American Journey: Designing the Interface for an Electronic Document"

Proceedings of the 42th Annual Conference Society for Technical Communication, 1995

"Steps to Success: Applying an Interface Design Methodology to Electronic Documentation"

Spectrum 94, Rochester, New York. March 1994

"Going Online: Developing a User Interface for an Online Document" STC-PMC News & Views, Vol 29, No 3, November 1993

"Interface Design for Online Documents"

American Association of University Publishers, June 1993

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Daniel Schutzer, Ph.D.

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup
Financial Services Technology Consortium, Board Chairman
Chairman ISO Subcommittee 2
Fellow and Advisory Board National Academy of Sciences
Citibank, 750 Washington Blvd. 7th Floor, Stamford, CT 06901
Tel.: (203) 975-6812
schutzerd@citigroup.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

EDUCATIONAL BACKGROUND: BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

PUBLICATIONS: Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

Patrick J. Gannon

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President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CEFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

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Arden L. Bement, Jr.
Acting Director
National Science Foundation (NSF)

Dr. Bement joined NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States.

Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser and as head of the advisory committee for NIST's Advanced Technology Program. Along with his NIST advisory roles, Bement served as a member of the NSF's National Science Board from 1989 to 1995.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia.

He holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho and a Ph.D. in metallurgical engineering from the University of Michigan. He is a member of the U.S. National Academy of Engineering.

Arden L. Bement, Jr.
Acting Director
National Science Foundation

Arden L. Bement, Jr., became Acting Director of the National Science Foundation on February 22, 2004.

He joins NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an annual budget of about \$773 million and an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States. Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering, as well as a courtesy appointment in the Krannert School of Management. He was director of the Midwest Superconductivity Consortium and the Consortium for the Intelligent Management of the Electrical Power Grid.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser; as head of the advisory committee for NIST's Advanced Technology Program; and on the Board of Overseers for the Malcolm Baldrige National Quality Award.

Along with his NIST advisory roles, Bement served as a member of the U.S. National Science Board from 1989 to 1995. The board guides NSF activities and also serves as a policy advisory body to the President and Congress. He also chaired the Commission for Engineering and Technical Studies and the National Materials Advisory Board of the National Research Council; was a member of the Space Station Utilization Advisory Subcommittee and the Commercialization and Technology Advisory Committee for NASA; and consulted for the Department of Energy's Argonne National Laboratory and the Idaho National Engineering and Environmental Laboratory.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia. These positions included: vice president of technical resources and of science and technology for TRW Inc. (1980-1992); deputy under secretary of defense for research and engineering (1979-1980); director, Office of Materials Science, DARPA (1976-1979); professor of nuclear materials, MIT (1970-1976); manager, Fuels and Materials Department and the Metallurgy Research Department, Battelle Northwest Laboratories (1965-1970); and senior research associate, General Electric Co. (1954-1965).

He has been a director of Kelthley Instruments Inc. and the Lord Corp. and was a member of the Science and Technology Advisory Committee for the Howmet Corp. (a division of ALCOA).

Bement holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho, a doctorate degree in metallurgical engineering from the University of Michigan, an honorary doctorate degree in engineering from Cleveland State University, and an honorary doctorate degree in science from Case Western Reserve University. He is a member of the U.S. National Academy of Engineering.

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Paul W. Craft

Biographical Sketch

Mr. Craft is a true Florida native, born in Tallahassee, Florida.

He graduated from Florida State University in 1976 with a B.S. in Business and Hotel Restaurant Administration. After 6 years in restaurant management he returned to Florida State for additional work in accounting and became a Certified Public Accountant in 1986 and a Certified Information Systems Auditor in 1992.

From 1982 to 1991, he was employed as an auditor by the Florida Department of Revenue. He began as a tax compliance auditor was promoted to an audit manager. In 1987 he was picked to head a task force investigating embezzlements within the tax refund section. Using a combination of statistical sampling, internal control analysis and computer modeling the investigation concluded with successful prosecutions.

In 1991 he was hired by the Florida Department of State as a Computer Audit Analyst in the Voting Systems Certification Section. In 1994 he began managing the section. In 2001, the Florida Legislature put significant resources into elections reform including expanding the section into a bureau with Mr. Craft as Chief.

Since the early 1980's Mr. Craft has been active in the NASED ITA Board and its technical subcommittee. His Bureau of Voting Systems Certification has been instrumental in implementing Florida's 2001 election reforms, the 2002 election accessibility act, and is now implementing the provisions of HAVA.

Mr. Craft lives in Tallahassee with his [REDACTED]

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Paul W. Craft

Certified Information Systems Auditor

Current Employment

Bureau Chief, Bureau of Voting Systems Certification, Division of Elections, Florida Department of State.

The Bureau consists of four sections:

The Voting System Section:

- establishes standards for computer based election systems, as well as testing and evaluating system compliance with existing state and federal election standards.
- provides oversight for the use of election systems by county election offices.
- provides technical assistance, expert witness, educational and management advisory services to county election offices.

The National Voter Registration Administration Section:

- provides oversight and training under the requirements of the Florida Voter Registration Act and the National Voter Registration Act.
- provides coordination for training programs and workshops conducted by the Division of Elections.
- coordinates publications for the Division of Elections.

The Data Processing Section

- designs, develops, maintains and supports users of the Divisions Of Elections' custom computer applications.
- manages the Divisions Of Elections' web presence. (See <http://election.dos.state.fl.us>)
- maintains and operates the Florida Statewide Voter Registration Database.

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The Florida Voter Registration System Section

- design and development of the new Florida Voter Registration System for deployment in January 2006, under the Help America Vote Act.

Represent the State of Florida on the National Association of State Election Directors' Voting Systems Board and its Technical Standards Subcommittee. Serve as liaison with federal programs, make public presentations, and handle press contacts.

Education

Florida State University – B.S. Hotel and Restaurant Administration. Additional work in Accounting to meet Certified Public Accountant requirements. Continuing Professional Education to maintain CPA and CISA certifications.

Contact Information

Room 231, The Collins Building ♦ 107 West Gaines Street
♦ Tallahassee, Florida 32399-0250
Telephone 850-245-6220
Email: craft@paulcraft.net
Web Site: <http://paulcraft.net>

H. STEPHEN BERGER

President of the General Partner
stephen.berger@ieee.org

PROFILE

Professional project manager with specialization in:

- ❶ **Government and Industry Relations,**
- ❷ **Advanced technology business planning,**
- ❸ **Standards development and regulatory management.**

20 years of product development and technology planning experience. Member of the IEEE Standard Board and chair of the IEEE EMC Society Standards Development Committee. Currently chairs IEEE Project 1583, standard for voting equipment. Project management experience in Telecommunications, Information Technology and Instrumentation Industries, with strong record, in the areas of EMC (Electromagnetic Compatibility), RF safety and Disability Issues.

SELECTED ACCOMPLISHMENTS

IEEE Standards Board and New Standards Committee
1st Vice-President, NARTE (National Association of Radio and Telecommunications Engineers)
Chair, IEEE EMC Society Standards Development Committee
Invented the EHR GTEM, patented, gained FCC approval and implemented its use, improving test efficiency by >80%. Awarded Siemens' highest award for technical contribution to the business.
Established EMCO's electromagnetic field sensing products line base upon technology transfer with NIST in Boulder, Co. This product line grew to 15% of total revenues in 3 years.
Current President and co-founder of the Association of Access Engineering Specialists (AAES)
Member of 2 US Access Board Federal Advisory Committee:

Telecommunications Access Advisory Committee (TAAC) (1996-1997)
and
Electronic Information Technology Access Advisory Committee (1998-1999)

Invited presenter on disability access at EU Ministerial Conference, April 2000 in Lisbon, Portugal

018886

EMC AND ENVIRONMENTAL TESTING

REGULATORY COMPLIANCE

Improved test department throughput by 5 times, with no increase in personnel. This was accomplished by extensive automation, the invention of new, patented test technology.

Increased total revenues by 15% at EMCO because of antenna and instrumentation designs

Member of key standards committees for EMC, RF Health, Accessibility and related areas.

PROFESSIONAL AWARDS

IEEE Standards Medallion, August 1993.

Commendation for contributions to IEEE EMC Society's Standards Efforts, 1988 & 1994.

Certificate of Appreciation for RESNA for contributions to the field of rehabilitation engineering, 1997.

SHHH (Self Help for Hard of Hearing People) Friend of People with Hearing Loss 2001 award.

PATENTS

6,744,750: Replicating and Recombinant Networking Systems and Methods for Wireless Networks

6,684,063: Integrated Hearing Aid for Telecommunications Devices

6,380,896: Circular polarization antenna for wireless communication system

6,225,917: Electromagnetic Field Probe Having a Non-Electrical Transmission Modality

5,754,054: Apparatus and Method for Determining the Source and Strength of Electro-magnetic Emissions

5,589,773: System and Method for Making Electromagnetic Measurements Using a Tiltable Transverse Electromagnetic Cell and a Fixed Tilt Sample Holder

EP00805562A3: Radio-Frequency Hearing Aid Protector for Wireless Communications Products

PROFESSIONAL BACKGROUND

018867

TEM CONSULTING, LP

2000-

Present

President of the General Partner

SIEMENS INFORMATION AND COMMUNICATIONS MOBILE 1990-
2000

Project Manager, Standards & Regulations 1999-

2000

Senior Engineer, Wireless Terminals Compliance 1996-

1999

Technical Lead, Hardware Design Assurance 1990-

1996

THOMAS-CONRAD CORP.

1988-

1990

Senior Engineer, Digital Design

THE ELECTRO-MECHANICS COMPANY (EMCO)

1985-1988

Director for Field Sensing Products

DATAPPOINT CORP.

1980-

1985

Engineer, EMC and environmental compliance testing

EDUCATION

BS, Physics

University of Wisconsin, Madison, WI.

TEM Consulting, LP

stephen.berger@ieee.org © Copyright 2004, TEM Consulting.

Georgetown, Tx.

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Biographical Sketch

Donetta Davidson, Colorado Secretary of State

"For me, growing up in a rural area really exemplified the community family, it is what inspired me to run for office. Getting involved in the Colorado Community has been one of the most rewarding experiences of my life. I highly recommend it!"

Donetta Davidson was born into a military family in Liberal, Kansas in 1943. She became a Coloradoan shortly thereafter when her family moved first to Two Buttes then to Las Animas where they settled. When ever possible Donetta spends time with her family,

Official Positions:

- Bent County Clerk and Recorder, Las Animas, Colorado
Elected in November 1978 and served until January 1986
- Director of Elections, Colorado Department of State
Appointed in January 1986 and served until December 1994
- Arapahoe County Clerk and Recorder, Littleton, Colorado
Elected in November 1994, re-elected in November 1998, and served until July 21, 1999
- Colorado Secretary of State
Appointed by Governor Bill Owens on July 22, 1999
Elected in November 2000
- Treasurer, National Association of Secretaries of State, Elected in July 2003
- Member of the Elections Committee for the National Association of Secretaries of State
- Will serve as the President of the National Association of Secretaries of State in 2006

Experience:

- Elections Officer, Colorado Department of State, supervising the county clerks in all election matters pertaining to the Primary/General elections, including mail ballot; assisting with recall issues; municipal, special district, and school district elections
- Legislative liaison for the Secretary of State
- Legislative Liaison for the County Clerk Association
- Speaker at six Postal Training Seminars held in various cities, 1998
- Chairman of committee that developed the only logo ever used by election officials for mailings and a User's Guide for election officials and post offices to facilitate lower mailing costs, as well as, ensuring delivery of official election mail to electors

- Speaker, National Postal Forum, 1998
- Participant, US Postal Service National Training broadcast, 1998
- Expert speaker on the election process
- Participation on state and federal levels concerning legislative changes

Accomplishments:

- Recipient, Las Animas High School Business Department, Employer of the Year, 1984
 - President, Colorado State Association of County Clerk and Recorders, 1983 to 1984
 - Executive Board Member, National Association of County Clerk and Recorders, 1995 to 1999
 - President, National Association of State Election Directors (NASED), 1994
 - Recipient, Henry Toll Fellowship of Council of State Governments, 1993
 - Member, International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), 1995 to 1999
 - Appointment to Federal Election Commission Advisory Panel, 1995 to present
 - Chairman, Legislative Committee for Colorado State Association of County Clerk and Recorders, 1996 to 1999
 - Chairman, Joint Elections Officials Liaison Committee (JEOLC) Postal Service Task Force, 1997 to present
 - Appointment to the Election Center Board of Directors, 1998 to present
 - Appointment to the National Association of State Election Directors Voting Systems/Independent Test Authority Accreditation Board, 1998 to 2003
-

ALICE P. MILLER

Alice P. Miller was appointed Executive Director by the Board of Elections and Ethics in July 1996, while serving as the General Counsel for the agency. Uniquely, she served in the dual capacity and was able to sustain the major operations of the Board during two major elections: the City Council Primary and Presidential election cycles. This required maintaining and promoting the Board's mission from both a legal and administrative perspective. Since her appointment as the permanent Executive Director in 1997, progress at the agency to date has included:

- modifying the training component of the pollworker unit to include professionally produced training videos that are used to supplement the in-house hands on training, and testing of election day workers; the video ultimately minimizes the costs for outside trainers, and ensures that all assigned election day workers receive uniform information about election day processes and procedures;
- reorganization of agency operations, including combining the data processing unit to function in conjunction with the registration processing component of the agency, thereby resulting in direct supervision and minimizing functions of the systems management branch;
- upgrading and enhancement of the 20 year old voter registration and ballot tabulation system to an optical scanning operation that will add ease to the voting process, reduce election day support requirements, and centralized daily in-house operations;
- implementing for the first time ever a major comparison of the local voter roll with contiguous jurisdictions and instituting procedures for making referrals of obvious violators to the Office of the United States Attorney for investigation and possible convictions;
- maintenance of the voter roll by implementing a data exchange program with other District government agencies to track individuals that may have failed to notify the Board of a change of address or residency; checking voter registration information by utilizing the National Change of Address Program (NCOA) and the National Social Security Death List;
- improvement of customer service through the development of the Board's website; the continued development of the website has evolved from an initial posting of twenty-five pages in 1997 to a current posting of 1100 pages, providing information, documents and features required in any first class "Election Website"; and the website maintains a design that allows for easy navigation and is accessible to all Internet users, regardless of their expertise or the sophistication of their equipment;

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- developing thorough, comprehensive, and goal-oriented annual performance plans for fiscal year operations prior to budget approval;
- installation of signa-scan or "digital signatures" as a technology upgrade to in-house operations; the module of signa-scan, a signature verification and retrieval system, is designed to decrease the time required for verifying signatures on petitions and absentee ballots, while increasing the overall accuracy of the process.

Since Ms. Miller's tenure, the agency has made significant advancements with management and administrative control through the effective use of technology, orderly planning and procedures, development of comprehensive agency annual performance plans, and continued trouble-free elections. Public confidence in the District's election system has continued to rise and increases in voter participation in the overall process has been noted.

Professional Appointments:

Vice President, National Association of State Election Directors (NASSED): (2001-present), Treasurer (1999-200), Northeast Regional Representative (1998-1999); Committee on Legislative Affairs (2001-present)

Board Member, The Election Center Professional Education Program (1999-present); Co-Chair, The Committee on Ethics and Professional Responsibility, (2001-present)

Member, Metropolitan Council of Government Election Officials Technical Committee

Member, International Foundation for Election Systems (IFES), Steering Committee for Collection of Election Resources in the United States (CERUS) Project

Bar Admissions:

United States Supreme Court, United States Court of Appeals for the District of Columbia, United States District Court for the District of Columbia, and District of Columbia Court of Appeals.

Other Professional Activities:

Testimony before Congressional Black Caucus on election reform. Presenter for the League of Women Voters, District of Columbia Commission on Aging, International Foundation for Election Systems International Visitors Program,

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Institute of International Education Foreign Visitors Program and The National Association of State Election Directors

Previous Employment

From 1988 to 1997, Ms. Miller served as the senior staff attorney and later the General Counsel for the D.C. Board of Election and Ethics. As the chief legal officer for the Board of Elections and Ethics, she was responsible for representing the Board in all court proceedings on matters related to the elections process and challenges thereto. In addition, she drafted and prepared for final adoption all regulations governing the election process in the District of Columbia.

Significantly, for a period of approximately eighteen month, Ms. Miller performed both the duties associated with the offices of the General Counsel and that of the Executive Director of the Board of Elections. Most importantly, the timing of this appointment of dual responsibilities came at the onset on the Council Primary and Presidential elections. Both major elections were successful and the total operations of the agency commenced without incident. The Presidential Election was eventful in that some residents of the local Georgetown area challenged the right of student voters. That challenge resulted in ongoing contentious litigation which resulted in the Board's position of allowing students access to the franchise being continuously upheld.

Ms. Miller also worked for a brief period with the Council of the District of Columbia. She has also worked as a law clerk and later associate attorney for the law firm of Jack H. Olender and Associates, P.C..

EDUCATION

Ms. Miller received her law degree from Northeastern University. She received her B.A. degree from Boston College, graduating cum laude from the College of Arts and Sciences Honors Program.

Personal:

Ms. Miller was born in [REDACTED] Bethesda, Maryland, raised in Washington, DC, [REDACTED]. The Millers have resided as a family in Washington, DC since 1987.

Anne Caldas

Director, Procedures and Standards Administration
American National Standards Institute
25 West 43 Street, 4th Floor
New York, New York 10036

Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the lead staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), which accredits developers of American National Standards; the ANSI Board of Standards Review (BSR), which approves standards as American National Standards; and the ANSI Appeals Board, which is the final level of appeal at ANSI. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

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BRITAIN J. WILLIAMS

Dr. Williams is a Professor Emeritus of Computer Science and Information Systems at Kennesaw State University, Kennesaw, Georgia. Kennesaw State is a senior university in the University System of Georgia.

From 1986 to the present he has served as a consultant to the FEC Clearinghouse for Election Administration. In this capacity, he was involved in the development of the original Voting Systems Standards published in 1990 and the revision of the Voting Systems Standards that is currently underway.

From 1986 until 1988 and from 1993 until the present, Dr. Williams has served the Elections Division of the Office of the Georgia Secretary of State as a technical advisor to assure that voting systems proposed for use in the State are in compliance with the FEC Standards, the Rules of the Secretary of State, and the Georgia Election Code. He is also a consultant on matters related to voting system certification for several other states.

From 1994 until the present, Dr. Williams has served as Chairman of the NASED Voting Systems Board Technical Advisory Committee. This committee provides technical advice to the NASED Voting Systems Board on matters related to the interpretation of the FEC Voting System Standards. The NASED Voting Systems Board is responsible for the implementation of the FEC Voting System Standards.

Daniel Schutzer, Ph.D.

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup
Financial Services Technology Consortium, Board Chairman
Chairman ISO Subcommittee 2
Fellow and Advisory Board National Academy of Sciences
Citibank, 909 Third Avenue, 32nd floor, New York, N.Y. 10022
(212) 559 1876, Fax (212) 832 7497
dan.schutzer@citicorp.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

EDUCATIONAL BACKGROUND: BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

PUBLICATIONS: Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

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James Elekes of Plainfield, New Jersey is an adjunct professor at Essex County College in West Caldwell, New Jersey, where he has taught political science and sociology for the past 12 years. He is also an adjunct professor at the County College of Morris. Previously, he was employed by NJ TRANSIT, the state's public transit agency, where he developed and conducted training programs for bus and rail operating and support personnel on service to passengers with disabilities. Elekes has been active in providing guidance on accessibility and disability issues to various community and civic organizations. Elekes became blind 23 years ago due to complications from juvenile diabetes. He was appointed to the Board by President Bush in 2003.

J. R. Harding, Ed.D. of Tallahassee, Florida was appointed to the Access Board in the spring of 2002 by President Bush. Active in state and local advocacy for persons with disabilities, Dr. Harding is employed by the Department of Education, Division of Vocational Rehabilitation as a Partnership Specialist for the Office of the Director. He currently represents the state of Florida and Tallahassee on a number of boards and commissions, including the Governor's ADA Working Group, the Florida Building Commission Waver Council, the Commission for Transportation Disadvantaged, the Citizens' Advisory Council of Leon County, and he is also an active member of the Chamber of Commerce. He is a graduate of Leadership Tallahassee, class of 19 and has been living with quadriplegia for over 20 years.

018877

Patrick J. Gannon

President and CEO, OASIS

patrick.gannon@oasis-open.org

Web site: <http://www.oasis-open.org/who/>

**630 Boston Road
Billerica, MA 01821
USA**

978 667 5115 Voice

978 667 5114 Fax

President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CEFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

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Helen Purcell

Maricopa County Recorder

111 S. 3rd Ave
Phoenix, AZ 85003

Office: 602-506-3629

Cell: 602-390-2516

Fax: 602-506-4050

e-mail: hpurcell@risc.maricopa.gov

Helen Purcell was elected to the office of Maricopa County Recorder in November, 1988; and re-elected in November, 1992, November, 1996, and November, 2000 - the second woman to hold this position since 1871. Born in Topeka, Kansas, she has been a Phoenix resident since 1964. Mrs. Purcell began her career with T. J. Bettes Mortgage Company in Texas, subsequently becoming a Real Estate Trust Officer with Stewart Title & Trust of Phoenix. She has been a member of the Board of Directors of the National Association of Counties (NACo) since December, 1997, a member of the Board of Directors of the Kids Voting-Arizona, a member of the National Association of County Recorders and Clerks, and the International Association of Clerks, Recorders, Elections Officials and Treasurers. In May, 1998, Mrs. Purcell received the National Kids Voting Excellence Award. She is Past President of the Arizona Association of Counties and a former President of the Arizona Association of County Recorders. She is a member of The Property Records Industry's Joint Task Force, a Subcommittee of the National Association of County Recorders, Election Officials and Clerks (NACRC), and the Co-Chairperson of the Technology Committee. She is a member of the State of Arizona's Election Law Sub-Committee. In November of 2000, Mrs. Purcell was asked to serve on the National Commission on Election Standards and Reform, a twenty-member panel created by the National Association of Counties (NACo) and NACRC to review the American election process and make recommendations to improve it. Mrs. Purcell has two grown [REDACTED]

Mrs. Purcell's statutory duties and responsibilities include recording and maintaining, for permanent public record, 8,000 to 10,000 documents per day, and maintaining voter registration rolls for over 1,300,000 registered voters. In addition, she is responsible for administering the Elections Department that conducts all national, state and countywide elections, and provides elections support for cities, towns, schools, and other jurisdictions.

On April 3, 2000, the Maricopa County Elections Department's Vote-By-Mail technology became part of the 2000 Computerworld Smithsonian Collection at the Smithsonian's National Museum of American History in Washington, D. C. Nominated by Michael Dell, Chairman and Chief Executive Officer of Dell Computer Corporation, Mrs. Purcell and her Department encourage voters of America's 5th largest county to request mail-in ballots by phone, mail, Internet, or walk-in, increasing overall voter participation as mail-in ballots grow to account for a third of the total ballots.

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Donald A. Norman, Ph.D.

Nielsen Norman Group
48921 Warm Springs Boulevard
Fremont, California 94539-7767
Tel. (408) 720-8808
Web Site: <http://www.nngroup.com/about/>

Professor of Computer Science at Northwestern University and co-founder of the Nielsen Norman Group, an executive consulting firm that helps companies produce human-centered products and services. Norman serves as advisor and board member to numerous companies in high technology and consumer products and to non-profit organizations in the area of policy and education.

Norman has served as Vice President of the Advanced Technology Group at Apple Computer and as an executive at Hewlett Packard and UNext, a distance education company. He is Professor Emeritus at the University of California, San Diego where he was founding chair of the Department of Cognitive Science and chair of the Department of Psychology. He is a trustee of the Institute of Design in Chicago, IL.

Norman received a B.S. degree from MIT and an MS degree from the University of Pennsylvania, both in Electrical Engineering. His doctorate, from the University of Pennsylvania, is in Psychology. In 1995, he received an honorary degree from the University of Padua (Italy).

He was one of the founders of the Cognitive Science Society and has been chair of the society and editor of its journal, Cognitive Science. He is a fellow of the Human Factors & Ergonomics Society, the American Psychological Society, and the American Academy of Arts and Sciences, the Association for Computing Machinery (ACM). In 2002 he received the "Lifetime Achievement Award" from SIGCHI, the professional organization for Computer-Human Interaction. He has been a Fellow at the Center for Advanced Studies in the Behavioral Sciences (Stanford).

Dr. Norman has published extensively in journals and books, and is the author or co-author of thirteen books, with translations into twelve languages, including "The Design of Everyday Things," and "Things That Make Us Smart." His latest book is "The Invisible Computer: Why good products can fail, the PC is so complex, and information appliances are the answer." Business Week has called this "the bible of the 'post PC' thinking." (No ties to voting. Considered a guru in the field of human-computer interactions)

SHARON TURNER BUIE
Director of Elections
Kansas City Board of Election Commissioners

Ms. Buie serves as co-director of elections for the Kansas City Board of Election Commissioners, administering policies, directives and decisions of the Board while insuring the proper conduct of all public elections in the city of Kansas City, Missouri, within the boundaries of Jackson County.

Along with her co-director, Ms. Buie is responsible for servicing over 220,000 registered voters with 26 full time, up to 50 part time, and approximately 1,600 temporary employees on election days. Typically, four to six elections are held annually.

During her tenure, she has received the industry's highest designation of CERA, Certified Elections/Registration Administrator and she has been appointed to several Boards and Commissions:

- EAC Board of Advisors
- EAC Technical Guidelines Development Committee
- The Blunt Commission by Secretary of State Blunt
- The Blunt Commission on Election Reform
- Chair of the Missouri State Help America Vote Act Education/Training Committee
- The International Foundation for Election Systems Miami/Dade Monitoring Project
- The International Foundation for Election Systems Washington D.C. State Plan Project
- The International Association of Clerks, Recorders, Election Officials and Treasurers representative on The Election Assistance Commission Advisory Board for the Help America Vote Act

Ms. Buie also holds memberships in several organizations: The Election Assistance Commission, which is a newly established organization commissioned by the President of the United States; The Blunt Commission, which was established by Missouri Secretary of State Blunt to improve the election process, the International Association of Clerks, Recorders, Election Officials and Treasurers, The Election Center, the Missouri Association of County Clerks & Election Authorities, the National Association of County Recorders, Election Officials and Clerks, the NAACP, League of Women Voters and Citadel Gardens, Inc., a residential housing center for senior adults.

018881



DeForest Soaries
Jr./EAC/GOV

06/03/2004 10:46 PM

To Raymundo Martinez/EAC/GOV, "Paul DeGregorio"
<pdegregorio@eac.gov>, "Gracia Hillman"
<ghillman@eac.gov>, "DeForest Soaries"
cc Dsavoy@eac.gov

bcc

Subject TGDC

We will need to vote to appoint the TGDC. Since four of the members are our appointees with NIST, it is incumbent upon us to properly consider and appoint them.

Sent from my BlackBerry Wireless Handheld

018882



Paul DeGregorio/EAC/GOV

06/08/2004 02:20 PM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Diane Savoy/EAC/GOV, Joan A. Wooley/EAC/GOV, John C.
Vergelli/EAC/GOV

bcc

Subject TGDC appointees

Fellow Commissioners,

Attached is the list and the bios of the 15 people that I will propose that we ratify as the members of the Technical Guidelines Development Committee. In addition to the electronic copies, I am also going to give you a paper version of same.

Unless I hear from you otherwise, on Thursday, June 10, I will submit a tally vote for ratification of these appointees.

Please note that those appointees with an (EAC) after their name are the appointees of which we have real discretion. Secretary Davidson (R) and Ms. Miller (D) come from the Standards board; Ms. Turner-Buie (D) and Ms. Purcell (R) come from the Advisory Board (as required by HAVA).

Please let me know if you have any questions. Thanks.



EAC_TGDC 6-8-04.pdf TGDC members bio.pdf

Paul DeGregorio

Commissioner

US Election Assistance Commission

1225 New York Ave, NW

Suite 1100

Washington, DC 20005

1-866-747-1471 toll-free

202-566-3100

202-566-3127 (FAX)

pdegregorio@eac.gov

www.eac.gov

018883

Attachments found at

NIST letter to the

EAC dated

April 27, 2004

018884



Paul DeGregorio/EAC/GOV
06/08/2004 03:12 PM

To John C. Vergelli/EAC/GOV
cc
bcc
Subject TGDC list doc and xls



EAC_TGDC 6-8-04.doc TGDC 6-8-04.xls

018885

Technical Guidelines Development Committee

Organization or Official	Acronym or Moniker	Designee First Name	Designee Last Name	Title	Address	City	St	Zip	Phone	Fax	Email
Director of the National Institute of Standards and Technology	NIST	Dr. Arden	Bement	Acting Director of the National Science Foundation (NSF)	100 Bureau Drive, Stop 1000	Gaithersburg	MD	20899-1000	703-292-8004		arden.bement@nist.gov
Standards Board (EAC)	Standards Board	Donetta	Davidson	Colorado Secretary of State	1560 Broadway, Ste. 200	Denver	CO	80202	303-894-2389	303-894-2389	
Standards Board (EAC)	Standards Board	Alice	Miller	Director of Elections-District of Columbia	441 Fourth St. N.W., Rm 1130	Washington	DC	20001	202-727-2525	202-347-2648	apmiller@dcboee.org
Board of Advisors (EAC)	Board of Advisors	Sharen	Turner-Buie	Director of Elections-Kansas City	1828 Walnut Street, Suite 300	Kansas City	MO	64108	816-842-4811	816-472-4960	sharon@kceb.org
Board of Advisors (EAC)	Board of Advisors	Helen	Purcell	Maricopa County Recorder	111 S 3rd Avenue	Phoenix	AZ	85003	602-506-3629	602-506-4050	hpurcell@risc.maricopa.gov
Architectural and Transportation Barrier Compliance Board	Access Board	James (Jim) R.	Harding	Board Member	[REDACTED]	Tallahassee	FL	[REDACTED]			HardinJ@vr.doe.state.fl.us
Architectural and Transportation Barrier Compliance Board	Access Board	James	Elekes	Board Member	[REDACTED]	North Plainfield	NJ	[REDACTED]			[REDACTED]
American National Standards Institute	ANSI	Ann	Caldas	Director Procedures and Standards Administration	25 West 43 Street, 4th Floor	New York	NY	10036	212-642-4914	212-840-2298	Acaldas@ansi.org
Institute of Electrical and Electronics Engineers	IEEE	H. Stephen	Berger	TEM Consulting, LP-Chair, IEEE SEC 38 (Voting Syst. Stds.)	[REDACTED]	Georgetown	TX	[REDACTED]	[REDACTED]	[REDACTED]	stephen.berger@ieee.org
National Association of State Election Directors	NASED	Dr. Brittain	Williams	Retired professor-Kennesaw State-University of Georgia	[REDACTED]	Tucker	GA	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
National Association of State Election Directors	NASED	Paul	Craft	Florida Department of State, Voting Systems Division	107 West Gaines Street, Rm 231	Tallahassee	FL	32399	850-245-6220	850-921-0783	pcraft@dos.state.fl.us
Other Sci-Techs		Dr. Ronald	Rivest	Professor, MIT-Department of Electrical Engineering and Computer Science	545 Technology Square	Cambridge	MA	2139	617-253-5880	617-258-9738	rivest@mit.edu
Other Sci-Techs		Dr. Daniel	Schutzer	Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup	750 Washington Blvd. 7th Floor	Samford	CT	6801	203-875-6812		schutzerd@citigroup.com
Other Sci-Techs		Patrick	Gannon	President and CEO, OASIS	630 Boston Road	Billerica	MA	1821	978-667-5115	978-667-5114	patrick.gannon@oasis-open.org
Other Sci-Techs		Whitney	Quesenbery	Director-Usability Professionals' Association	[REDACTED]	High Bridge	NJ	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

018886



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

OFFICE OF THE CHAIRMAN

BEFORE THE U.S. ELECTION ASSISTANCE COMMISSION

In the Matter of)
)
)
 Approval of Recommended Joint)
 Appointments to Technical)
 Guidelines Development Committee;))
 Letter Re Same to Director, NIST)

CERTIFICATION

I, DeForest B. Soaries, Jr., Chairman of the U.S. Election Assistance Commission do hereby certify that on June 10, 2004, the Commission decided by a vote of 4-0 to approve the following:

1. Approval of Recommended Joint Appointments to Technical Guidelines Development Committee; Letter Re Same to Director, NIST.

Commissioners Soaries, Hillman, Martinez and DeGregorio voted affirmatively for the decision.

7/10/04 6/10/04
 Date

DeForest B. Soaries, Jr.
 Chairman



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation. — *as edited*
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: See edits to spelling of Ms. Turner-Buie's
name and to the letter.

DATE: 6/9/04 SIGNATURE: Jacira M. Hillman

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO



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

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the Technical Guidelines Development Committee; Letter to Acting Director, National Institute of Standards and Technology, Requesting Concurrence in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development Committee.

That the Commission recommends the joint appointment, with the Director of the National Institute of Standards and Technology (HAVA sec. 221(c)), of the following individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. *Sharon*
~~Sharon~~ Turner/Buie *no hyphen*
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

018889

Recommended Joint Appointments to TGDC
June 9, 2004

- d. Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- f. James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- g. Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Recommended Joint Appointments to TGDC
June 9, 2004

- n. Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

2. Letter to Director, National Institute of Standards and Technology, Requesting
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff

018891



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

OFFICE OF THE CHAIRMAN

June , 2004 ✓

Dr. Arden Bement, Jr.
Acting Director, National Science Foundation
Director, National Institute of Standards and Technology
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June , 2004, the ^{U.S.} Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards and Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

and (?) ✓

Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

~~Sharon~~ Sharon Turner Buie (no by phone) ✓
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Dr. Arden Bement, Jr.
June __

James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))

Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

01889

Dr. Arden Bement, Jr.

June —

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission, I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.
Chairman

013894



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: 6/9/04

SIGNATURE:

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

018895



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: June 10, 2004 SIGNATURE: Paul DeGregorio

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

018896



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 6/10/04

SIGNATURE: Ray Martinez

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

018897



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

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the Technical Guidelines Development Committee; Letter to Acting Director, National Institute of Standards and Technology, Requesting Concurrence in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development Committee.

That the Commission recommends the joint appointment, with the Director of the National Institute of Standards and Technology (HAVA sec. 221(c)), of the following individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. Sharen Turner-Buie
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

018893

- d. Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- f. James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- g. Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Recommended Joint Appointments to TGDC
June 9, 2004

- n. Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

2. Letter to Director, National Institute of Standards and Technology. Requesting
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff

018900



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

OFFICE OF THE CHAIRMAN

June __, 2004

Dr. Arden Bement, Jr.
Acting Director, National Science Foundation
Director, National Institute of Standards and Technology
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June __, 2004, the Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Sharen Turner-Buie
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

018901

Dr. Arden Bement, Jr.

June __

James (Jim) R. Harding

Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

James Elekes

Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

Ann Caldas

Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger

TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams

Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft

Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest

Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer

Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))

Patrick Gannon

President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery

Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

018902

Dr. Arden Bement, Jr.

June __

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission, I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.
Chairman

018903



Paul DeGregorio/EAC/GOV
06/14/2004 11:22 AM

To "Allan Eustis" <allan.eustis@nist.gov>@GSAEXTERNAL
cc
bcc
Subject Re: Correction

Thanks for the clarification. We'll fix the bio section and resend.

"Allan Eustis" <allan.eustis@nist.gov>



"Allan Eustis"
<allan.eustis@nist.gov>
06/13/2004 11:40 AM

To pdegregorio@eac.gov
cc "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>
Subject Correction

Paul-

My apologies for the mis-statement. Patrick Gannon is indeed one of the approved TGDC at large members. In my attached e-mail, I meant to print Don Norman for exclusion from the TGDC bios file and for some reason typed Patrick Gannon .

Don Norman is not one of the TGDC members, Patrick Gannon is. (Norman was one of the original seven approved and vetted "at large" candidates bios originally transmitted to the EAC. We narrowed the selection to four and included Whitney Quesenbery.)

Bottom line, the TGDC voted on the correct at-large members listed in the EAC_TGDC file dated June 8, 2004. Norman's name appears only in the EAC_BIOs file.

Again, my apologies.

Allan,

I am really confused now. Are you saying that Patrick Gannon is NOT Dr. Bement's pick for the TGDC? His name and the bio we are using was with Bement's letter of April 27, 2004 which transmitted his 4 recommendations to the TGDC.

Please advise ASAP as the commission voted today to approve all members of the TGDC.

018904

Thanks.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Date: Thu, 10 Jun 2004 16:16:15 -0400
To: pdegregorio@eac.gov
From: Allan Eustis <allan.eustis@nist.gov>
Subject: TGDC Members- Incorrect Addresses

Paul-

Per my voice mail, I am listing the corrected addresses for Whitney Quesenbery and Patrick Gannon below. The file you sent with their addresses contained erroneous title lines. Also, the bio file contains a bio for Patrick Gannon who I am fairly sure is not one of the TGDC members on whom you will be voting. You will want to delete his bio.

Regards

Patrick Gannon
President and CEO,
OASIS
630 Boston Road
Billerica, MA 01821

Whitney Quesenbery
President-Usability Professionals' Association
[REDACTED]
High Bridge, NJ [REDACTED]

018903

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg, Md. 20899-8901
301-975-5099
allan.eustis@nist.gov
<http://vote.nist.gov>



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

June 15, 2004

Dr. DeForest B. Soaries, Jr.
Chairman
U. S. Election Assistance Commission
1225 New York Avenue
Suite 1100
Washington, DC 20005

Dear Dr. Soaries:

Thank you for the June 10, 2004 letter indicating the Election Assistance Commission's affirmative vote for the fourteen members of the Technical Guidelines Development Committee.

I concur with the individuals selected to the committee by the Commission and look forward to the upcoming July meeting of the Committee.

Sincerely,

Arden L. Bement, Jr.
Director

NIST
18907



Paul DeGregorio/EAC/GOV
06/16/2004 03:17 PM

To allan.eustis@nist.gov, CSBurkhardt@DOC.GOV, John C.
Vergelli/EAC/GOV, Diane Savoy/EAC/GOV
cc Brian Hancock/EAC/GOV
bcc
Subject TGDC deadlines

The EAC will announce the members of the TGDC on Thursday, June 17.

I want to remind everyone that with the first meeting set for July 9, we need to do the following:

- 1) Get out a "save the date" e-mail to the members ASAP so they can hold their calendars for the July 9 meeting (and arrive in DC the night before). Diane Savoy is to do this by COB on June 16.
- 2) No later than Friday, June 18, we need to mail and fax a formal letter out from the Chairman to the members of the TGDC of their appointment and with meeting details, including information on how to make plane/hotel reservations and file any reports they are required to. John Vergelli is doing the draft, with input from Eustis, Burkhardt and Greene.
- 3) We need to file the Charter of the TGDC with the proper committees by next Monday. John Vergelli is working on this.
- 4) Federal Register notice must be published no later than June 24 (and the FR has to be notified that it is coming). Allan Eustis is responsible for this.
- 5) The agenda for July 9 has been drafted. I am circulating it with my fellow commissioners to make sure they are OK with it.

I am assuming that once the TGDC is up and running that NIST will handle all of the administrative functions, and coordinate with the EAC as to meeting dates and the agenda.

What am I missing?

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018908



Paul DeGregorio/EAC/GOV
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,
CSBurkhardt@DOC.GOV
cc Raymundo Martinez/EAC/GOV

bcc

Subject draft letter to TGDC appointees

Greetings all:

Attached is the latest draft of the letter that is to be sent to the members of the TGDC ASAP. Please review and get your comments to Diane Savoy, who will facilitate getting these letters out. Perhaps Adam can assemble the attachments. I've attached a list of the members (taken from our shared drive).

John--do we need a separate version for those appointees who will not have to file the same disclosure documents as the 6 you identified (the four scientist plus the ANSI and IEEE representatives)? Please note that I asked them to submit the forms to you.

Craig--since Alan Eustis is out until Monday, you'll need to sign off on this letter (he gave us Mary Floyd's contact information; I assume she knows this).

Adam- Please go to the following file on the shared drive to find the list of members in excel and word. Please note that the word file lists two phone numbers for each person, but does not indicate which one is the fax (you can go to the excel file to confirm which one is). Please note which number is the fax number on the word file, which is the document you should send as an attachment: I:\CLEARINGHOUSE\Help America Vote Act\Boards and Committees\TGDC

Thanks for your help.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov



TGDC appointment meeting announce letter6-17-04.doc

018909

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

Before you begin your important work with the TGDC, please be aware that the Federal Advisory Committee Act (FACA) Pub. L. 92-463, 5 U.S.C. App.1, and Federal ethics laws require that you complete the attached SF-450 financial disclosure document. This document is mandated for individuals appointed to the TGDC as general experts or otherwise unofficial representatives of the appointing authority. Please complete this form by July 2, 2004 and return it to John Vergelli at the address listed at the top of this page. This form can also be accessed on-line by going to the U.S. General Services Administration web site (www.gsa.gov) and typing "SF450" in the search box at the top right-hand side of the page. Timely submission of this form will ensure that you are able to fully participate in all actions of the TGDC. Please be assured that your information will be kept in the strictest confidence according to Federal statute.

The inaugural meeting of the TGDC will be held on July 9, 2004, in Washington, D.C. at the offices of the EAC, 1225 New York Ave, NW, Suite 1100. Under HAVA, the National Institute for Standards and Technology will serve as the Secretariat for the TGDC. Accordingly, NIST will pay roundtrip airfare, hotel, per diem and local transportation expenses for you as prescribed in the Federal Government Travel Regulations. We ask that you make your travel arrangements by calling Mary Floyd at NIST at 301-975-4612. A block of rooms has been reserved at the Washington Marriott Metro Center, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

The July 9th meeting will begin at 9:00 am and will continue until approximately 3:00 pm. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing you on July 9th.

Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

018910

Diane Savoy/EAC/GOV

06/18/2004 08:11 AM

To Paul DeGregorio/EAC/GOV@EAC

Adam Ambrogi/EAC/GOV@eac, allan.eustis@nist.gov,

cc CSBurkhardt@DOC.GOV, John C.

Vergelli/EAC/GOV@EAC, Raymundo

bcc

Subject Re: draft letter to TGDC appointees

Paul,

I have made a few changes to the letter. The revision is attached below. If anyone else has any additional changes, please send them to me so that we can get the letter prepared in final. Thank you in advance.

L. Diane Savoy
Consulting Chief of Staff
U.S. Election Assistance Commission

e-mail: dsavoy@eac.gov

phone: 202-566-3100

fax: 202-566-3127



TGDC Meeting Annouce Letter.doc
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV

06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,

John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,

CSBurkhardt@DOC.GOV

cc Raymundo Martinez/EAC/GOV

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Craig--since Alan Eustis is out until Monday, you'll need to sign off on this letter (he gave us Mary Floyd's contact information; I assume she knows this).

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018911

Thanks for your help.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov



TGDC appointment meeting announce letter6-17-04.doc

018912

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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018913

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The July 9th meeting will begin at 9:00 am and will continue until approximately 3:00 pm. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

018914



John C. Vergelli/EAC/GOV
06/18/2004 09:24 AM

To Paul DeGregorio/EAC/GOV@EAC
Adam Ambrogi/EAC/GOV@EAC, allan.eustis@nist.gov,
cc CSBurkhardt@DOC.GOV, Diane Savoy/EAC/GOV@EAC,
Raymundo Martinez/EAC/GOV@EAC
bcc
Subject Re: draft letter to TGDC appointees

Good morning,

For the recipients of the letter who are not financial disclosure filers, the third full paragraph (beginning "Before you begin ...") should be deleted.

Having the filers send the forms to me is fine.

JCV.
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,
CSBurkhardt@DOC.GOV
cc Raymundo Martinez/EAC/GOV
Subject draft letter to TGDC appointees

Greetings all:

Attached is the latest draft of the letter that is to be sent to the members of the TGDC ASAP. Please review and get your comments to Diane Savoy, who will facilitate getting these letters out. Perhaps Adam can assemble the attachments. I've attached a list of the members (taken from our shared drive).

John--do we need a separate version for those appointees who will not have to file the same disclosure documents as the 6 you identified (the four scientist plus the ANSI and IEEE representatives)? Please note that I asked them to submit the forms to you.

Craig--since Alan Eustis is out until Monday, you'll need to sign off on this letter (he gave us Mary Floyd's contact information; I assume she knows this).

Adam- Please go to the following file on the shared drive to find the list of members in excel and word. Please note that the word file lists two phone numbers for each person, but does not indicate which one is the fax (you can go to the excel file to confirm which one is). Please note which number is the fax number on the word file, which is the document you should send as an attachment: I:\CLEARINGHOUSE\Help America Vote Act\Boards and Committees\TGDC

Thanks for your help.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005

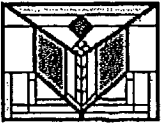
018915

1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov




TGDC appointment meeting announce letter6-17-04.doc

018916



Adam Ambrogi/EAC/GOV
06/18/2004 01:31 PM

To John C. Vergelli/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Update on the FACA Charter for the TGDC 

Please review updated letter with OGE450 language:
Thanks,
Adam



TGDC Meeting Annouce Letter.doc

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

018917

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018918

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Sincerely,


DeForest B. Soaries, Jr.
Chairman

Attachments

018919



Adam Ambrogli/EAC/GOV
06/18/2004 02:17 PM

To Adam Ambrogli/EAC/GOV@EAC
cc John C. Vergelli/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Update on the FACA Charter for the TGDC 



TGDC Meeting Annouce Letter.doc

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

018920

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018921

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Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

018922



CSBurkhardt@DOC.GOV
06/21/2004 08:58 AM

To jvergelli@eac.gov
aambrogi@eac.gov, allan.eustis@nist.gov,
cc dsavoy@eac.gov, pdegregorio@eac.gov,
martinez@eac.gov
bcc
Subject Re: draft letter to TGDC appointees

All:

The letter looks good to me.

Regards,
Craig Burkhardt

018923



DeForest Soaries
Jr./EAC/GOV
06/22/2004 03:07 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: letter to TGDC members

Approved

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 06/22/2004 02:24 PM
To: Joan Wooley; DeForest Soaries Jr.
Cc: Adam Ambrogi; Diane Savoy
Subject: letter to TGDC members

Joan,

Attached is a draft of the letter that is to go to the TGDC members notifying them of the first meeting on July 9. Please show it to the Chairman so that he can see it before we send him 15 letters to sign, in case he has changes to make. Please note that there will be two versions: 6 of the 15 members will receive a letter with the 3rd paragraph shown in the attached version (financial disclosure requirement). When you have a final version, please send it to Joyce, with a cc to me, Diane, Adam and John. Joyce will facilitate merging the letters and getting them out the door.

We need to get this done ASAP. Thanks.



TGDC Meeting Announce Letter.doc

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

018924
~~018924~~

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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18925

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Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

018928

June 24, 2004

Ms. Donetta Davidson
Standards Board (EAC)
1560 Broadway, Ste. 200
Denver, CO 80202

Dear Ms. Davidson:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018927

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018928

June 24, 2004

Ms. Alice Miller
Standards Board (EAC)
Director of Elections—District of Columbia
441 Fourth St, N.W., Rm 1130
Washington, DC 20001

Dear Ms. Miller:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018925

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018936

June 24, 2004

Ms. Sharen Turner-Buie
Board of Advisors (EAC)
Director of Elections
1828 Walnut Street, Suite 300
Kansas City, MO 64108

Dear Ms. Turner-Buie:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018931

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018932

June 24, 2004

Ms. Helen Purcell
Board of Advisors (EAC)
Maricopa County Recorder
111 S. 3rd Avenue
Phoenix, AZ 85003

Dear Ms. Purcell:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018930

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018934

June 24, 2004

Dr. Ronald Rivest
MIT- Department of Electrical Engineering and Computer Science
545 Technology Square
Cambridge, MA 02139

Dear Dr. Rivest:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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Before you begin your important work with the TGDC, please be aware that the Federal Advisory Committee Act (FACA) Pub. L. 92-463, 5 U.S.C. App.1, and Federal ethics laws require that you complete the attached OGE-450 financial disclosure document. This document is mandated for individuals appointed to the TGDC as general experts or otherwise unofficial representatives of the appointing authority. Please complete this form by July 2, 2004 and return it to John Vergelli at the letterhead address at the top of this page. This form can also be accessed on-line by going to the U.S. General Services Administration web site (www.gsa.gov) and typing "OGE450" in the search box at the top right-hand side of the page. Timely submission of this form will ensure that you are able to fully participate in all actions of the TGDC. Please be assured that your information will be kept in the strictest confidence according to Federal statute.

The inaugural meeting of the TGDC will be held on July 9, 2004, in Washington, D.C. at the offices of the EAC, 1225 New York Ave, NW, Suite 1100. Under HAVA, the National Institute for Standards and Technology (NIST) will serve as the Secretariat for the TGDC. Accordingly, NIST will pay roundtrip airfare, hotel, per diem and local transportation expenses for you as prescribed in the Federal Government Travel Regulations. We ask that you make your travel arrangements by calling Mary Floyd at NIST on 301-975-4612. A block of rooms has been reserved at the Washington Marriott

018935

Metro Center hotel, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018936

June 24, 2004

Dr. Daniel Schutzer
Vice- President, CitiGroup
750 Washington Blvd. 7th Floor
Samford, CT 6901

Dear Dr. Schutzer:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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013937

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018938

June 24, 2004

Mr. Patrick Gannon
President and CEO, OASIS
630 Boston Road
Billerica, MA 01821

Dear Mr. Gannon:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018939

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018940

June 24, 2004

Mr. Whitney Quesenbery
President-Usability Professionals' Association
[REDACTED]
High Bridge, NJ [REDACTED]

Dear Mr. Quesenbery:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018941

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018942

June 24, 2004

«First_Name» «Last_Name»
«Title»
«Organization»
«Address»
«City» «St» «Zip»

Dear «Last_Name»

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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018946

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

018944



"Allan Eustis"
<allan.eustis@nist.gov>
06/30/2004 08:51 AM

To dsavoy@eac.gov
cc pdegregorio@eac.gov, "Craig S Burkhardt"
<CSBurkhardt@DOC.GOV>
bcc
Subject Fwd: TGDC Final Ltr

Diane-

Here is a final draft of the letter that went to TGDC members yesterday. You will receive a hard copy of the package as well most likely today. I am sending the letter and contents of the package to Mr. Elekes via e-mail as he is blind and the Access Board has requested we transmit all documents to him in .doc format. I will cc you on this e-mail as well with a copy to David Capozzi at the Access Board.

regards

X-Sieve: CMU Sieve 2.2
X-Sender: golden@mailserver1.nist.gov
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Tue, 29 Jun 2004 17:09:44 -0400
To: allan.eustis@nist.gov
From: Sylvia Golden <sylvia.golden@nist.gov>
X-NIST-MailScanner: Found to be clean
X-MailScanner-From: sylvia.golden@nist.gov
Subject: TGDC Final Ltr

Allan,
Here is the final letter sent to the TGDC and the list of members.
Sylvia

Sylvia J. Golden
NIST/Information Technology Laboratory
100 Bureau Drive, MS 8900
Gaithersburg, MD 20899-8900
Voice: 301/975-2900
Fax: 301/840-1357
email: sgolden@nist.gov
www.itl.nist.gov

018945

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg , Md. 20899-8901
301-975-5099
allan.eustis@nist.gov



<http://vote.nist.gov> TGDCFinalmembers1.doc TGDCpackage0709meeting.doc

018940

①

Technical Guidelines Development Committee

Dr. Arden Bement
Acting Director of the National Science Foundation (NSF)
Director of the National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000
703-292-8004
arden.bement@nist.gov

Donetta Davidson (Representative of National Association of Secretaries of State)
Colorado Secretary of State
1560 Broadway, Suite 200
Denver, CO 80202
303-894-2389
303-894-2389
donetta.davidson@sos.state.co.us

Alice Miller (Vice president- National Association of Secretaries of State)
Director of Elections-District of Columbia
Standards Board (EAC)
441 Fourth St, N.W., Rm 1130
Washington, DC 20001
202-727-2525
202-347-2648
apmiller@dcboee.org

Sharen Turner-Buie (Local Election Official)
Director of Elections-Kansas City
Board of Advisors (EAC)
1828 Walnut Street, Suite 300
Kansas City, MO 64108
816-842-4811
816-472-4960
sharon@kceb.org

Helen Purcell (County election Official)
Maricopa County Recorder
Board of Advisors (EAC)
111 S 3rd Avenue
Phoenix, AZ 85003
602-506-3629
602-506-4050
hpurcell@risc.maricopa.gov

James (Jim) R. Harding [REDACTED]
Board Member
Architectural and Transportation Barrier Compliance Board
Access Board
[REDACTED]
Tallahassee, FL [REDACTED]
HardinJ@vr.doe.state.fl.us

James Elekes [REDACTED]
Board Member
Architectural and Transportation Barrier Compliance Board
Access Board
[REDACTED]
North Plainfield, NJ [REDACTED]
[REDACTED]

Ann Caldas
Director Procedures and Standards Administration
American National Standards Institute (ANSI)
25 West 43 Street, 4th Floor New York, NY 10036
212-642-4914
212-840-2298
Acaldas@ansi.org

H. Stephen Berger (IEEE Voting Standards Lead)
TEM Consulting, LP- Chair, IEEE SEC 38 (Voting Syst. Stds.)
Institute of Electrical and Electronics Engineers (IEEE)
[REDACTED]
Georgetown, TX [REDACTED]
[REDACTED]
stephen.berger@ieee.org

Dr. Brittain Williams (NASED Accreditation Process Oversight)
Retired professor- Kennesaw State- University of Georgia
National Association of State Election Directors (NASED)
[REDACTED]
Tucker, GA [REDACTED]
[REDACTED]
[REDACTED]

Paul Craft (NASED Accreditation Process Oversight)
Florida Department of State, Voting Systems Division
National Association of State Election Directors (NASED)
107 West Gaines Street, Rm 231
Tallahassee, FL 32399
850-245-6220
850-921-0783
pcraft@dos.state.fl.us

Dr. Ronald Rivest (NIST Appointee)
Professor, MIT-Department of Electrical Engineering and Computer Science
545 Technology Square
Cambridge, MA 02139
617-253-5880
617-258-9738
rivest@mit.edu

Dr. Daniel Schutzer (NIST Appointee)
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
750 Washington Blvd. 7th Floor
Stamford, CT 06901
203-975-6812
schutzerd@citigroup.com

Patrick Gannon (NIST Appointee)
President and CEO,
OASIS
630 Boston Road
Billerica, MA 01821
978-667-5115
978-667-5114
patrick.gannon@oasis-open.org

Whitney Quesenbery (NIST Appointee)
President-Usability Professionals' Association

High Bridge, NJ [REDACTED]
[REDACTED]
[REDACTED]

018949

2

June 29, 2004

Mr. H. Stephen Berger
TEM Consulting, LP-Chair
And IEEE SEC 38
Institute of Electrical and
Electronics Engineers
[REDACTED]
Georgetown, TX [REDACTED]

Dear Mr. Berger:

On behalf of Dr. Arden L. Bement, Jr., and the Information Technology Laboratory at the National Institute of Standards and Technology (NIST), I welcome the opportunity to work with you as a member of the Technical Guidelines Development Committee (TGDC). The Help America Vote Act (HAVA) of 2002 sets out an ambitious nine-month task for us to meet. I will serve as the Committee's Secretariat. Please feel free to contact me with any issues at any time.

I am including some information on our work at NIST in this package. Early next week, I will send you an agenda for our upcoming July 9, 2004 meeting as well as a straw man procedural roadmap for the TGDC. My assistant, Mary Floyd, is making final arrangements for your travel and hotel accommodations at the Marriott Metro Center Hotel, approximately two blocks from the Election Assistance Commission (EAC) Headquarters, 1225 New York Avenue, where the TGDC will meet on July 9, 2004. The Hotel, located at 775 12th Street NW, is a twenty-minute taxi ride from National Airport. We are planning a get acquainted dinner at the Metro Grille in the hotel at 7 pm on July 8, 2004. I hope you will arrive in time to attend and meet Dr. Bement, Director of NIST and chair of the TGDC.

We will begin our committee work on July 9th at 9 a.m. and end at 3 p.m. I look forward to working with you on accomplishing the tasks outlined for us in HAVA.

Sincerely,

Allan C. Eustis
Project Leader
NIST Voting Systems Standards

Enclosure

cc: Diane Savoy (EAC)

018950

Juliet E. Thompson/EAC/GOV
03/17/2005 10:40 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL
cc
bcc
Subject Re: Fw: ANSI Representative on the TGDC

Craig,

I have taken a look at the statute and charter for some guidance on this issue. It appears that ANSI (whoever is the proper person to make the appointment) should notify TGDC through Dr. Semerjian and EAC that they wish to replace Ms. Caldas with Mr. Karmol including the effective date of the appointment. Not having the historical knowledge that you do, I am not sure that Ms. Caldas is the right person to be communicating on behalf of ANSI. Is she the appointing authority for ANSI? If so, then we can accept a letter or communication from her as the tool to make the change. If not, we need a communication from the appropriate person.

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



CSBurkhardt@DOC.GOV
03/17/2005 09:13 AM

To juliet.thompson@eac.gov
cc
Subject Fw: ANSI Representative on the TGDC

Juliet: Looks like we should go ahead and make the switch. As GC for the EAC, I think it is in your court, but let me know if you wish me to do anything. At the least, I suggest I have my people do the basic background vetting, which takes 3 days. Perhaps we should have Caldas send a formal message of resignation to Hratch to trigger the event. Doing so will not negatively impact TGDC operations, as Ms. Caldas was abstaining on all votes anyway. How do you think we should proceed? Regards, Craig
----- Forwarded by Craig Burkhardt/HCHB/Osnet on 03/17/2005 09:08 AM -----

Anne Caldas
<Acaldas@ansi.org>
>

03/16/2005 11:11
AM

To
"'CSBurkhardt@DOC.GOV'"
<CSBurkhardt@DOC.GOV>, "'Allan
Eustis'" <allan.eustis@nist.gov>
cc
David Karmol <DKarmol@ansi.org>,
Lane Hallenbeck
<LHallenb@ansi.org>, Anne Caldas
<Acaldas@ansi.org>
Subject
ANSI Representative on the TGDC

018951

Dear Craig and Allan -

In follow-up to my E-mail below and in light of Craig's confirmation at the last TGDC meeting that David Karmol may replace me as ANSI's representative on the TGDC, I wondered if official confirmation is forthcoming or needed? In addition, as David will serve as the ANSI representative going forward, his name should replace mine for E-mail and hard copy distributions.

I appreciate your efforts and thank you both for your professionalism and hard work in connection with this project.

If I can ever be of assistance to you in the future, please do not hesitate to contact me.

Regards,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

www.ansi.org

25 West 43 Street, 4th Floor

New York, NY 10036

acaldas@ansi.org

212-642-4914

Fax: 212-840-2298

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

018954

From: Anne Caldas
Sent: Monday, February 28, 2005 5:25 PM
To: 'CSBurkhardt@DOC.GOV'
Cc: David Karmol; Lane Hallenbeck
Subject: ANSI Representative on the TGDC

Dear Mr. Burkhardt:

The purpose of this E-mail is to request that the official representative of ANSI on the TGDC be changed to:

David L. Karmol

Vice President, Public Policy and Government Affairs

dkarmol@ansi.org

202-331-3610

Please advise me of any steps that ANSI must take to effect this change. At this time, I intend to represent ANSI at the March 9th TGDC meeting at NIST.

Thank you for your assistance.

Sincerely,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

www.ansi.org

25 West 43 Street, 4th Floor

New York, NY 10036

018958


acaldas@ansi.org

212-642-4914

Fax: 212-840-2298

018954

Juliet E. Thompson/EAC/GOV
03/17/2005 11:38 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL
cc
bcc
Subject Re: Fw: ANSI Representative on the TGDC 

sounds wonderful. thanks.

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



CSBurkhardt@DOC.GOV
03/17/2005 11:03 AM

To jthompson@eac.gov
cc
Subject Re: Fw: ANSI Representative on the TGDC

She is not the appointing authority. Why don't I call her and say she should get the appointing authority of ANSI to send a letter indicating their desired appointee to the EAC and Semerjian, also a letter of resignation to the same parties?

018955

Juliet E. Thompson/EAC/GOV To: CSBurkhardt@DOC.GOV/GSAEXTERNAL
03/31/2005 07:52 AM cc
bcc
Subject: Re: Will have ANSI replacement vetted by Tuesday

Craig,

I have notified Commissioner Martinez, who is the DFO for the TGDC this year. I will work on the [REDACTED] issue today.

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



CSBurkhardt@DOC.GOV
03/30/2005 02:43 PM To: jthompson@eac.gov
cc
Subject: Will have ANSI replacement vetted by Tuesday

Juliet:

We will have the vetting done on David Karnol (the ANSI replacement) on Tuesday next week. I can arrange for Semerjian to agree to the appointment immediately thereafter, and then it is just a matter for you to get assent from the EAC and issue the invitation. We can also have Hatch make the invitation, if the EAC prefers.

I know you are busy, but the EAC needs to determine if it wants to replace [REDACTED] in advance of the April meeting. [REDACTED] is ill [REDACTED] and has asked for a "leave". Unfortunately, there is no flexibility for someone to vote or meaningfully participate in her place during the meeting, so I suggest that we replace [REDACTED] with the understanding that the replacement will resign and [REDACTED] will be reappointed when [REDACTED] wants to return. [REDACTED] We can vet this person very quickly, if you wish.

Regards,
Craig
202-492-4620

018956



Paul DeGregorio/EAC/GOV
04/20/2005 10:00 AM

To Carol A. Paquette/EAC/GOV, Gavin S. Gilmour/EAC/GOV,
"Craig Burkhardt" <CSBurkhardt@DOC.GOV>
cc Juliet E. Thompson/EAC/GOV, Gracia Hillman/EAC/GOV,
Raymundo Martinez/EAC/GOV, DeForest Soaries
Jr./EAC/GOV

bcc

Subject Replacement of TGDC member

This morning, moments before the TGDC meeting was to begin, I was approached by David Karmol, who indicated that he was the replacement for Anne Caldas, who resigned as the American National Standards Institute (ANSI) representative on the TGDC about two months ago. Mr. Karmol said that the letter from ANSI to the EAC/NIST appointing him as the replacement for Ms. Caldas was sent concurrently with Ms. Caldas resignation. I do recall seeing a copy of the resignation and replacement letters.

Needless to say Mr. Karmol was very upset that his paperwork was not processed in a timely manner so that he could participate in this very important meeting of the TGDC. He pressed me on the status of his paperwork and I could not give him an answer because I had no idea.

It was an embarrassing incident. As the Federal Officer for the TGDC I should have been kept in the loop and should have had an adequate answer for Mr. Karmol.

Mr. Karmol's paperwork should have been processed in an expedited manner so that he could have participated in this meeting. The fact that it was not shows that there is a serious communications and process breakdown somewhere that must be fixed. I should have been kept better informed by staff on this important matter and will insist that they do so in the future.

Paul DeGregorio
Vice Chairman

Sent from my BlackBerry Wireless Handheld

018957



CSBurkhardt@DOC.GOV
04/21/2005 10:15 AM

To: jthompson@eac.gov, ggilmour@eac.gov
cc
bcc
Subject ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

On April 12, I spoke very briefly with with Caldas and Karmol, and informed them to contact Carol if there were any questions regarding when the EAC would act to issue an appointment letter. When EAC is ready to act, all it needs to do is issue the same appointment letter used during the original round of appointments. I don't have copies of those letters, but I recall they were very summary in nature.

Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,
Craig

018958

Carol A. Paquette/EAC/GOV
04/21/2005 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: ANSI TGDC appointment

I'll ask him today (the ANSI guy) to send me a resume. Thanks!

Sent from my BlackBerry Wireless Handheld
Gavin S. Gilmour

From: Gavin S. Gilmour
Sent: 04/21/2005 11:53 AM
To: Carol Paquette
Cc: Juliet Thompson
Subject: Fw: ANSI TGDC appointment

Carol,

Regarding the e-mail below.

I have some questions regarding his recollection. I obviously can't speak to anything that occurred regarding this matter before last week, However, I do know that neither Julie nor myself were involved in a group call on the 11th.

Such issues aside...

I have only spoken to the man once (alone), on or about the 12-13th of April. Per my notes, I wanted four things from him. (1) a Resume or other info on qualifications, (2) Letter from ANSI, (3) Letter from Nist (which he noted may be in a casual form like an e-mail) and (4) an Example appointment letter (if he could find one).

I have not received the above information as of yesterday.

As for the information he faxed today, it contains only two NIST letters (1 resignation letter and 1 appointment letter). In my opinion it is missing the most important part, a letter from NIST approving the candidates. HAVA requires that the candidates be approved by both NIST and EAC. We cannot issue the candidate a final appointment letter unless we have documentation that he is NIST approved. Perhaps we may hold that the various conversations and the e-mails below constitute such confirmation. I leave that matter to you. Finally, I would note that if NIST will provide no background info on the applicant, how are we to send this matter to a tally vote (and how did they approve the person)? We would be asking the Commissioners to approve an individual for the board based solely on a three sentence ANSI representation letter.

GG

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

----- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/21/2005 10:51 AM -----



CSBurkhardt@DOC.GOV

018959



04/21/2005 10:15 AM

To jthompson@eac.gov, ggilmour@eac.gov

cc

Subject ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

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Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,
Craig

018960

Juliet E. Thompson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

04/25/2005 01:06 PM

cc

bcc

Subject Fw: TGDC Replacement

I suppose that I will have to summarize the vetting process. Good thing I took notes.

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

----- Forwarded by Juliet E. Thompson/EAC/GOV on 04/25/2005 01:07 PM -----



CSBurkhardt@DOC.GOV

04/25/2005 12:41 PM

To juliet.thompson@eac.gov

cc hratch.semerjian@nist.gov, matthew.heyman@nist.gov,
PGreene@doc.gov

Subject TGDC Replacement

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,
Craig Burkhardt
Chief Counsel for Technology
U.S. Department of Commerce

018961



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>
bcc
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhart at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

018962

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

018963

Attachment found at

Tally Vote

Information dated

April 27, 2005



"Allan Eustis"
<allan.eustis@nist.gov>
04/26/2005 12:04 PM

To "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>
cc "David Karmol" <DKarmol@ansi.org>, ggilmour@eac.gov
bcc
Subject Fwd: RE: TGDC Appointment

Craig-

Per Mr. Karmol's request I am forwarding this e-mail.

regards

X-Sieve: CMU Sieve 2.2
From: David Karmol <DKarmol@ansi.org>
To:
Cc: Diane Zielinski <dzielins@ansi.org>, Anne Caldas <Acaldas@ansi.org>,
Allan Eustis <allan.eustis@nist.gov>
Subject: RE: TGDC Appointment
Date: Tue, 26 Apr 2005 11:46:23 -0400
X-Mailer: Internet Mail Service (5.5.2653.19)
X-MailScanner:
X-MailScanner-From: dkarmol@ansi.org

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhardt at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhardt's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

018965

f there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol

Vice President, Public Policy and Government Affairs

dkarmol@ansi.org

202-331-3610

From: ggilmour@eac.gov [<mailto:ggilmour@eac.gov>]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANST's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

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

The contents of this e-mail are confidential and pre-decisional

018966

Allan C. Eustis
NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901



Gaithersburg , Md. 20899-8901 Kamol Bio1.doc

018987

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV
04/25/2005 09:06 AM

To dkarmol@ansi.org
cc
bcc Juliet E. Thompson/EAC/GOV@EAC
Subject TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

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

018969

Gavin S. Gilmour/EAC/GOV
04/26/2005 11:54 AM

To Juliet E. Thompson/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: TGDC Appointment

FYI

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

--- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/26/2005 11:53 AM ---



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

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As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

018970

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

018971

Attachment found at


Tally Vote

Information dated

April 27, 2005

018972

Gavin S. Gilmour/EAC/GOV
04/26/2005 12:06 PM

To "David Karmol" <DKarmol@ansi.org>@GSAEXTERNAL
cc dzielins@ansi.org
bcc
Subject RE: TGDC Appointment 

Mr. Karmol,

Thank you for your prompt reply. The bio you have sent should meet our needs. A package will be put together today and presented to the Commission at the next available opportunity. You will be informed as soon as this process is completed. If you have any questions, please contact me at the number, below.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"David Karmol" <DKarmol@ansi.org>



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

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If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

018973

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

018974

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV
04/26/2005 01:21 PM

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

cc

bcc

Subject KARMOL APPOINTMENT TGDC

Julie,

Here is the info you request concerning the appointment of Mr Karmol. Hopefully you can perform some sort of tally vote on the road. Attached please find (1) Mr. Karmol's Bio, (2) A memo for the Tally Vote, (3) a proposed appointment letter, (4) the ANSI letters [two] and (5) a list of TGDC members I received from Adam. I have not enclosed a copy of Mr. Burkhardt's Email memorializing NIST's approval of the candidate, as I believe you already have this in your e-mail. Please review the proposed documents and let me know if you have any questions. Hope things are going well in Boston. Let me know if you need further action on this issue.

GG



Karmol Bio1.doc



ANSI ltrs.pdf



TGDC member excel.xls



LTR- Karmol Appointment- TGDC 2.doc



Memo- Karmol Appointment- TGDC (Tly vt).doc

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

018976

Attachments found at

A₁, A₂ & A₃

Tally Vote

Information dated

April 27, 2005

018977



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

April 26, 2005

Mr. David L. Karmol
American National Standards Institute
Vice President, Public Policy and Government Affairs
1819 L Street, NW - 6th Floor
Washington, DC 20036

Dear Mr. Karmol:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC), I would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your participation in this Committee has been approved by both the Director of the National Institute of Standards and the EAC.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list for your perusal. Please refer to our website (www.eac.gov) for additional information. If you have any questions concerning your appointment, please feel free to contact me or Vice Chair Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman
Chair

Enclosures

013978



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

April 26, 2005

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio, Vice Chairman
 U.S. Election Assistance Commission

SUBJECT: Appointment of David Karmol to the Technical Guidelines
 Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005, Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

The Help America Vote Act of 2002 (HAVA) provides for both the composition of the TGDC and the Committee's appointment process. Specifically, HAVA Section 221(c) (42 USC §15361(c)) specifies that the Committee will have in its membership one representative from ANSI. Further, HAVA states that all members of the Board are to be appointed jointly by NIST and the EAC. (See HAVA Section 221(c)(1)).

Recently, the EAC received notice that NIST (Dr. Hratch Semerjian) has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr. Karmol may become a member of the Standards Board. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4). Finally, I have also attached a proposed appointment letter for the Chair's signature. (Attach. 5)

Handwritten notes and stamps:
 Mr. DeGregorio
 Mr. Hartzel
 Mr. Karmol
 Mr. Ladd
 Mr. Quinn
 Mr. Smith
 Mr. Tavel
 Mr. Weir
 Mr. Wright
 Mr. Zepherino
 018979

RECOMMENDATION:

Review each of the attachments and approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

Attachments:

1. ANSI Resignation Letter.
2. ANSI Replacement Letter.
3. E-mail noting NIST's Approval.
4. Mr. Karmol's Bio.
5. Proposed Appointment Letter.



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

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio, Vice Chairman *Paul DeGregorio*
U.S. Election Assistance Commission

DATE: April 27, 2005

SUBJECT: Appointment of David Karmol to the Technical Guidelines
Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005 Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

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Recently, the EAC received notice that NIST has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr Karmol will become a member of the Technical Guidelines Development Committee. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4)

Upon approval of this recommendation, a letter of appointment signed jointly by the Director of NIST and the Chair of EAC will be sent to Mr. Karmol to formalize and finalize his appointment.

RECOMMENDATION:

Approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

018931



March 29, 2005

Dr. Hratch Semerjian
TGDC Chair
Acting Director
National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Semerjian:

I respectfully resign as ANSI's representative on the TGDC. ANSI's President and CEO, Dr. Mark Hurwitz, will advise you of my replacement.

Thank you for the opportunity to work with you and the excellent NIST staff on this important initiative.

Sincerely,

Anne Caldas
Director, Procedures and Standards Administration
acaldas@ansi.org
(212) 642-4914

cc: Dr. Hurwitz



DR. MARK W. HURWITZ, CAE
PRESIDENT & CEO
Tel: 202.331.3606
Email: mhurwitz@ansi.org

March 29, 2005

Dr. Hrach Semerjian
TGDC Chair
Acting Director
National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Semerjian:

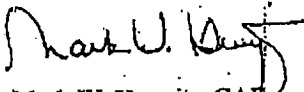
I am requesting that ANSI's current representative on the TGDC, Anne Caldas, be replaced by David Karmol, ANSI's Vice President of Public Policy and Government Affairs. David's contact information follows:

David L. Karmol
Vice President, Public Policy and Government Affairs
1819 L Street, NW, 6th Floor
Washington, DC 20036
E-mail: dkarmol@ansi.org
Phone: 202-331-3610

If further information is required, please advise.

Thank you for your continuing leadership with respect to this important initiative.

Sincerely,


Mark W. Hurwitz, CAE

New

Reply Forward Move Tools

✖ ✖

From: CSBurkhardt@DOC.GOV
To: juliet.thompson@eac.gov
Cc: hratch.semerjian@nist.gov, matthew.heyman@nist.gov,
PGreene@doc.gov

Date: Monday, April 25, 2005 12:41PM
Subject: TGDC Replacement

History: This message has been forwarded.

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,
Craig Burkhardt
Chief Counsel for Technology
U.S. Department of Commerce

018984

David Karmol
Vice President, Public Policy and Government Affairs
American National Standards Institute (ANSI)

David Karmol currently serves as Vice President for Public Policy and Government Affairs at the American National Standards Institute (ANSI). In this position he is responsible for advocacy and outreach programs designed to better educate federal, state and local government officials on the value of the voluntary consensus standardization system and its importance to advancing the competitiveness of U.S. businesses and enhancing the health and safety of the world's citizens.

Karmol joined ANSI in July 2001 with a thorough knowledge of the issues important to the standards and conformity assessment community and a track record of success working on policies, strategies and programs in close liaison with federal, state and local governments. Prior to joining ANSI, he spent ten years as general counsel and director of public affairs at the National Spa and Pool Institute (NSPI), an ANSI member and accredited standards developer. Karmol also served as press secretary and special assistant to the director of the United States Mint; general counsel for the Can Manufacturers Institute; associate counsel to the U.S. House of Representatives Judiciary Committee; member of the Ohio House of Representatives, and assistant prosecuting attorney in Franklin County, Ohio.

Mr. Karmol received his B.A. from Miami University of Ohio, and his J.D. from the Ohio State University College of Law and is admitted to practice law in Virginia, the District of Columbia and Ohio.

ANSI's mission is to enhance U.S. global competitiveness and the American quality of life by promoting, facilitating, and safeguarding the integrity of the voluntary standardization system. ANSI is the official U.S. representative to the International Accreditation Forum (IAF), the International Organization for Standardization (ISO) and, via the U.S. National Committee, the International Electrotechnical Commission (IEC). ANSI currently has offices in New York City and Washington, DC.

018935



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

OFFICE OF THE CHAIR

May 4, 2005

Mr. David L. Karmol
American National Standards Institute
Vice President, Public Policy and Government Affairs
1819 L Street, NW, 6th Floor
Washington, DC 20036

Dear Mr. Karmol:

On behalf of the U.S. Election Assistance Commission (EAC) and the National Institute for Standards and Technology (NIST), we would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your appointment is effective May 3, 2005.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list and charter for your perusal. Please refer to our website (www.eac.gov) for additional information. If you have any questions concerning your appointment, please feel free to contact Gracia Hillman, Chair, or Vice Chairman Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman
Chair
U.S. Election Assistance Commission

Dr. Hratch Semerjian
Acting Director
National Institute of Standards and Technology

Enclosures

Attachment 4

018987

Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records

OGE Form 201 (December 2002)

I. Application		Agency Use Only	
1. Applicant's name and address (please print):		Received date: _____	
		Filled date: _____	
1a. Office telephone number: _____ ext. _____		2. Occupation:	
3. If application is for or on behalf of any other person or organization, give the other's name:		3a. Address of the other person or organization:	
4. Type of applicant: <input type="checkbox"/> news media <input type="checkbox"/> private citizen <input type="checkbox"/> public interest group <input type="checkbox"/> law firm <input type="checkbox"/> other private organization <input type="checkbox"/> government			
5. <input type="checkbox"/> Copy of the most recent (or other, specify) Public Financial Disclosure Report Form SF 278 requested for the following named individual(s):			
a.		d.	
b.		e.	
c.		f.	
Certain other types of records ("covered records") can also be requested using this form (See Part III below); if you are requesting another covered record, check this box <input type="checkbox"/> and specify which type of record(s): _____			
6. Indicate how you wish to receive this request: <input type="checkbox"/> Pick up at OGE <input type="checkbox"/> By mail (at the address listed above)			
7. Applicant's signature: _____		Date: _____	

II. Notice of Action

- Copies of the report(s) or other covered record(s) you requested are enclosed. See the **Important Notice** below.
- Picked up by (signature): _____ Date: _____
- Your request does not comply with the requirements of the statute. Please complete Part I of this form and return so we may comply with your request.
- Fees. If applicable, amount: _____ (when fees are required, make out a check payable to the U.S. Treasury and send it to the executive branch agency processing this request form).

A. Important Notice

The law and implementing OGE regulations require that a report or other covered record not be available to any person except upon written application by such person stating his or her name, occupation and address, and that the person be aware of the prohibitions on improper use, set forth below.

Section 105(c) of the Ethics in Government Act of 1978, as amended and 5 C.F.R. § 2634.603(f) of the implementing OGE regulations provide that it is unlawful for any person to obtain or use a report:

- (1) for any unlawful purpose;
- (2) for any commercial purpose, other than by news and communications media for dissemination to the general public;
- (3) for determining or establishing the credit rating of any individual; or
- (4) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The Attorney General may bring a civil action against any person who obtains or uses a report for any such prohibited purpose as set forth above. The court may assess against such a person a penalty in any amount not to exceed \$11,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(form continued on reverse side)

B. Privacy Act Statement

Section 105 of the Ethics in Government Act of 1978, as amended (5 U.S.C. App.), and 5 C.F.R. § 2634.603 authorize the solicitation of the information requested in this form. The primary use of the information on this form is to permit officials of the recipient agency to consider and process your request for inspection or receipt of a copy(ies) of the SF 278 Executive Branch Personnel Public Financial Disclosure Report form(s) or other covered record(s) to which you seek access. Failure to furnish the information will result in this agency's inability to allow access to, or to provide copies of, the financial disclosure report form(s) or other record(s) requested. Otherwise, furnishing the requested information is voluntary. The information on this form itself may be publicly disclosed pursuant to proper request under section 105(b) of the Ethics Act or as otherwise authorized by law.

Additional disclosures of the information on this form may be made:

- (1) to a Federal, State or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation;
- (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge - issued subpoena;
- (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision;
- (4) to the National Archives and Records Administration or the General Services Administration in records management inspections;
- (5) to the Office of Management and Budget during legislative coordination on private relief legislation; and
- (6) in response to a request for discovery or for the appearance of a witness in a pending judicial or administrative proceeding, if the information is relevant to the subject matter;
- (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another;
- (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; and
- (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to an OGE Governmentwide system of records.

See also the OGE/GOVT- 1 executive branchwide Privacy Act system of records.

C. Public Burden Information

Public burden reporting for this collection of information is estimated to take approximately ten minutes per response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Deputy Director for Administration and Information Management, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington DC 20005-3917. Do not file this form with this official; rather, file it with the appropriate office of the executive branch department or agency from which you are seeking access to a financial disclosure report or other covered records.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0002, is displayed here and in the lower right-hand corner of the front page of this OGE Form 201).

III. Other Covered Records

In addition to requests for access to public SF 278 reports, this form can also be used to request access to certain other agency records which are covered under the access procedures of section 105 of the Ethics Act and the implementing OGE regulations ("covered records"). Such other covered records are: (1) certificates of divestiture; (2) Ethics Act qualified blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (& of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts; (3) 18 U.S.C. § 208(b)(1) & (b)(3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1))); (4) other OGE Form 201s; (5) cover letters for approved gifts reporting waiver requests; and (6) cover letters for approved public reporting waiver requests for certain less than 130-day special Government employees. If you seek access to any such additional record(s), check the second box in Part I.5 on the front page and specify the record(s) sought.

Voluntary Voting System Guidelines

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Voluntary Voting System Guidelines Overview

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Voluntary Voting System Guidelines Overview

The United States Congress passed the Help America Vote Act of 2002 (HAVA) to modernize the administration of federal elections, marking the first time in our nation's history that the federal government has funded an election reform effort. HAVA provides federal funding to help the States meet the law's uniform and non-discretionary administrative requirements, which include the following new programs and procedures: 1) provisional voting, 2) voting information, 3) statewide voter registration lists and identification requirements for first-time registrants, 4) administrative complaint procedures, and 5) updated and upgraded voting equipment.

HAVA also established the U.S. Election Assistance Commission (EAC) to administer the federal funding and to provide guidance to the States in their efforts to comply with the HAVA administrative requirements. Section 202 directs the EAC to adopt voluntary voting system guidelines, and to provide for the testing, certification, decertification, and recertification of voting system hardware and software. The purpose of the guidelines is to provide a set of specifications and requirements against which voting systems can be tested to determine if they provide all the basic functionality, accessibility, and security capabilities required of voting systems.

This document, the *Voluntary Voting System Guidelines* (referred to herein as the *Guidelines* or *VVSG*), is the third iteration of national level voting system standards that has been developed. The Federal Election Commission published the *Performance and Test Standards for Punchcard, Marksense and Direct Recording Electronic Voting Systems* in 1990. This was followed by the *Voting Systems Standards* in 2002.

As required by HAVA, the EAC formed the Technical Guidelines Development Committee (TGDC) to develop an initial set of recommendations for the *Guidelines*. This committee of 15 experts began their work in July 2004 and submitted their recommendations to the EAC in the 9-month timeline prescribed by HAVA. The TGDC was provided with technical support by the National Institute for Standards and Technology (NIST), who was given nearly \$3 million dollars by the EAC to complete this work. These latest guidelines update and augment the 2002 *Voting Systems Standards* to address increasingly complex voting system technology. Specifically, the 2005 *Guidelines* address the critical topics of accessibility, usability, and security.

These guidelines are voluntary. States may adopt them in whole, in part, or not at all. States may also choose to enact stricter performance requirements for certifying their voting systems.

Effective Date

The 2005 *VVSG* shall become effective 24 months after their final adoption by the EAC. At that time, every component of every system submitted for national certification testing shall be tested for conformance with the *VVSG*. Adoption of these guidelines is voluntary, so during this 24-month period, States may adopt them in whole or in part at any time, and thereby require their systems to meet these guidelines. However, the effective date provision does not apply to the HAVA Section 301(a) mandatory requirements, which all States must comply with by January 1, 2006.

Summary of Changes

Volume I of the *Guidelines*, entitled *Voting System Performance Guidelines*, includes new requirements for usability, accessibility, voting system software distribution, system setup validation, and the use of wireless communications. This volume also includes a set of optional requirements for a Voter Verifiable Paper Audit Trail (VVPAT) component for Direct-Recording Electronic (DRE) voting systems. In addition, this volume includes an updated glossary and a conformance clause.

Volume II of the *Guidelines*, entitled *National Certification Testing Guidelines*, has been revised to reflect the new EAC process for national certification of voting systems. This process will go into effect in 2005 and will replace the voting system qualification process that has been conducted by the National Association of State Election Directors (NASED) since 1994. Volume II also includes an updated appendix on procedures for testing system error rates. Terminology in both volumes has been revised to reflect new terminology introduced by HAVA.

Volume I – *Voting System Performance Guidelines* Summary

Volume I, the *Voting System Performance Guidelines*, describes the requirements for the electronic components of voting systems. It is intended for use by the broadest audience, including voting system developers, manufacturers and suppliers; voting system testing labs; state organizations that certify systems prior to procurement; state and local election officials who procure and deploy voting systems; and public interest organizations that have an interest in voting systems and voting system standards. It contains the following sections:

Section 1 describes the purpose and scope of the guidelines.

Section 2 describes the basic functional capabilities required of voting systems.

Section 3 describes standards to make voting systems more usable and accessible to as many eligible citizens as possible, whatever their physical abilities, language skills, or experience with technology.

Sections 4 through 7 describe specific performance standards for election system hardware, software, telecommunications, and security.

Sections 8 and 9 describe requirements for vendor quality assurance and configuration management practices and the documentation about these practices required to be submitted for the EAC certification process.

Appendix A contains a glossary of terms.

Appendix B provides a list of related standards documents incorporated into the *Guidelines* by reference, as well as documents used in the preparation of the *Guidelines*, and legislation that is referenced.

Appendix C presents an informational discussion of independent verification systems as a potential concept for future voting system security design.

Appendix D contains technical guidelines on color, contrast and text size adjustment for individuals with low vision or color blindness.

Volume II – National Certification Testing Guidelines Summary

Volume II, the *National Certification Testing Guidelines*, is a complementary document to Volume I. Volume II provides an overview and specific detail of the national certification testing process, which is performed by independent voting system test labs accredited by the EAC. It is intended principally for use by vendors, test labs, and election officials who certify, procure, and accept voting systems. This volume contains the following sections:

Section 1 describes the purpose of the National Certification Testing Guidelines.

Section 2 provides a description of the Technical Data Package that vendors are required to submit with their system for certification testing.

Section 3 describes the basic functionality testing requirements.

Sections 4 through 6 define the requirements for hardware, software, and system integration testing.

Section 7 describes the required examination of vendor quality assurance and configuration management practices.

Appendix A provides the requirements for the National Certification Test Plan that is prepared by the voting system test lab and provided to the EAC for review.

Appendix B describes the scope and content of the National Certification Test Report which is prepared by the test lab and delivered to the EAC along with a recommendation for certification.

Appendix C describes the guiding principles used to design the voting system certification testing process. It also contains a section on testing system error rates.

- 1 • State and local election officials who are evaluating voting systems for potential use
- 2 in their jurisdictions
- 3 • Voting system designers and manufacturers who need to ensure that their products
- 4 fulfill all these requirements so they can be certified

5 **1.3 Evolution of Voting System Standards**

6 **1.3.1 Federal Election Commission**

7 The first voting system standards were issued in January 1990, by the Federal Election
8 Commission (FEC). This document included performance standards and testing procedures
9 for Punchcard, Marksense, and Direct Recording Electronic (DRE) voting systems. These
10 standards did not cover paper ballot and mechanical lever systems because paper ballots are
11 sufficiently self-explanatory not to require technical standards and mechanical lever systems
12 are no longer manufactured or sold in the United States. The FEC also did not incorporate
13 requirements for mainframe computer hardware because it was reasonable to assume that
14 sufficient engineering and performance criteria already governed the operation of mainframe
15 computers. However, vote tally software installed on mainframes was covered.

16 A national testing effort was initiated by NASED in 1994. As the system qualification
17 process matured and qualified systems were used in the field, the NASED Voting Systems
18 Board, in consultation with the testing labs, identified certain testing issues that needed to be
19 resolved. Moreover, rapid advancements in information and personal computer technologies
20 introduced new voting system development and implementation scenarios not contemplated
21 by the 1990 Standards.

22 In 1997, NASED briefed the FEC on the importance of keeping the Standards up-to-date.
23 Following a Requirements Analysis completed in 1999, the FEC initiated an effort to revise
24 the 1990 Standards to reflect the evolving needs of the elections community. This resulted in
25 the 2002 Voting System Standards.

26 Voters and election officials who use voting systems represent a broad spectrum of the
27 population, and include individuals with disabilities who may have difficulty using traditional
28 voting systems. In developing accessibility provisions for the 2002 Voting System
29 Standards, the FEC requested assistance from the Access Board, the federal agency in the
30 forefront of promulgating accessibility provisions. The Access Board submitted technical
31 standards to meet the diverse needs of voters with a broad range of disabilities. The FEC
32 adopted the entirety of the Access Board's recommendations and incorporated them into the
33 2002 Voting Systems Standards.

1 **1.3.2 Election Assistance Commission**

2 In 2002, Congress passed the Help America Vote Act, which established the U.S. Election
3 Assistance Commission (EAC). EAC was mandated to develop and adopt new voluntary
4 voting system guidelines and to provide for the testing, certification, and decertification of
5 voting systems. HAVA also established the Technical Guidelines Development Committee
6 (TGDC) with the duty of assisting the EAC in the development of the new guidelines. The
7 Director of NIST chairs the TGDC, and NIST was tasked to provide technical support to their
8 work. The TGDC delivered their initial set of recommendations to the EAC in May, 2005.

9 The TGDC built on the foundation of the 2002 Voting Systems Standards and the
10 accessibility provisions of HAVA to expand requirements for voting system usability and
11 accessibility. HAVA mandates that voting systems shall be accessible for individuals with
12 disabilities in a manner that provides the same opportunity for access and participation
13 (including privacy and independence) as for other voters. To facilitate the ability of
14 jurisdictions to meet these requirements, HAVA allows for the use of at least one direct
15 recording electronic or other voting system equipped for individuals with disabilities at each
16 polling place. Implementing this provision, however, will not entirely eliminate the necessity
17 of accommodating the needs of some disabled voters by human assistance, given the
18 limitations of current technology.

19 The 2005 VVSG is the culmination of sixteen months of effort by the TGDC, NIST and the
20 EAC. There is still much to be done to further develop the technical guidelines for voting
21 system performance, accessibility and usability features, and security. Further work is also
22 needed for the specification of comprehensive standard test suites for certification testing, to
23 include testing for usability and accessibility features and expanded security testing.

24 **1.4 Overview of National, State and Local Voting System Testing**

25 **1.4.1 The National Certification Program for Voting Systems**

26 The purpose of the national certification program is to validate and document, through an
27 independent testing process, that voting systems meet the requirements set forth in VVSG
28 Volume 1 - Voting System Performance Guidelines, and perform according to the vendor's
29 specifications for the system. Volume 1 specifies the minimum functional requirements,
30 performance characteristics, documentation requirements, and test evaluation criteria that
31 voting systems must meet in order to receive national certification. More than forty [need to
32 get final version of this number] States require that a voting system must have national
33 certification before it can be considered for purchase within that State.

34

1 National certification testing can only be performed by testing labs that have been accredited
2 for demonstrated technical competence to test voting systems using these Guidelines.
3 Volume 2 of the VVSG - National Certification Testing Guidelines - provides guidance on
4 the testing process and describes the associated documentation requirements. These tests
5 encompass the examination of software; the inspection and evaluation of system
6 documentation; tests of hardware under conditions simulating the intended storage, operation,
7 transportation, and maintenance environments; operational tests to validate system
8 performance and function under normal and abnormal conditions; and examination of the
9 vendor's system development, testing, quality assurance, and configuration management
10 practices. Certification tests address individual system components or elements, as well as the
11 integrated system as a whole.

12 Since 1994, testing of voting systems has been performed by Independent Test Authorities
13 (ITAs) certified by the National Association of State Election Directors (NASED). Upon the
14 successful completion of testing, the ITA issued a Qualification Test Report to the vendor
15 and NASED. The Technical Committee of the NASED Voting Systems Board would review
16 the test report and, if satisfactory, issue a Qualification Number. The Qualification Number
17 remains valid for as long as the voting system remains unchanged.

18 HAVA mandates that the certification testing process be transferred from NASED to EAC.
19 National certification testing complements and evaluates the vendor's developmental testing
20 and beta testing. The test lab is expected to evaluate the completeness of the vendor's
21 developmental test program, including the sufficiency of vendor tests conducted to
22 demonstrate compliance with the Guidelines as well as the system's performance
23 specifications. The test lab undertakes sample testing of the vendor's test modules and also
24 designs independent system-level tests to supplement and check those designed by the
25 vendor. Although some of the certification tests are based on those prescribed in the Military
26 Standards, in most cases the test conditions are less stringent, reflecting commercial, rather
27 than military, practice.

28 Upon review of test reports and a determination that satisfactory results were achieved that
29 address the full scope of testing, EAC will issue a Certification Number that indicates the
30 system has successfully completed testing by an accredited test lab for compliance with the
31 Guidelines. The Certification Number applies to the system as a whole and does not apply to
32 individual system components or untested configurations.

33 After a system has completed initial certification testing, further examination of the system is
34 required if modifications are made to hardware, software, or telecommunications, including
35 the installation of software on different hardware. Vendors request review of modifications
36 by the test lab based on the nature and scope of changes made. The test lab will assess
37 whether the modified system should be resubmitted for certification testing and the extent of
38 testing to be conducted and will provide an appropriate recommendation to the EAC and the
39 vendor.

40 Generally, a voting system remains certified under the standards against which it was tested,
41 as long as no modifications requiring recertification have been made to the system. However,
42 if a new threat to a particular voting system is discovered, it is the prerogative of EAC to

1 determine which certified voting systems are vulnerable, whether those systems need to be
2 retested, and the specific tests to be conducted. In addition, when new requirements
3 supersede the requirements under which the system was certified, it is the prerogative of EAC
4 to determine when systems that were certified under the earlier requirements will need to be
5 re-tested to meet the current guidelines.

6 **1.4.2 State Certification Testing**

7 State certification tests are performed by individual states, with or without the assistance of
8 outside consultants, to:

- 9 • Confirm that the voting system presented is the same as the one certified under the
10 Guidelines
- 11 • Test for the proper implementation of state-specific requirements
- 12 • Establish a baseline for future evaluations or tests of the system, such as acceptance
13 testing or state review after modifications have been made
- 14 • Define acceptance tests

15 State certification test scripts are not included in the Guidelines, as they must be defined by
16 the state, with its laws, election practices, and needs in mind. However, it is recommended
17 that they not duplicate the national certification tests, but instead focus on functional tests and
18 qualitative assessment to ensure that the system operates in a manner that is acceptable under
19 state law. If a voting system is modified after state certification is completed, it is
20 recommended that states reevaluate the system to determine if further certification testing is
21 warranted.

22 Certification tests performed by individual states typically rely on information contained in
23 documentation provided by the vendor for system design, installation, operations, required
24 facilities and supplies, personnel support and other aspects of the voting system. States and
25 jurisdictions may define information and documentation requirements additional to those
26 defined in the Guidelines. By design, the Guidelines do not address these additional
27 requirements. However, national certification testing will address all the capabilities of a
28 voting system stated by the vendor in the system documentation submitted with the testing
29 application to the EAC, including additional capabilities required by the States.

30 **1.4.3 Acceptance Testing**

31 Acceptance tests are performed at the state or local jurisdiction level upon system delivery by
32 the vendor to:

- 33 • Confirm that the system delivered is the specific system certified by EAC and, when
34 applicable, certified by the state

- 1 • Evaluate the degree to which delivered units conform to both the system
2 characteristics specified in the procurement documentation, and those demonstrated in
3 the national and state certification tests
4 • Establish a baseline for any future required audits of the system
- 5 Some of the operational tests conducted during certification may be repeated during
6 acceptance testing.

7 **1.5 Definitions, References, and Types of Voting Systems**

8 **1.5.1 Definitions and References**

9 The Guidelines contain terms describing function, design, documentation, and testing
10 attributes of voting system hardware, software and telecommunications. Unless otherwise
11 specified, the intended sense of technical terms is that which is commonly used by the
12 information technology industry. In some cases terminology is specific to elections or voting
13 systems. A glossary of terms is contained in Appendix A. Non-technical terms not listed in
14 Appendix A shall be interpreted according to their standard dictionary definitions.

15 There are a number of technical standards that are incorporated in the Guidelines by
16 reference. These are referred to by title in the body of the document. The full citations for
17 these publications are provided in Appendix B. In addition, this appendix includes other
18 references that may be useful for understanding and interpretation.

19 **1.5.2 Types of Voting Systems**

20 HAVA Section 301 defines a voting system as the total combination of mechanical,
21 electromechanical, or electronic equipment (including the software, firmware, and
22 documentation required to program, control, and support the equipment), that is used to
23 define ballots; to cast and count votes; to report or display election results; and to maintain
24 and produce any audit trail information. In addition, a voting system includes the practices
25 and associated documentation used to identify system components and versions of such
26 components; to test the system during its development and maintenance; to maintain records
27 of system errors and defects; to determine specific system changes made after initial
28 certification; and to make available any materials to the voter (such as notices, instructions,
29 forms, or paper ballots).

30 Traditionally, a voting system has been defined by the mechanism the system uses to cast
31 votes and further categorized by the location where the system tabulates ballots. In addition to
32 defining a common set of requirements that apply to all voting systems, the VVSG states

1 requirements specific to a particular type of voting system, where appropriate. However, the
2 Guidelines recognize that as the industry develops new solutions and the technology
3 continues to evolve, the distinctions between voting system types may become blurred. The
4 fact that the VVSG refers to specific system types is not intended to stifle innovations that
5 may be based on a more fluid understanding of system types. However, appropriate
6 procedures must be in place to ensure new developments provide the necessary integrity and
7 can be properly evaluated in the certification process.

8 Consequently, vendors that submit a system that integrates components from more than one
9 traditional system type or a system that includes components or technology not addressed in
10 the Guidelines shall submit the results of all beta tests of the new system when applying for
11 national certification. Vendors shall also submit a proposed test plan to the EAC for use in
12 national certification testing. The Guidelines permit vendors to produce or utilize
13 interoperable components of a voting system that are tested within the full voting system
14 configuration.

15 The listing below summarizes the functional requirements that HAVA Section 301 mandates
16 to assist voters. While these requirements may be implemented in a different manner for
17 different types of voting systems, all types of voting systems must provide these capabilities:

- 18 • permit the voter to verify (in a private and independent manner) the vote selected by
19 the voter on the ballot before the ballot is cast and counted
- 20 • provide the voter with the opportunity (in a private and independent manner) to
21 change the ballot or correct any error before the ballot is cast and counted
- 22 • notify the voter if he or she has selected more than one candidate for a single office,
23 inform the voter of the effect of casting multiple votes for a single office, and provide
24 the voter an opportunity to correct the ballot before it is cast and counted
- 25 • be accessible for individuals with disabilities in a manner that provides the same
26 opportunity for access and participation (including privacy and independence) as for
27 other voters
- 28 • provide alternative language accessibility pursuant to Section 203 of the Voting
29 Rights Act

30 **1.5.2.1 Paper-Based Voting System**

31 A Paper-Based Voting System records votes, counts votes, and produces a tabulation of the
32 vote count from votes cast on paper cards or sheets. A marksense (also known as optical
33 scan) voting system allows a voter to record votes by making marks directly on the ballot,
34 usually in voting response locations. Additionally, a paper-based system may allow for the
35 voter's selections to be indicated by marks made on a paper ballot by an electronic input
36 device, as long as such an input device does not independently record, store, or tabulate the
37 voter selections.

1 **1.5.2.2 Direct Recording Electronic Voting System**

2 A Direct Recording Electronic (DRE) Voting System records votes by means of a ballot
3 display provided with mechanical or electro-optical components that can be activated by the
4 voter; that processes data by means of a computer program; and that records voting data and
5 ballot images in memory components. It produces a tabulation of the voting data stored in a
6 removable memory component and as printed copy. The system may also provide a means
7 for transmitting individual ballots or vote totals to a central location for consolidating and
8 reporting results from precincts at the central location.

9 **1.5.2.3 Public Network Direct Recording Electronic Voting** 10 **System**

11 A Public Network Direct Recording Electronic (DRE) Voting System is an election system
12 that uses electronic ballots and transmits vote data from the polling place to another location
13 over a public network. Vote data may be transmitted as individual ballots as they are cast,
14 periodically as batches of ballots throughout the election day, or as one batch at the close of
15 voting. For purposes of the Guidelines, Public Network DRE Voting Systems are considered
16 a form of DRE Voting System and are subject to the standards applicable to DRE Voting
17 Systems. However, because transmitting vote data over public networks relies on equipment
18 beyond the control of the election authority, the system is subject to additional threats to
19 system integrity and availability. Therefore, additional requirements are applied to provide
20 appropriate security for data transmission.

21 The use of public networks for transmitting vote data must provide the same level of integrity
22 as other forms of voting systems, and must be accomplished in a manner that precludes three
23 risks to the election process: automated casting of fraudulent votes, automated manipulation
24 of vote counts, and disruption of the voting process such that the system is unavailable to
25 voters during the time period authorized for system use.

26 **1.5.2.4 Precinct Count Voting System**

27 A Precinct Count Voting System is a voting system that tabulates ballots at the polling place.
28 These systems typically tabulate ballots as they are cast and print the results after the close of
29 polling. For DREs, and for some paper-based systems, these systems provide electronic
30 storage of the vote count and may transmit results to a central location over public
31 telecommunication networks.

1 **1.5.2.5 Central Count Voting System**

2 A Central Count Voting System is a voting system that tabulates ballots from multiple
3 precincts at a central location. Voted ballots are typically placed into secure storage at the
4 polling place. Stored ballots are transported or transmitted to a central counting place. The
5 systems produce a printed report of the vote count, and may produce a report stored on
6 electronic media.
7

8 **1.6 Conformance Clause**

9 **1.6.1 Scope and Applicability**

10 The Voluntary Voting System Guidelines define requirements for conformance of voting
11 systems that voting system vendors shall meet. The Guidelines also provide the framework,
12 procedures, and requirements that testing labs responsible for the testing of voting
13 certification systems shall follow. The requirements and procedures in the Guidelines may
14 also be used by States to certify voting systems. To ensure that correct voting system software
15 has been distributed without modification, the Guidelines include requirements for certified
16 voting system software to be deposited in a national software repository. This provides an
17 independent means for election officials to verify the software they purchase.

18 The Guidelines define the minimum requirements for voting systems and the process of
19 testing voting systems. The guidelines are intended for use by:

- 20 • Designers and manufacturers of voting systems
- 21 • Test labs performing the analysis and testing of voting systems in support of the EAC
22 national certification process
- 23 • National software repositories, either maintained by the National Institute of
24 Standards and Technology (NIST) or by another EAC designated repository
- 25 • Election officials, including ballot designers and officials responsible for the
26 installation, operation, and maintenance of voting machines
- 27 • Test labs and consultants performing the state certification of voting systems

28

1 Minimum requirements specified in these guidelines include:

- 2 • Functional capabilities
- 3 • Performance characteristics, including security
- 4 • Documentation
- 5 • Test evaluation criteria

6 **1.6.2 Conformance Framework**

7 This section provides the framework in which conformance is defined. It identifies the
8 entities to which these guidelines apply, the relationships among the various entities, the
9 structure of the requirements, and the terminology used to indicate conformance.

10 **1.6.2.1 Applicable Entities**

11 The requirements, prohibitions, options, and guidance specified in these guidelines apply to
12 voting systems, voting system vendors, test labs, and software repositories.

13 In general, requirements for voting systems in these guidelines apply to all types of voting
14 systems, unless prefaced with explanatory narrative applicability identifying limited to a
15 specific typed system. Other terms in these guidelines shall be construed as synonymous with
16 "voting systems." They are: "systems", "the system", "the voting system", and "each voting
17 system".

18 The term "voting system vendor" imposes system documentation or testing requirements for
19 the manufacturer or vendor. Other terms in these guidelines shall be construed as
20 synonymous with "voting system vendor." They are: "vendors", "the vendor", "manufacturer
21 or vendor", "voting system designers", and "implementer".

22 The terms used to designate requirements and procedural guidelines for national certification
23 testing laboratories are indicated by referring to "testing authorities", "test labs", and
24 "accredited test labs". The term "repository" will be used to designate requirements levied on
25 the National Software Reference Library repository maintained at NIST or any other
26 designated repository.

27 **1.6.2.2 Relationships Among Entities**

28 It is the voting system vendor that needs to implement these requirements and provide the
29 necessary documentation for the system. In order to claim conformance to the Guidelines,
30 the voting system vendor shall satisfy the specified requirements, including implementation
31 of functionality, prescribed software coding and assurance practices, and preparation of the

1 Technical Data Package. The voting system vendor shall successfully complete the
2 prescribed test campaign with an EAC accredited voting system test lab.

3 The accredited test lab shall satisfy the requirements for conducting certification testing. The
4 test lab may use an operational environment emulating that used by election officials as part
5 of their testing to ensure that the voting system can be configured and operated in a secure
6 and reliable manner according to the vendor's documentation and as specified by the
7 Guidelines. The test lab shall coordinate and deliver the requisite documentation and final
8 test report to the EAC for review. Upon issuance of a certification number by the EAC, the
9 test lab shall deposit a copy of the certified voting system software with the National
10 Software Reference Library.

11 The EAC shall review the test results and associated documentation and make a
12 determination that all requirements have been appropriately tested and the test results are
13 acceptable. The EAC will issue a national certification number that indicates conformance of
14 the specified system with these Guidelines.

15 The National Software Reference Library (NSRL) shall create a digital signature of the
16 voting system software provided by the test lab. This information will be posted to a website
17 so election officials can compare the digital signature of the software provided to them by the
18 voting system vendor with this certified reference. The NSRL shall maintain this reference
19 information until notified by the EAC that it can be archived.

20 **1.6.3 Structure of Requirements**

21 Each voting system requirement in Volume I is identified according to a hierarchical scheme
22 in which higher-level requirements (such as "provide accessibility for visually impaired
23 voters") are supported by lower-level requirements (e.g., "provide an audio-tactile
24 interface"). Thus, requirements are nested. When the nesting hierarchy has reached four
25 levels (i.e. 1.1.1.1), further nested requirements are designated with lowercase letters, then
26 roman numerals, then numbers. Therefore, all requirements are traceable by distinct
27 reference insignia.

28 Some requirements are directly testable and some are not. The latter tend to be higher-level
29 and are included because 1) they are testable indirectly insofar as their lower-level
30 requirements are testable, and 2) they often provide the structure and rationale for the lower-
31 level requirements. Satisfying the lower-level requirements will result in satisfying the
32 higher-level requirement.

33 **1.6.3.1 Conformance Language**

34 The following keywords are used to convey conformance requirements:

- 1 • **Shall** – indicates a mandatory requirement in order to conform. Synonymous with “is
2 required to.”
- 3 • **Is prohibited** – indicates a mandatory requirement that indicates something that is not
4 permitted, in order to conform. Synonymous with “shall not.”
- 5 • **Should, is encouraged** - indicates an optional recommended action, one that is
6 particularly suitable, without mentioning or excluding others. Synonymous with “is
7 permitted and recommended.”
- 8 • **May** - indicates an optional, permissible action. Synonymous with “is permitted.”

9 This text is directly applicable to achieving conformance to this document. Informative parts
10 of this document include examples, extended explanations, and other matter that contain
11 information necessary for proper understanding of the Guidelines and conformance to it.

12 **1.6.3.2 Categorizing Requirements**

13 The Guidelines define a common set of requirements that apply to all types of electronic
14 voting systems for the purpose of acquiring national certification. For example, the
15 requirements implementing the alternative language accessibility mandated by HAVA 301(a)
16 (4) must be met by all voting systems that will be used in instructions subject to Section 203
17 in USC 1705 of the Voting Rights Act. Conversely, the requirements implementing the other
18 HAVA Section 301(a) mandates, except for disability accessibility must be met by all voting
19 systems.

20 In addition, the Guidelines categorize some requirements into related groups of functionality
21 to address equipment type, ballot tabulation location, and voting system component (e.g.,
22 election management system, voting station). Hence, all of the requirements contained in the
23 Guidelines do not apply to all elements of all voting systems. For example, requirements
24 categorized as applying to DRE systems are not applicable to paper-based voting. The
25 requirements implementing the disability accessibility mandated by HAVA 301(a) (3) (A) are
26 not required of all voting systems, only by those systems the vendor designates as accessible
27 voting systems.

28 Among the categories defined in the VVSG are two types of voting systems with respect to
29 mechanisms to cast votes – Paper-Based Voting Systems and Direct Recording Electronic
30 (DRE) Voting Systems. Additionally, voting systems are further categorized by the locations
31 where ballots are tabulated – Precinct Count Voting Systems, which tabulate ballots at the
32 polling place, and Central Count Voting Systems, which tabulate ballots from multiple
33 precincts at a central location. The Guidelines define specific requirements for systems that
34 fall within these four categories as well as various combinations of these categories.

1 **1.6.3.3 Extensions**

2 Extensions are additional functions, features, and/or capabilities included in a voting system
3 that are not required by the Guidelines. To accommodate the needs of states that may impose
4 additional requirements and to accommodate changes in technology, these guidelines allow
5 extensions. For example, the requirements for a voter verifiable paper audit trail feature will
6 only be applied to those systems designated by the vendor as providing this feature. The use
7 of extensions shall not contradict nor cause the nonconformance of functionality required by
8 the Guidelines.

9 **1.6.4 Implementation Statement**

10 The voting system implementation statement describes the voting system and documents the
11 VVSG Volume 1 requirements that have been implemented by the voting system. It can also
12 identify optional features and capabilities supported by the voting system, as well as any
13 extensions (i.e., additional functionality beyond what is required in the guidelines). The
14 implementation statement will include a checklist identifying all the requirements for which a
15 claim of conformance is made.

16 The implementation statement must be submitted with the vendor's application to the EAC
17 for national certification testing. It must provide a concise summary and narrative description
18 of the voting system's capabilities. It shall include identifying information about the voting
19 system, including the hardware and software components, version number and date.

1.7 Effective Date

The Voluntary Voting System Guidelines (VVSG) shall become effective for national certification testing 24 months after their final adoption by EAC. At that time, all new systems submitted for national certification shall be tested for conformance with these Guidelines. In addition, if a modification to a system certified or qualified to a previous standard is submitted for national certification after this date, every component of the modified system shall be tested using these Guidelines. All previous versions of national voting system standards will become obsolete upon this effective date.

These Guidelines are voluntary in that each of the states can decide whether to require the voting systems used in their state to have a national certification. States may decide to adopt these Guidelines in whole or in part at any time, irrespective of the effective date. In addition, States may specify additional requirements that voting systems in their jurisdiction must meet. The national certification program does not in any way pre-empt the ability of the States to have their own system certification process.

This VVSG effective date provision has no effect on the mandatory voting system requirements prescribed in Section 301(a) of the Help America Vote Act (HAVA), which States must comply with on or before January 1, 2006. The EAC issued Advisory 2005-004 to assist States in determining if a voting system is compliant with Section 301(a). This advisory is available on the EAC website at www.eac.gov.

VOLUNTARY VOTING SYSTEM GUIDELINES – VOLUME 1

Voting System Performance Guidelines

1 Introduction

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FOIA File

1 Introduction

2 1.1 Purpose and Scope of the Voluntary Voting System 3 Guidelines

4 The purpose of the *Voluntary Voting System Guidelines* (hereinafter referred to as *VVSG* or
5 the *Guidelines*) is to provide a set of specifications and requirements against which voting
6 systems can be tested to determine if they provide all the basic functionality, accessibility,
7 and security capabilities required of voting systems. The *VVSG* specifies the functional
8 requirements, performance characteristics, documentation requirements, and test evaluation
9 criteria for the national certification of voting systems. To the extent possible, these
10 requirements and specifications are described so they can be assessed by a series of defined,
11 objective tests. The *VVSG* is composed of two volumes: Volume 1, *Voting System*
12 *Performance Guidelines*, and Volume 2, *National Certification Testing Guidelines*.

13 The *VVSG* is one of several inter-related EAC promulgated guidelines and programs
14 concerned with maintaining the reliability and security of voting systems and the integrity of
15 the overall election process. National certification testing of voting systems is restricted to
16 testing labs that have been formally accredited to be technically competent to evaluate
17 systems for conformance to the *Voting System Performance Guidelines*. The National
18 Association of State Election Directors (NASED) initiated the independent testing authority
19 accreditation program for voting system test labs in 1994, applying the standards and
20 procedures in NASED Program Handbook 9201 (Revision A). With the passage of the Help
21 America Vote Act (HAVA), this responsibility transitioned to the Election Assistance
22 Commission (EAC) with support from the National Voluntary Laboratory Accreditation
23 Program (NVLAP). This program is operated by the National Institute of Standards and
24 Technology (NIST), applying the standards and procedures in NIST Handbook 150-22,
25 NVLAP Voting System Testing.

26 The *VVSG* and the test lab accreditation process are essential components of the EAC
27 National Certification Program for voting systems. This program applies the standards and
28 procedures documented in the EAC voting system certification manual. HAVA Section 231
29 charges EAC with providing for the certification, decertification and recertification of voting
30 systems. Under this program national certification is just the first step of the life cycle process
31 of maintaining the reliability and security of the voting systems used in the nation's elections.
32 To carry out this mandate, the EAC program will include monitoring of voting system
33 performance through incident reporting by election officials and others. The certification
34 program will maintain information on the quality assurance practices associated with the
35 development and manufacturing of voting systems. When a system has successfully
36 completed the certification process, the EAC program requires a copy of the certified voting

1 Introduction

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35 development and manufacturing of voting systems. When a system has successfully
36 completed the certification process, the EAC program requires a copy of the certified voting

1 system software to be provided to the National Software Reference Library operated by
2 NIST. This will enable election officials to validate that the software received by their
3 jurisdictions is the same as the certified version.

4 The VVSG notes the need for appropriate procedures to complement and supplement the
5 technical requirements for voting system performance. It is well known that deficiencies in
6 election management and administration procedures can have just as much impact on the
7 enfranchisement of voters and the outcome of elections as the functioning of the voting
8 machines. The overall integrity of the election process depends on both of these elements
9 working together. EAC and NASED have instituted a multi-year effort to develop a
10 comprehensive set of election management guidelines that will complement the technical
11 system guidelines, as well as cover other elements of the election process.

12 Except as noted below, VVSG Volume I, *Voting System Performance Guidelines*, applies to
13 all system hardware, software, telecommunications, and documentation intended for use to:

- 14 • Prepare the voting system for use in an election
- 15 • Produce the appropriate ballot formats
- 16 • Test that the voting system and ballot materials have been properly prepared and are
17 ready for use
- 18 • Record and count votes
- 19 • Consolidate and report election results
- 20 • Display results on-site or remotely
- 21 • Produce and maintain comprehensive audit trail data

22 Some voting systems use one or more commercial off-the-shelf (COTS) devices (such as card
23 readers, printers, and personal computers) or software products (such as operating systems,
24 programming language compilers, and database management systems). These devices and
25 products are exempt from certain portions of system certification testing, as long as they are
26 not modified for use in the voting system.

27 VVSG Volume 2, *National Certification Testing Guidelines*, describes the testing process
28 that is designed to provide a documented independent verification by an accredited testing
29 laboratory that a voting system has been demonstrated to conform to the Volume 1
30 requirements and therefore should receive national certification. It provides specific detail
31 about the testing process and documentation requirements required to support the national
32 certification program.

33 **1.2 Use of the Voluntary Voting System Guidelines**

34 The *Guidelines* are intended for use by multiple audiences to support their respective roles in
35 the development, testing, and acquisition of voting systems:

- 36 • The accredited testing laboratories who use this information to develop test plans and
37 procedures for the analysis and testing of systems in support of the national
38 certification testing process

Calendar Entry

Appointment

Notify me Mark Private Pencil In

Subject FOIA Telcon (EPIC)

Where **Location**

When
Starts: Fri 05/20/2005 11:00 AM
Ends: Fri 05/20/2005 12:00 PM
1 hour
 Specify a different time zone

Categorize

Description

The teleconference meeting to discuss EPIC's FOIA request to the EAC regarding the development of voting technology standards will take place at 11:00 AM, Friday, May 20th.

EPIC's conference bridge can be accessed by dialing 512-225-3050 access code 65889#

Thank you
Lillie Coney

Handwritten notes:

Transcripts

Minutes

EAC appointment process

Request to process

Disclosures

Remind on 7/6/06

Voting tech relay stored

FGA Remoulett on VUSG

019011



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

June X, 2005

Ms. Lillie Coney
Associate Director
Electronic Privacy Information Center (EPIC)
1718 Connecticut Ave, NW
Washington, DC 20009

RE: FOIA Request

Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on May 10, 2005. The request was clarified in a May 20, 2005 phone conversation as memorialized in a letter sent to you on that same day. Your clarified request sought certain records from "March 23, 2004 to the present," including:

1. Any and all transcripts, meeting minutes or similar documents memorializing the Technical Guidelines Development Committee (TGDC) meetings or hearings which are in the possession of the EAC and not publicly available on the NIST web site.
2. Any and all EAC documents or communications regarding the selection or appointment of members of the TGDC.
3. All Public Financial Disclosure Forms (OGE Form 278) filed by members of the TGDC.
4. The recommended Voluntary Voting Systems Guidelines (VVSG) presented to the EAC by the TGDC.

In response to item 1, the EAC does not have any records other than what is posted on the NIST website; www.vote.nist.gov. If you visit the website you will find minutes for the July, 9, 2004; January 18-19, 2005; and March 9, 2005 meetings. You can also view either transcripts or listen to webcasts from these meetings and the September 20-22, 2005 meeting. The minutes and/or transcript from the April 20-21, 2005 meeting should be published to the website shortly. The EAC contacted NIST and was told that it does not have any additional documents besides what is posted on the website.

019012

In response to item 2, we have enclosed all written records located after a reasonable search dealing with the selection or appointment of members to the TGDC. Pursuant to the FIOA disclosure exemption 6, 5 U.S.C. §552(b)(6), we have redacted personal information such as home addresses, telephone numbers and e-mail addresses; and all cell phone numbers.

In response to item 3, the only individual who has to file a public financial disclosure form is Dr. Hratch Semerjian, the Acting Director of NIST. In order to obtain a copy of his OGE form 278 you will need to complete the enclosed OGE form 201 and submit it to NIST, as it is the custodian of this record.

In response to item 4, we have enclosed a disk with a complete copy of the VVSG version 1 as it was delivered to the EAC from the TGDC.

The EAC will waive the processing fees for this specific FOIA request, per your request.

If you interpret any portion of this response as an adverse action, you may appeal it to the EAC. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
U.S. Election Assistance Commission

Attachments: TGDC Appointment Communications
OGE Form 201
Disk containing VVSG version 1 turned over to the EAC on May 9, 2005

019013



Paul DeGregorio/FEC/US
03/04/2004 07:46 PM

To csburkhardt@doc.gov
cc
bcc
Subject meeting ASAP

Craig,

As I may have discussed with you, the EAC would like to announce at its March 23rd first public meeting the formation of the Technical Guidelines Development Committee (TGDC) and, possibly, when their first meeting will be held. The formation of this committee will put into motion a timetable to develop and approve the voluntary standards outlined in HAVA. We would like to discuss with NIST what HAVA requires the TGDC to do--and what we can do realistically what the funds we may or may not have. We can also work on a strategy whereby we put the things we cannot do in FY04 into our (or your) FY05 budget request.

There has been some confusion in recent days over what monies NIST does or does not have available for this purpose. Today, Penelope Bonsall of my staff was told by Dr. Zevin that there was only \$350,000 to work with for FY04--and that very little progress with standards could be made with it. In addition, Dr. Zevin's presentation at NASS and NASED has confused some people because they didn't quite understand that when Susan included 7 pages of "what could be done in the next six months" in her presentation, some folks thought that is what NIST will do in 2004. I understood it to be the NIST wish list and was not sure what portion will come under the TGDC umbrella. In addition to all of this, we have been reviewing the Human Factors report developed by NIST and have some questions. We would like to release this report at our March 23 meeting. We would like for representatives of NIST to be at our public meeting to discuss the TGDC and Human Factors report.

Therefore, I would like to propose that the following folks meet ASAP (Monday or Tuesday of next week; March 8 or 9) to talk about these issues.

Paul DeGregorio, EAC
Penelope Bonsall, EAC
Craig Burkhardt, DOC
Dr. Zevin, NIST
Allan Eustis, NIST

I think it might be best if the NIST folks heard from you to set this meeting up. Can you (or your designee) call Penelope Bonsall at 202-694-1097 with a time and place (we are flexible) for a meeting on Monday or Tuesday?

The agenda could be as follows:

- 1) TGDC: expectations on who will be appointed; what is it they must/can do in FY04 and FY05. What is the TGDC timetable?
- 2) Human Factors report
- 3) Dr. Zevin's "what could be done in the next 6 months";
- 4) Funding issues for all of this. Can we get money from DOD?

I am on travel on Friday, March 5 but can be reached on my federal cell phone which is 202-360-2146

Thanks for your help and attention to this important matter.

Paul DeGregorio

019014



Allan Eustis
<allan.eustis@nist.gov>
03/16/2004 01:26 PM

To PDeGregorio@fec.gov
cc Susan Zevin <susan.zevin@nist.gov>, Craig S Burkhardt
<CSBurkhardt@DOC.GOV>
bcc

Subject Rush Holt Suggested Nominees to TGDC

Paul-

Along with the NIST voting team, I reviewed the names and biographies submitted by Congressman Holt's Office for nomination to the four "open" positions on the Technical Guidelines Development Committee. Avi Rubin, Barbara Simons and Michael Alvarez are all extremely qualified for the TGDC. In fact, during our deliberations, the NIST voting team considered each of these individuals for inclusion on our final list. However, there were important reasons for choosing the individuals we did. Rather than criticize these fine nominees, any of whom would bring expertise to the TGDC, I will list the criteria for NIST's final selection of nominees:

1. Technical Competence in Standards Development Processes,
2. Open Minded and Unbiased View points. No pre-set agendas,
3. Global view of security and usability issues related to voting systems and voting equipment
4. Unique "lifetime/career" experiences and expertise not available from other appointed TGDC members

I would also note that like Michael Alvarez, NIST nominee Ron Rivest was also a co-author of the Cal tech/MIT report. We at NIST stand by our nominees as the strongest candidates to meet our strict criteria for inclusion on the TGDC.

I hope this description of our TGDC nominee evaluation process will assist the EAC in the selection of the four "open" positions. We will shortly provide you with a "final four" list from the original list of six individuals. We have broadened our selection to include women who were on our original list.

I will send you some talking points for the March 23rd EAC meeting tomorrow morning. I am a bit swamped today having just returned from leave.

Regards

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg, Md. 20899-8901
301-975-5099

019015

allan.eustis@nist.gov
<http://vote.nist.gov>

019016



Allan Eustis
<allan.eustis@nist.gov>
03/19/2004 09:14 AM

To s.tatiner@ieee.org
cc Paul Degregorio <PDeGregorio@fec.gov>
bcc
Subject Re: IEEE Representative

Susan-

I have forwarded your e-mail on to the Election Assistance Commission. IEEE will still likely receive a formal letter requesting a nominee, but your response is quite helpful and will speed the process of spinning up the TGDC.

thanks

At 05:22 PM 3/18/2004 -0500, you wrote:

Dear Allan:

Judy Gorman referred me your email query about a formal nomination of the IEEE representative to the Technical Guidelines Development (TGD) Committee of the Election Assistance Commission (EAC).

I spoke with Donald Heirman, IEEE Standards Association President Elect and IEEE-SA Board of Governors (IEEE-SA BoG) Liaison to Standards Coordinating Committee 38 (SCC38), which is the group within IEEE working on voting standards. Don asked that I write to let you know that last year, the IEEE-SA BoG named Stephen H. Berger as its choice to represent IEEE on the TGD Committee. Stephen is a member of the IEEE-SA Standards Board and Chair of SCC 38.

I hope that this email answers your questions. I would be glad to provide further information or assistance, if needed.

Sincerely,

Susan

Susan K. Tatiner, CAE
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IEEE Standards Activities
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019017

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301-975-5099
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019018



"Allan Eustis"
<allan.eustis@nist.gov>
04/22/2004 03:41 PM

To "Paul Degregorio" <pdegregorio@eac.gov>
cc
bcc
Subject

Final NIST nominees are:

patrick Gannon
daniel Schutzer
Whitney Quesenbery
Ronald Rivest

bios attached

Allan C. Eustis
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<http://vote.nist.gov> DanielSchutzerBIO.doc Gannonresumee.doc nomanresumee.doc quesenbery bio and abstract.doc

019019

Attachments found at

NIST letter to the

EAC dated

April 27, 2004

Penelope Bonsall/EAC/GOV
04/26/2004 03:16 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: ANSI Representative - HAVA bio

Here is a brief bio from Anne Caldas. Steve Berger called while en route and said he'd email his speaker's bio later this afternoon.

----- Forwarded by Penelope Bonsall/EAC/GOV on 04/26/2004 03:14 PM -----



"Anne Caldas"
<Acaldas@ansi.org>
04/26/2004 01:37 PM

To "pbonsall@eac.gov" <pbonsall@eac.gov>
cc "Amy A Marasco" <amarasco@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>
Subject ANSI Representative - HAVA bio

Hello -
I trust that this is acceptable.
Regards,
Anne

Anne Caldas
acaldas@ansi.org
Director, Procedures and Standards Administration
American National Standards Institute
www.ansi.org
25 West 43 Street, 4th Floor
New York, New York 10036
212-642-4914

Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the primary staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), the ANSI Board of Standards Review (BSR) and the ANSI Appeals Board. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

019021



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

APR 27 2004

Commissioner DeForest B. Soaries, Jr.
Chairman, Election Assistance Commission
1225 New York Avenue, N.W.
Washington, D.C. 20005

Dear Commissioner Soaries:

I am pleased to notify the Commission that the following four individuals have agreed to serve on the Technical Guidelines Development Committee (TGDC) pending financial disclosure clearance and final approval by the Election Assistance Commission (EAC):

- Dr. Ronald L. Rivest
- Ms. Whitney Quesenbery
- Dr. Daniel Schutzer
- Mr. Patrick J. Gannon

I am confident that each of these individuals will bring unique technical competence in standards development to the challenging tasks that await the TGDC. In my conversations with the nominees, they each expressed an appreciation of the importance of the guidance that they will offer the EAC as we implement the Help America Vote Act of 2002. I have enclosed their resumés and am most willing to answer your questions concerning their qualifications.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arden L. Bement, Jr." with a stylized flourish at the end.

Arden L. Bement, Jr.
Director

Enclosures

NIST

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Technical Guidelines Development Committee

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Ronald L. Rivest, Ph.D.

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Professor Rivest is the Viterbi Professor of Computer Science in MIT's Department of Electrical Engineering and Computer Science. He is a member of MIT's Laboratory for Computer Science, a member of the lab's Theory of Computation Group and is a leader of its Cryptography and Information Security Group. He is also a founder of RSA Data Security. (RSA was bought by Security Dynamics; the combined company has been renamed to RSA Security.)

Professor Rivest has research interests in cryptography, computer and network security, and algorithms.

Professor Rivest is a Fellow of the Association for Computing Machinery and of the American Academy of Arts and Sciences, and is also a member of the National Academy of Engineering. Together with Adi Shamir and Len Adleman, he has been awarded the 2000 IEEE Koji Kobayashi Computers and Communications Award and the Secure Computing Lifetime Achievement Award. He has also received, together with Shamir and Adleman, the 2002 ACM Turing Award. Professor Rivest has received an honorary degree (the "laurea honoris causa") from the University of Rome. He is a Fellow of the World Technology Network and a Finalist for the 2002 World Technology Award for Communications Technology.

Professor Rivest is an inventor of the RSA public-key cryptosystem. He has extensive experience in cryptographic design and cryptanalysis, and has published numerous papers in these areas. He has served as a Director of the International Association for Cryptologic Research, the organizing body for the Eurocrypt and Crypto conferences, and as a Director of the Financial Cryptography Association.

He received a B.A. in Mathematics from Yale University in 1969, and a Ph.D. in Computer Science from Stanford University in 1974.

He has also worked extensively in the areas of computer algorithms, machine learning, and VLSI design.

Books and Publications:

{ Books }

Rivest, R.\L., A.\Sherman, and D.\Chaum (editors), { Proceedings CRYPTO 82}. New York: Plenum Press (1983).

019026

Rivest, Ronald, David Haussler, and Manfred K. Warmuth (editors), { Proceedings of the Second Annual Workshop on Computational Learning Theory } (Morgan Kaufmann, 1989).}

Cormen, T., C.E. Leiserson, and R.L. Rivest, { Introduction to Algorithms } (MIT Press/McGraw-Hill, 1990).

Hanson, G., G. Drastal, and R.L. Rivest (editors), { Computational Learning and Natural Learning }, (MIT Press, 1991).

Meyer, A., J. Guttag, R.L. Rivest, and P. Szolovits (editors), Research Directions in Computer Science: An (MIT) Perspective, (MIT Press, 1991).

Hanson, S.J., W. Remmele, and R.L. Rivest (editors), Machine Learning: From Theory to Applications, Lecture Notes in Computer Science No. 661, (Springer-Verlag, 1993).

Hanson, S.J., G.A. Drastal, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume I: Constraints and Prospects, (MIT Press, 1994).

Hanson, S.J., T. Petsche, M. Kearns, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume II: Intersections between Theory and Experiment, (MIT Press, 1994).

{ Recent Papers in Refereed Journals }

Kaliski, Burton S., Ronald L. Rivest, and Alan T. Sherman, "Is the Data Encryption Standard a Group?," { Journal of Cryptology }, vol 1 (1988), 3--36.

Ben-Or, Michael, Oded Goldreich, Silvio Micali, and Ronald L. Rivest, "A Fair Protocol for Signing Contracts," { IEEE Transactions on Information Theory }, vol 1 (1990), 40--46.

Linial, Nathan, Yishay Mansour, and Ronald L. Rivest, "Results on Learnability and the VC-dimension," { Information and Computation }, vol 1 (Jan. 1991), 33--49.

Rivest, Ronald L., and Robert E. Schapire, "Inference of Finite Automata Using Homing Sequences," { Information and Computation } vol 2 (April 1993), 299--347

Rivest, Ronald L., and Robert H. Sloan, "On Choosing between Experimenting and Thinking when Learning," { Information and Computation }, vol 1 (September 1993), 1--25.

Goldman, Sally A., Ronald L. Rivest, and Robert E. Schapire, "Learning Binary Relations and Total Orders," { SIAM Journal of Computing } vol 5 (October 1993), 1006--1034.

Rivest, Ronald L., and Robert E. Schapire, "Diversity-Based Inference of Finite Automata," { Journal of the ACM }, vol. 3 (May 1994), 555--589.

019027

Rivest, Ronald L., and Robert Sloan, "A Formal Model of Hierarchical Concept Learning," { Information and Computation } vol 1 (October 1994), 88-114.

Betke, Margrit, Ronald L. Rivest, and Mona Singh, "Piecemeal learning of an unknown environment," { Machine Learning } { vol 2/3 (February/March 1995), 231--254.

Gillman, David, and Ronald L. Rivest, "Complete Variable-Length 'Fix-Free' Codes," { Designs, Codes, and Cryptography } vol 2 (March 1995), 109--114.

Gillman, David W., Mojdeh Mohtashemi, and Ronald L. Rivest, "On Breaking a Huffman Code," { IEEE Transactions on Information Theory } vol 3 (May 1996), 972--976.

Bellare, Mihir, and Ronald L. Rivest, "Translucent Cryptography---An Alternative to Key Escrow and its implementation via fractional oblivious transfer," { Journal of Cryptology } vol 2 (1999) 117--140.

Awerbuch, Baruch, Margrit Betke, Ronald L. Rivest, and Mona Singh, "Piecemeal Graph Exploration by a Mobile Robot," { Information and Computation } Vol 2 (August 1999), 155--172.

Ronald L. Rivest, "Permutation Polynomials Modulo 2^w ," { Finite Fields and Their Applications } (2001), 287--292.

{ Recent Papers in Refereed Conferences }

Rivest, R. L., "Finding Four Million Large Random Primes," { Proceedings CRYPTO 90 }, (Springer 1991), 625--626.

Rivest, R. L., "Cryptology and Machine Learning," { Proceedings ASIACRYPT '91 }, (Springer 1993), 427--439.

Rivest, R. L., "Electronic Lottery Tickets as Micropayments," { Proceedings Financial Cryptography '97 }, (Springer 1997), 307--314.

Rivest, R. L., "Perspectives on Financial Cryptography," { Proceedings Financial Cryptography '97 }, (Springer 1997), 145--149.

{ Other Recent Major Publications }

Ronald L. Rivest and Adi Shamir, "PayWord and MicroMint: Two Simple Micropayment Schemes," in { Proceedings 1996 International Workshop on Security Protocols }, (Springer Lecture Notes in Computer Science Number 1189, edited by Mark Lomas, 1997), pages 69--87.

Ronald L. Rivest, "Chaffing and Winnowing: Confidentiality without Encryption,"

{ CryptoBytes } (RSA Laboratories), Volume 4, Number 1, 12--17 (Summer 1998). }

Oded Goldreich, Birgit Pfitzmann, and Ronald L. Rivest, "Self-Delegation with Controlled Propagation - or - What If You Lose Your Laptop," {Proceedings CRYPTO '98 (Lecture Notes in Computer Science No. 1462)} (Springer-Verlag, August 1998), pages 153-168. }

Ronald L. Rivest, "The Beer Bottle Cipher," CCE Quarterly Journal (Pricewaterhouse Coopers Cryptographic Center of Excellence), Issue 3 (1999), 28--30. }

{54} { Anna Lysyanskaya, Ronald L. Rivest, Amit Sahai, and Stefan Wolf, "Pseudonym Systems," {emph{Selected Areas in Cryptography '99}} (Springer Verlag '00), Lecture Notes in Computer Science No. 1758 (edited by H. Heys and C. Adams), pages 184--199. }

Recent Cryptography and Security Lectures

- *Micropayments Revisited* by Silvio Micali and Ronald L. Rivest. (Proceedings of the Cryptographer's Track at the RSA Conference 2002, Bart Preneel (ed.), Springer Verlag CT-RSA 2002, LNCS 2271, pages 149--163.)
- *The Untrusted Computer Problem and Camera-Based Authentication*, by D. Clarke, B. Gassend, T. Kotwal, M. Burnside, M. van Dijk, S. Devadas, and R. L. Rivest. *Lecture Notes in Computer Science 2414, Proceedings of the International Conference on Pervasive Computing (Pervasive2002)*, pages 114-124, August 2002.
- *Access-Controlled Resource Discovery for Pervasive Networks*, by S. Raman, D. Clarke, M. Burnside, S. Devadas and R. L. Rivest. *Proceedings of the 18th ACM Symposium on Applied Computing (Security Track)*, March 2003.
- *Tweakable Block Ciphers* by Moses Liskov, Ronald L. Rivest, and David Wagner. *Proceedings CRYPTO 2002* (Springer-Verlag, Lecture Notes in Computer Science No. 2442, Moti Yung(ed.), 2002), pages 31--46.
- *Making Mix Nets Robust for Electronic Voting by Randomized Partial Checking* by Markus Jakobsson, Ari Juels, and Ronald L. Rivest. In D. Boneh, ed., *USENIX Security '02*, pp. 339-353. 2002.
- *Proxy-Based Security Protocols in Networked Mobile Devices* by M. Burnside, D. Clarke, T. Mills, A. Maywah, S. Devadas, and R. Rivest. *Proceedings of the 17th ACM Symposium on Applied Computing (Security Track)*, pages 265-272, March 2002.

**Whitney Quesenbery
Usability Professionals' Association**

78 Washington Avenue
High Bridge, NJ 08829

908-638-5467
whitneyq@wqusability.com

Biography

Whitney Quesenbery is the director of the UPA Voting and Usability Project, a role she took on when she joined the board just days after the 2000 US Presidential election. This project has focused on the human side of the voting experience, and has worked to raise awareness of the need for usability and user-centered design in voting systems as with all technology. Whitney was on the advisory council for the FEC project on human factors in voting systems. A discussion group brings together usability advocates and researchers from around the world. Information is available on the UPA web site – www.usabilityprofessionals.org

In her 'civilian' life, Whitney Quesenbery is a user interface designer, design process consultant, and highly regarded speaker. She is an expert in developing new concepts that achieve the goal of meeting business, user, *and* technology needs. She has extensive user interface design experience and has produced award winning multimedia products, user interfaces, web sites, and software applications.

She is the owner and principal consultant for Whitney Interactive Design, LLC (www.WQusability.com) where she continues the work begun during her dozen years at Cognetics Corporation. Whitney's projects ranged from online financial news retrieval to hospital management software, web applications, and corporate information tools for companies such as the TriZetto Group, FDA, Open University, Armstrong, Novartis, Deloitte Consulting, Dow Jones, McGraw-Hill, Siemens, Hewlett-Packard, and Eli Lilly.

Whitney is active in the user experience community as a member of the Board of Directors for the Usability Professionals' Association (UPA) and the past-manager of the Society for Technical Communication (STC) Special Interest Group on Usability.

Experience

2002 - Present: Whitney Interactive Design, LLC

Consultancy in user-centered design, interface design and usability

Clients include:

- Trizetto
- ITG - Interpersonal Technology Group
- IRS
- Blackbaud

1990 - 2002: Cognetics Corporation

Principal and Senior Vice President for Design

Key accomplishments

- One of the primary developers for LUCID, a user-centered approach to user experience design
- Product management and documentation for Hyperties 3.0 and 4.0, released in 1992 and 1995

019030

- Usability training and process implementation for Cognetics and clients
- Developed professional skills evaluation process for staff designers
- Principal or lead designer for design and consulting projects:
 - Web-based applications for healthcare, pharmaceutical, financial services
 - Siemens Health Systems *Soarian*
 - The McGraw-Hill Companies
 - ADP
 - StreamNet
 - Cynocom *Asyst*
 - Con Edison
 - Intranet design and information architecture
 - McNeil
 - Novartis Consumer Health *InfoWeb*
 - Deloitte Consulting
 - Sanofi
 - Web site design and usability
 - Eli Lilly
 - International Center of Photography
 - NSI
 - Congressional Information Systems
 - Cognetics Corporation
 - Online books and reference
 - Hewlett Packard *Laser Jet 4 Travel Guide*
 - The Productivity Shoppe *Get Smart*
 - Gale Research
 - Primary Source Media *American Journey*
 - Research Publications *Broadcast News*
 - Union Carbide *Safety Manual*
 - Lederle Pharmaceuticals
 - Multimedia and interactive television
 - Dow Jones Investor Network
 - Ameritech *Interactive TV Prototypes*
 - AT&T/Lucent *PDD - Capabilities Demo*
 -

1977 - 1990: Theatrical Lighting Designer

New York and regional theatre, dance and opera

- Arden Theatre Company
- Movement Theatre International
- Lenox Arts Center
- Hyde Park Festival Theatre
- American Music Theatre Festival
- Berkshire Ballet Company
- Center for Contemporary Opera
- LaMama E.T.C.
- Laurie Anderson's *United States I - IV*
- *Poppie Nongena*

Professional Society Affiliations

Usability Professionals' Association

- Board of Directors, 2000 - present
- Certification for Usability Professionals project, 2002

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- Voting and Usability project, 2000-present
- Conference Presentations, 1999-2002

Society for Technical Communication

- Usability SIG Webmaster, 1997 - present
- Conference Program Manager for Usability, 2002
- Usability SIG Manager, 1999 - 2002
- Distinguished Chapter Service Award, 1997
- Philadelphia Chapter Webmaster, 1995 - 1998
- STC International Online Competition Judge, 1996-1997
- Conference Presentations, 1995-2002

ACM SIGCHI (Special Interest Group on Computer-Human Interaction)

- Conference Panel, 2001: Ethics in HCI
with Rolf Molich; Brenda Laurel, Chauncey Wilson, Carolyn Snyder

United Scenic Artists

- Lighting Designer #3259, 1984-present

Education

- Bryn Mawr College
- National Theatre Institute

Awards and Honors

- E-Comm Ohio Pioneer Awards
National Judge, 2002
- UTEST Advisory Council
- 2001 Frank R. Smith Outstanding Journal Article
"On Beyond Help - Use Assistance and the User Interface"
- STC Competitions Awards
NSI web site, 1998
AT&T PDD, Best in Show 1996
Productivity Shoppe *Get Smart*, 1996
Cognetics web site, 1996-1997
Hyperties documentation, 1996-1997
Primary Source Media *American Journey*, 1995
Hewlett Packard *LaserJet 4 Travel Guide*, 1992

Publications

Balancing the 5Es

Functional requirements answer the question, "What does this program have to do?" Usability requirements answer different questions: How do users approach this work? How do they think about the tasks? How do they judge a successful experience?
Cutter IT Journal - February 2004, pp 4-11

"Starting from People: Designing Usable Voting Systems"

An article based on my presentation at the NIST Symposium on Building Trust and Confidence in Voting Systems, December 10-11, 2003

"Designing a Search People Can Really Use"

Intercom, December 2003, p 18-21

Lessons on how to help people succeed with search, from usability research with consumers using online health information.

Reprinted with permission from Intercom, the magazine of the Society for Technical Communication.

"Dimensions of Usability: Opening the Conversation, Driving the Process"

Proceedings of the UPA 2003 Conference, June 2003

A look at using the 5Es as an advocacy and communications tool"

"Who is in Control? The Logic Underlying the Intelligent Technologies Used in Performance Support"

Technical Communication, Volume 49, Number 4, November 2002 (Frank R. Smith Outstanding Journal Article Competition - Outstanding Issue 2002)

An exploration of technologies such as intelligent agents, information visualization, search engines and collaborative filtering and how they related to performance support.

"Building Blocks to a Body of Knowledge for User-Centered Design: To Certify or Not to Certify"

Usability Interface, STC Usability SIG, April 2002

A report on activities investigating certification for usability professionals.

"When the show must go on, it's time to collaborate or die."

Boxes and Arrows, March 2002

What I learned about UI design while working in the theatre.

"What We Don't Know About Internet Voting and Usability"

Georgia Tech Research Institute workshop on Internet Voting, November 13-14, 2001

"Voting and Usability: Lessons Learned from the 2000 Presidential Election"

STC-PMC News & Views, November 2001

A look at some of the usability issues in the 2000 Presidential election ballot crisis

"Building A Better Style Guide"

Proceedings of Usability Professionals' Association, 2001

A report on ways of using style guides to build consensus within a design team

"What's in a Name?"

Design Matters, STC Information Design SIG, May 2001

A short article looking at the various titles and how they relate to the different skills needed for usability.

"Using a Style Guide to Build Consensus"

Usability Interface, STC Usability SIG, April 2001

A short introduction to the social aspects of style guides.

"Applying a UCD Process to Implementing a UCD Process"

Proceedings of the 48th Annual Conference, Society for Technical Communication, 2001

A look at how user-centered design can be applied to implementing usability and a better design process.

"What Does Usability Mean: Looking Beyond 'Ease of Use'"

Proceedings of the 48th Annual Conference Society for Technical Communication, 2001

This paper accompanied a panel with Caroline Jarrett, Judy Ramey and Ginny Redish and introduces the 5Es concept of dimensions of usability

"Storytelling: Using Narrative to Communicate Design Ideas"

Presentation at the 48th Annual Conference Society for Technical Communication, 2001

Storytelling is a powerful way to explain complex concepts, and present a vision for a design

"On Beyond Help - User Assistance and the User Interface"

Technical Communication, STC, April 2001.

Winner 2001 Frank R. Smith Outstanding Journal Article

How to make a user interface helpful, by designing for different user approaches to information.

"Voters Learn the Importance of Usability"

Usability Interface, STC Usability SIG, January 2001

A few lessons from the November 2000 election and how they apply to usability.

"UPA 99 Workshop Report: Crossing the Chasm - Promoting Usability in the Software Development Community"

Common Ground, UPA, Vol 10 No 1, March 2000

"Lessons from the InfoWeb - Creating a Successful Knowledge Management System"

Presented at Hot Trends for Communicators - STC Region 5 Conference, October 1999

"Documentation's Holistic Role"

Journal of Computer Documentation, ACM-SIGDOC, Vol 23 No 4, November 1999

"Designing Library Reference CD-ROM Interfaces for Usability"

Common Ground, UPA, Vol 7 No 4, October 1997

019033

"Designing for Interactive Television"

Published online, 1997

"The Basics of Graphics That Really Do Work Online"

Hyperviews (STC Online SIG) Vol 3 No 2, Summer 1996

"Get Smart: Interface Design and Production Meet Editorial on a New CD-ROM Magazine"

Proceedings of the 43rd Annual Conference, Society for Technical Communication, 1996

"UI Design - Keys to the Interactive Kingdom"

IEEE Multimedia Conference, Washington DC, May 1995

An American Journey: Designing the Interface for an Electronic Document"

Proceedings of the 42th Annual Conference Society for Technical Communication, 1995

"Steps to Success: Applying an Interface Design Methodology to Electronic Documentation"

Spectrum 94, Rochester, New York. March 1994

"Going Online: Developing a User Interface for an Online Document" STC-PMC News & Views, Vol

29, No. 3, November 1993

"Interface Design for Online Documents"

American Association of University Publishers, June 1993

019034

Daniel Schutzer, Ph.D.

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup
Financial Services Technology Consortium, Board Chairman
Chairman ISO Subcommittee 2
Fellow and Advisory Board National Academy of Sciences
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schutzerd@citigroup.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

EDUCATIONAL BACKGROUND: BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

PUBLICATIONS: Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

Patrick J. Gannon

President and CEO, OASIS

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978 667 5115 Voice

978 667 5114 Fax

President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CEFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

019036

Arden L. Bement, Jr.
Acting Director
National Science Foundation (NSF)

Dr. Bement joined NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States.

Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser and as head of the advisory committee for NIST's Advanced Technology Program. Along with his NIST advisory roles, Bement served as a member of the NSF's National Science Board from 1989 to 1995.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia.

He holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho and a Ph.D. in metallurgical engineering from the University of Michigan. He is a member of the U.S. National Academy of Engineering.

019037

Arden L. Bement, Jr.
Acting Director
National Science Foundation

Arden L. Bement, Jr., became Acting Director of the National Science Foundation on February 22, 2004.

He joins NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an annual budget of about \$773 million and an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States. Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering, as well as a courtesy appointment in the Krannert School of Management. He was director of the Midwest Superconductivity Consortium and the Consortium for the Intelligent Management of the Electrical Power Grid.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser; as head of the advisory committee for NIST's Advanced Technology Program; and on the Board of Overseers for the Malcolm Baldrige National Quality Award.

Along with his NIST advisory roles, Bement served as a member of the U.S. National Science Board from 1989 to 1995. The board guides NSF activities and also serves as a policy advisory body to the President and Congress. He also chaired the Commission for Engineering and Technical Studies and the National Materials Advisory Board of the National Research Council; was a member of the Space Station Utilization Advisory Subcommittee and the Commercialization and Technology Advisory Committee for NASA; and consulted for the Department of Energy's Argonne National Laboratory and the Idaho National Engineering and Environmental Laboratory.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia. These positions included: vice president of technical resources and of science and technology for TRW Inc. (1980-1992); deputy under secretary of defense for research and engineering (1979-1980); director, Office of Materials Science, DARPA (1976-1979); professor of nuclear materials, MIT (1970-1976); manager, Fuels and Materials Department and the Metallurgy Research Department, Battelle Northwest Laboratories (1965-1970); and senior research associate, General Electric Co. (1954-1965).

He has been a director of Keithley Instruments Inc. and the Lord Corp. and was a member of the Science and Technology Advisory Committee for the Howmet Corp. (a division of ALCOA).

Bement holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho, a doctorate degree in metallurgical engineering from the University of Michigan, an honorary doctorate degree in engineering from Cleveland State University, and an honorary doctorate degree in science from Case Western Reserve University. He is a member of the U.S. National Academy of Engineering.

019038

Paul W. Craft

Biographical Sketch

Mr. Craft is a true Florida native, born in Tallahassee, Florida.

He graduated from Florida State University in 1976 with a B.S. in Business and Hotel Restaurant Administration. After 6 years in restaurant management he returned to Florida State for additional work in accounting and became a Certified Public Accountant in 1986 and a Certified Information Systems Auditor in 1992.

From 1982 to 1991, he was employed as an auditor by the Florida Department of Revenue. He began as a tax compliance auditor was promoted to an audit manager. In 1987 he was picked to head a task force investigating embezzlements within the tax refund section. Using a combination of statistical sampling, internal control analysis and computer modeling the investigation concluded with successful prosecutions.

In 1991 he was hired by the Florida Department of State as a Computer Audit Analyst in the Voting Systems Certification Section. In 1994 he began managing the section. In 2001, the Florida Legislature put significant resources into elections reform including expanding the section into a bureau with Mr. Craft as Chief.

Since the early 1980's Mr. Craft has been active in the NASED ITA Board and its technical subcommittee. His Bureau of Voting Systems Certification has been instrumental in implementing Florida's 2001 election reforms, the 2002 election accessibility act, and is now implementing the provisions of HAVA.

Mr. Craft lives in Tallahassee with his wife, Debra Ann Corkhill, one bird and two cats.

Paul W. Craft

Certified Information Systems Auditor

Current Employment

Bureau Chief, Bureau of Voting Systems Certification, Division of Elections, Florida Department of State.

The Bureau consists of four sections:

The Voting System Section:

- establishes standards for computer based election systems, as well as testing and evaluating system compliance with existing state and federal election standards.
- provides oversight for the use of election systems by county election offices.
- provides technical assistance, expert witness, educational and management advisory services to county election offices.

The National Voter Registration Administration Section:

- provides oversight and training under the requirements of the Florida Voter Registration Act and the National Voter Registration Act.
- provides coordination for training programs and workshops conducted by the Division of Elections.
- coordinates publications for the Division of Elections.

The Data Processing Section

- designs, develops, maintains and supports users of the Divisions Of Elections' custom computer applications.
- manages the Divisions Of Elections' web presence.
(See <http://election.dos.state.fl.us>)
- maintains and operates the Florida Statewide Voter Registration Database.

019040

The Florida Voter Registration System Section

- design and development of the new Florida Voter Registration System for deployment in January 2006, under the Help America Vote Act.

Represent the State of Florida on the National Association of State Election Directors' Voting Systems Board and its Technical Standards Subcommittee. Serve as liaison with federal programs, make public presentations, and handle press contacts.

Education

Florida State University – B.S. Hotel and Restaurant Administration. Additional work in Accounting to meet Certified Public Accountant requirements. Continuing Professional Education to maintain CPA and CISA certifications.

Contact Information

Room 231, The Collins Building ♦ 107 West Gaines Street
♦ Tallahassee, Florida 32399-0250
Telephone 850-245-6220
Email: craft@paulcraft.net
Web Site: <http://paulcraft.net>

H. STEPHEN BERGER

President of the General Partner

stephen.berger@ieee.org

PROFILE

Professional project manager with specialization in:

- ❶ Government and Industry Relations,
- ❷ Advanced technology business planning,
- ❸ Standards development and regulatory management.

20 years of product development and technology planning experience. Member of the IEEE Standard Board and chair of the IEEE EMC Society Standards Development Committee. Currently chairs IEEE Project 1583, standard for voting equipment. Project management experience in Telecommunications, Information Technology and Instrumentation Industries, with strong record, in the areas of EMC (Electromagnetic Compatibility), RF safety and Disability Issues.

SELECTED ACCOMPLISHMENTS

IEEE Standards Board and New Standards Committee

1st Vice-President, NARTE (National Association of Radio and Telecommunications Engineers)

Chair, IEEE EMC Society Standards Development Committee

Invented the EHR GTEM, patented, gained FCC approval and implemented its use, improving test efficiency by >80%. Awarded Siemens' highest award for technical contribution to the business.

Established EMCO's electromagnetic field sensing products line base upon technology transfer with NIST in Boulder, Co. This product line grew to 15% of total revenues in 3 years.

Current President and co-founder of the Association of Access Engineering Specialists (AAES)

Member of 2 US Access Board Federal Advisory Committee:

Telecommunications Access Advisory Committee (TAAC) (1996-1997)
and

Electronic Information Technology Access Advisory Committee (1998-1999)

Invited presenter on disability access at EU Ministerial Conference, April 2000 in Lisbon, Portugal

019042

EMC AND ENVIRONMENTAL TESTING

REGULATORY COMPLIANCE

Improved test department throughput by 5 times, with no increase in personnel. This was accomplished by extensive automation, the invention of new, patented test technology.

Increased total revenues by 15% at EMCO because of antenna and instrumentation designs

Member of key standards committees for EMC, RF Health, Accessibility and related areas.

PROFESSIONAL AWARDS

IEEE Standards Medallion, August 1993.

Commendation for contributions to IEEE EMC Society's Standards Efforts, 1988 & 1994.

Certificate of Appreciation for RESNA for contributions to the field of rehabilitation engineering, 1997.

SHHH (Self Help for Hard of Hearing People) Friend of People with Hearing Loss 2001 award.

PATENTS

6,744,750: Replicating and Recombinant Networking Systems and Methods for Wireless Networks

6,684,063: Integrated Hearing Aid for Telecommunications Devices

6,380,896: Circular polarization antenna for wireless communication system

6,225,917: Electromagnetic Field Probe Having a Non-Electrical Transmission Modality

5,754,054: Apparatus and Method for Determining the Source and Strength of Electro-magnetic Emissions

5,589,773: System and Method for Making Electromagnetic Measurements Using a Tilttable Transverse Electromagnetic Cell and a Fixed Tilt Sample Holder

EP00805562A3: Radio-Frequency Hearing Aid Protector for Wireless Communications Products

PROFESSIONAL BACKGROUND

019043

TEM CONSULTING, LP

2000-

Present

President of the General Partner

**SIEMENS INFORMATION AND COMMUNICATIONS MOBILE 1990-
2000**

Project Manager, Standards & Regulations 1999-

2000

Senior Engineer, Wireless Terminals Compliance 1996-

1999

Technical Lead, Hardware Design Assurance 1990-

1996

THOMAS-CONRAD CORP.

1988-

1990

Senior Engineer, Digital Design

THE ELECTRO-MECHANICS COMPANY (EMCO)

1985-1988

Director for Field Sensing Products

DATAPPOINT CORP.

1980-

1985

Engineer, EMC and environmental compliance testing

EDUCATION

BS, Physics

University of Wisconsin, Madison, WI.

TEM Consulting, LP

stephen.berger@ieee.org © Copyright 2004, TEM Consulting.

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(512) 864-3365 - Phone

Georgetown, Tx. 78628

(512) 869-8709 - FAX

019044

Biographical Sketch

Donetta Davidson, Colorado Secretary of State

"For me, growing up in a rural area really exemplified the community family, it is what inspired me to run for office. Getting involved in the Colorado Community has been one of the most rewarding experiences of my life. I highly recommend it!"

Donetta Davidson was born into a military family in Liberal, Kansas in 1943. She became a Coloradoan shortly thereafter when her family moved first to Two Buttes then to Las Animas where they settled. When ever possible Donetta spends time with her family, son Todd; daughter and son-in-law Trudie and Todd Berich and granddaughters Brittany and Nicole:

Official Positions:

- Bent County Clerk and Recorder, Las Animas, Colorado
Elected in November 1978 and served until January 1986
- Director of Elections, Colorado Department of State
Appointed in January 1986 and served until December 1994
- Arapahoe County Clerk and Recorder, Littleton, Colorado
Elected in November 1994, re-elected in November 1998, and served until July 21, 1999
- Colorado Secretary of State
Appointed by Governor Bill Owens on July 22, 1999
Elected in November 2000
- Treasurer, National Association of Secretaries of State, Elected in July 2003
- Member of the Elections Committee for the National Association of Secretaries of State
- Will serve as the President of the National Association of Secretaries of State in 2006

Experience:

- Elections Officer, Colorado Department of State, supervising the county clerks in all election matters pertaining to the Primary/General elections, including mail ballot; assisting with recall issues; municipal, special district, and school district elections
- Legislative liaison for the Secretary of State
- Legislative Liaison for the County Clerk Association
- Speaker at six Postal Training Seminars held in various cities, 1998
- Chairman of committee that developed the only logo ever used by election officials for mailings and a User's Guide for election officials and post offices to facilitate lower mailing costs, as well as, ensuring delivery of official election mail to electors

- Speaker, National Postal Forum, 1998
- Participant, US Postal Service National Training broadcast, 1998
- Expert speaker on the election process
- Participation on state and federal levels concerning legislative changes

Accomplishments:

- Recipient, Las Animas High School Business Department, Employer of the Year, 1984
 - President, Colorado State Association of County Clerk and Recorders, 1983 to 1984
 - Executive Board Member, National Association of County Clerk and Recorders, 1995 to 1999
 - President, National Association of State Election Directors (NASSED), 1994
 - Recipient, Henry Toll Fellowship of Council of State Governments, 1993
 - Member, International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), 1995 to 1999
 - Appointment to Federal Election Commission Advisory Panel, 1995 to present
 - Chairman, Legislative Committee for Colorado State Association of County Clerk and Recorders, 1996 to 1999
 - Chairman, Joint Elections Officials Liaison Committee (JEOLC) Postal Service Task Force, 1997 to present
 - Appointment to the Election Center Board of Directors, 1998 to present
 - Appointment to the National Association of State Election Directors Voting Systems/Independent Test Authority Accreditation Board, 1998 to 2003
-

019046

ALICE P. MILLER

Alice P. Miller was appointed Executive Director by the Board of Elections and Ethics in July 1996, while serving as the General Counsel for the agency. Uniquely, she served in the dual capacity and was able to sustain the major operations of the Board during two major elections: the City Council Primary and Presidential election cycles. This required maintaining and promoting the Board's mission from both a legal and administrative perspective. Since her appointment as the permanent Executive Director in 1997, progress at the agency to date has included:

- modifying the training component of the pollworker unit to include professionally produced training videos that are used to supplement the in-house hands on training, and testing of election day workers; the video ultimately minimizes the costs for outside trainers, and ensures that all assigned election day workers receive uniform information about election day processes and procedures;
- reorganization of agency operations, including combining the data processing unit to function in conjunction with the registration processing component of the agency, thereby resulting in direct supervision and minimizing functions of the systems management branch;
- upgrading and enhancement of the 20 year old voter registration and ballot tabulation system to an optical scanning operation that will add ease to the voting process, reduce election day support requirements, and centralized daily in-house operations;
- implementing for the first time ever a major comparison of the local voter roll with contiguous jurisdictions and instituting procedures for making referrals of obvious violators to the Office of the United States Attorney for investigation and possible convictions;
- maintenance of the voter roll by implementing a data exchange program with other District government agencies to track individuals that may have failed to notify the Board of a change of address or residency; checking voter registration information by utilizing the National Change of Address Program (NCOA) and the National Social Security Death List;
- improvement of customer service through the development of the Board's website; the continued development of the website has evolved from an initial posting of twenty-five pages in 1997 to a current posting of 1100 pages, providing information, documents and features required in any first class "Election Website"; and the website maintains a design that allows for easy navigation and is accessible to all Internet users, regardless of their expertise or the sophistication of their equipment;

- developing thorough, comprehensive, and goal-oriented annual performance plans for fiscal year operations prior to budget approval;
- installation of signa-scan or "digital signatures" as a technology upgrade to in-house operations; the module of signa-scan, a signature verification and retrieval system, is designed to decrease the time required for verifying signatures on petitions and absentee ballots, while increasing the overall accuracy of the process.

Since Ms. Miller's tenure, the agency has made significant advancements with management and administrative control through the effective use of technology, orderly planning and procedures, development of comprehensive agency annual performance plans, and continued trouble-free elections. Public confidence in the District's election system has continued to rise and increases in voter participation in the overall process has been noted.

Professional Appointments:

Vice President, National Association of State Election Directors (NASSED): (2001-present), Treasurer (1999-200), Northeast Regional Representative (1998-1999); Committee on Legislative Affairs (2001-present)

Board Member, The Election Center Professional Education Program (1999-present); Co-Chair, The Committee on Ethics and Professional Responsibility, (2001-present)

Member, Metropolitan Council of Government Election Officials Technical Committee

Member, International Foundation for Election Systems (IFES), Steering Committee for Collection of Election Resources in the United States (CERUS) Project

Bar Admissions:

United States Supreme Court, United States Court of Appeals for the District of Columbia, United States District Court for the District of Columbia, and District of Columbia Court of Appeals.

Other Professional Activities:

Testimony before Congressional Black Caucus on election reform. Presenter for the League of Women Voters, District of Columbia Commission on Aging, International Foundation for Election Systems International Visitors Program,

Institute of International Education Foreign Visitors Program and The National Association of State Election Directors

Previous Employment

From 1988 to 1997, Ms. Miller served as the senior staff attorney and later the General Counsel for the D.C. Board of Election and Ethics. As the chief legal officer for the Board of Elections and Ethics, she was responsible for representing the Board in all court proceedings on matters related to the elections process and challenges thereto. In addition, she drafted and prepared for final adoption all regulations governing the election process in the District of Columbia.

Significantly, for a period of approximately eighteen month, Ms. Miller performed both the duties associated with the offices of the General Counsel and that of the Executive Director of the Board of Elections. Most importantly, the timing of this appointment of dual responsibilities came at the onset on the Council Primary and Presidential elections. Both major elections were successful and the total operations of the agency commenced without incident. The Presidential Election was eventful in that some residents of the local Georgetown area challenged the right of student voters. That challenge resulted in ongoing contentious litigation which resulted in the Board's position of allowing students access to the franchise being continuously upheld.

Ms. Miller also worked for a brief period with the Council of the District of Columbia. She has also worked as a law clerk and later associate attorney for the law firm of Jack H. Olender and Associates, P.C..

EDUCATION

Ms. Miller received her law degree from Northeastern University. She received her B.A. degree from Boston College, graduating cum laude from the College of Arts and Sciences Honors Program.

Personal:

Ms. Miller was born in 1956 in Bethesda, Maryland, raised in Washington, DC, married in 1983, and has two children. The Millers have resided as a family in Washington, DC since 1987.

019048

Anne Caldas

Director, Procedures and Standards Administration
American National Standards Institute
25 West 43 Street, 4th Floor
New York, New York 10036

Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the lead staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), which accredits developers of American National Standards; the ANSI Board of Standards Review (BSR), which approves standards as American National Standards; and the ANSI Appeals Board, which is the final level of appeal at ANSI. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

019049

BRITAIN J. WILLIAMS

Dr. Williams is a Professor Emeritus of Computer Science and Information Systems at Kennesaw State University, Kennesaw, Georgia. Kennesaw State is a senior university in the University System of Georgia.

From 1986 to the present he has served as a consultant to the FEC Clearinghouse for Election Administration. In this capacity, he was involved in the development of the original Voting Systems Standards published in 1990 and the revision of the Voting Systems Standards that is currently underway.

From 1986 until 1988 and from 1993 until the present, Dr. Williams has served the Elections Division of the Office of the Georgia Secretary of State as a technical advisor to assure that voting systems proposed for use in the State are in compliance with the FEC Standards, the Rules of the Secretary of State, and the Georgia Election Code. He is also a consultant on matters related to voting system certification for several other states.

From 1994 until the present, Dr. Williams has served as Chairman of the NASED Voting Systems Board Technical Advisory Committee. This committee provides technical advice to the NASED Voting Systems Board on matters related to the interpretation of the FEC Voting System Standards. The NASED Voting Systems Board is responsible for the implementation of the FEC Voting System Standards.

Daniel Schutzer, Ph.D.

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup
Financial Services Technology Consortium, Board Chairman
Chairman ISO Subcommittee 2
Fellow and Advisory Board National Academy of Sciences
Citibank, 909 Third Avenue, 32nd floor, New York, N.Y. 10022
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dan.schutzer@citicorp.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

EDUCATIONAL BACKGROUND: BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

PUBLICATIONS: Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

019051

James Elekes of Plainfield, New Jersey is an adjunct professor at Essex County College in West Caldwell, New Jersey, where he has taught political science and sociology for the past 12 years. He is also an adjunct professor at the County College of Morris. Previously, he was employed by NJ TRANSIT, the state's public transit agency, where he developed and conducted training programs for bus and rail operating and support personnel on service to passengers with disabilities. Elekes has been active in providing guidance on accessibility and disability issues to various community and civic organizations. Elekes became blind 23 years ago due to complications from juvenile diabetes. He was appointed to the Board by President Bush in 2003.

J. R. Harding, Ed.D. of Tallahassee, Florida was appointed to the Access Board in the spring of 2002 by President Bush. Active in state and local advocacy for persons with disabilities, Dr. Harding is employed by the Department of Education, Division of Vocational Rehabilitation as a Partnership Specialist for the Office of the Director. He currently represents the state of Florida and Tallahassee on a number of boards and commissions, including the Governor's ADA Working Group, the Florida Building Commission Waver Council, the Commission for Transportation Disadvantaged, the Citizens' Advisory Council of Leon County, and he is also an active member of the Chamber of Commerce. He is a graduate of Leadership Tallahassee, class of 19 and has been living with quadriplegia for over 20 years.

Patrick J. Gannon

President and CEO, OASIS

patrick.gannon@oasis-open.org

Web site: <http://www.oasis-open.org/who/>

**630 Boston Road
Billerica, MA 01821
USA**

978 667 5115 Voice

978 667 5114 Fax

President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CEFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

Helen Purcell

Maricopa County Recorder

111 S. 3rd Ave
Phoenix, AZ 85003

Office: 602-506-3629

Cell: 602-390-2516

Fax: 602-506-4050

e-mail: hpurcell@risc.maricopa.gov

Helen Purcell was elected to the office of Maricopa County Recorder in November, 1988; and re-elected in November, 1992, November, 1996, and November, 2000 - the second woman to hold this position since 1871. Born in Topeka, Kansas, she has been a Phoenix resident since 1964. Mrs. Purcell began her career with T. J. Bettes Mortgage Company in Texas, subsequently becoming a Real Estate Trust Officer with Stewart Title & Trust of Phoenix. She has been a member of the Board of Directors of the National Association of Counties (NACo) since December, 1997, a member of the Board of Directors of the Kids Voting-Arizona, a member of the National Association of County Recorders and Clerks, and the International Association of Clerks, Recorders, Elections Officials and Treasurers. In May, 1998, Mrs. Purcell received the National Kids Voting Excellence Award. She is Past President of the Arizona Association of Counties and a former President of the Arizona Association of County Recorders. She is a member of The Property Records Industry's Joint Task Force, a Subcommittee of the National Association of County Recorders, Election Officials and Clerks (NACRC), and the Co-Chairperson of the Technology Committee. She is a member of the State of Arizona's Election Law Sub-Committee. In November of 2000, Mrs. Purcell was asked to serve on the National Commission on Election Standards and Reform, a twenty-member panel created by the National Association of Counties (NACo) and NACRC to review the American election process and make recommendations to improve it. Mrs. Purcell has two grown sons, Mark and Todd, and four grandsons.

Mrs. Purcell's statutory duties and responsibilities include recording and maintaining, for permanent public record, 8,000 to 10,000 documents per day, and maintaining voter registration rolls for over 1,300,000 registered voters. In addition, she is responsible for administering the Elections Department that conducts all national, state and countywide elections, and provides elections support for cities, towns, schools, and other jurisdictions.

On April 3, 2000, the Maricopa County Elections Department's Vote-By-Mail technology became part of the 2000 Computerworld Smithsonian Collection at the Smithsonian's National Museum of American History in Washington, D. C. Nominated by Michael Dell, Chairman and Chief Executive Officer of Dell Computer Corporation, Mrs. Purcell and her Department encourage voters of America's 5th largest county to request mail-in ballots by phone, mail, internet, or walk-in, increasing overall voter participation as mail-in ballots grow to account for a third of the total ballots.

019054

Donald A. Norman, Ph.D.

**Nielsen Norman Group
48921 Warm Springs Boulevard
Fremont, California 94539-7767
Tel. (408) 720-8808**

Web Site: <http://www.nngroup.com/about/>

Professor of Computer Science at Northwestern University and co-founder of the Nielsen Norman Group, an executive consulting firm that helps companies produce human-centered products and services. Norman serves as advisor and board member to numerous companies in high technology and consumer products and to non-profit organizations in the area of policy and education.

Norman has served as Vice President of the Advanced Technology Group at Apple Computer and as an executive at Hewlett Packard and UNext, a distance education company. He is Professor Emeritus at the University of California, San Diego where he was founding chair of the Department of Cognitive Science and chair of the Department of Psychology. He is a trustee of the Institute of Design in Chicago, IL.

Norman received a B.S. degree from MIT and an MS degree from the University of Pennsylvania, both in Electrical Engineering. His doctorate, from the University of Pennsylvania, is in Psychology. In 1995, he received an honorary degree from the University of Padua (Italy).

He was one of the founders of the Cognitive Science Society and has been chair of the society and editor of its journal, Cognitive Science. He is a fellow of the Human Factors & Ergonomics Society, the American Psychological Society, and the American Academy of Arts and Sciences, the Association for Computing Machinery (ACM). In 2002 he received the "Lifetime Achievement Award" from SIGCHI, the professional organization for Computer-Human Interaction. He has been a Fellow at the Center for Advanced Studies in the Behavioral Sciences (Stanford).

Dr. Norman has published extensively in journals and books, and is the author or co-author of thirteen books, with translations into twelve languages, including "The Design of Everyday Things," and "Things That Make Us Smart." His latest book is "The Invisible Computer: Why good products can fail, the PC is so complex, and information appliances are the answer." Business Week has called this "the bible of the 'post PC' thinking." (No ties to voting. Considered a guru in the field of human-computer interactions)

SHARON TURNER BUIE
Director of Elections
Kansas City Board of Election Commissioners

Ms. Buie serves as co-director of elections for the Kansas City Board of Election Commissioners, administering policies, directives and decisions of the Board while insuring the proper conduct of all public elections in the city of Kansas City, Missouri, within the boundaries of Jackson County.

Along with her co-director, Ms. Buie is responsible for servicing over 220,000 registered voters with 26 full time, up to 50 part time, and approximately 1,600 temporary employees on election days. Typically, four to six elections are held annually.

During her tenure, she has received the industry's highest designation of CERA, Certified Elections/Registration Administrator and she has been appointed to several Boards and Commissions:

- EAC Board of Advisors
 - EAC Technical Guidelines Development Committee
- The Blunt Commission by Secretary of State Blunt
- The Blunt Commission on Election Reform
- Chair of the Missouri State Help America Vote Act Education/Training Committee
- The International Foundation for Election Systems Miami/Dade Monitoring Project
- The International Foundation for Election Systems Washington D.C. State Plan Project
- The International Association of Clerks, Recorders, Election Officials and Treasurers representative on The Election Assistance Commission Advisory Board for the Help America Vote Act

Ms. Buie also holds memberships in several organizations: The Election Assistance Commission, which is a newly established organization commissioned by the President of the United States; The Blunt Commission, which was established by Missouri Secretary of State Blunt to improve the election process, the International Association of Clerks, Recorders, Election Officials and Treasurers, The Election Center, the Missouri Association of County Clerks & Election Authorities, the National Association of County Recorders, Election Officials and Clerks, the NAACP, League of Women Voters and Citadel Gardens, Inc., a residential housing center for senior adults.

019056



DeForest Soaries
Jr./EAC/GOV
06/03/2004 10:46 PM

Raymundo Martinez/EAC/GOV, "Paul DeGregorio"
To <pdegregorio@eac.gov>, "Gracia Hillman"
<ghillman@eac.gov>, "DeForest Soaries"
cc Dsavoy@eac.gov

bcc
Subject TGDC

We will need to vote to appoint the TGDC. Since four of the members are our appointees with NIST, it is incumbent upon us to properly consider and appoint them.

Sent from my BlackBerry Wireless Handheld

019057



Paul DeGregorio/EAC/GOV

06/08/2004 02:20 PM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV,
DeForest Soaries Jr./EAC/GOV
cc Diane Savoy/EAC/GOV, Joan A. Wooley/EAC/GOV, John C.
Vergelli/EAC/GOV
bcc
Subject TGDC appointees

Fellow Commissioners,

Attached is the list and the bios of the 15 people that I will propose that we ratify as the members of the Technical Guidelines Development Committee. In addition to the electronic copies, I am also going to give you a paper version of same.

Unless I hear from you otherwise, on Thursday, June 10, I will submit a tally vote for ratification of these appointees.

Please note that those appointees with an (EAC) after their name are the appointees of which we have real discretion. Secretary Davidson (R) and Ms. Miller (D) come from the Standards board; Ms. Turner-Buie (D) and Ms. Purcell (R) come from the Advisory Board (as required by HAVA).

Please let me know if you have any questions. Thanks.



EAC_TGDC 6-8-04.pdf TGDC members bio.pdf

Paul DeGregorio

Commissioner

US Election Assistance Commission

1225 New York Ave, NW

Suite 1100

Washington, DC 20005

1-866-747-1471 toll-free

202-566-3100

202-566-3127 (FAX)

pdegregorio@eac.gov

www.eac.gov

019058

Attachments found at

NIST letter to the

EAC dated

April 27, 2004



Paul DeGregorio/EAC/GOV
06/08/2004 03:12 PM

To John C. Vergelli/EAC/GOV
cc
bcc
Subject TGDC list doc and xls



EAC_TGDC 6-8-04.doc TGDC 6-8-04.xls

019060

Technical Guidelines Development Committee

Organization or Official	Acronym Moniker	Designee First Name	Designee Last Name	Title	Address	City	St	Zip	Phone	Fax	Email
Director of the National Institute of Standards and Technology	NIST	Dr. Arden	Bement	Acting Director of the National Science Foundation (NSF)	100 Bureau Drive, Stop 1000	Gaithersburg	MD	20899-1000	703-292-8004		arden.bement@nist.gov
Standards Board (EAC)	Standards Board	Donetta	Davidson	Colorado Secretary of State	1560 Broadway, Ste. 200	Denver	CO	80202	303-894-2389	303-894-2389	
Standards Board (EAC)	Standards Board	Alice	Miller	Director of Elections-District of Columbia	441 Fourth St, N.W., Rm 1130	Washington	DC	20001	202-727-2525	202-347-2648	apmiller@dcboee.org
Board of Advisors (EAC)	Board of Advisors	Sharen	Turner-Bule	Director of Elections-Kansas City	1828 Walnut Street, Suite 300	Kansas City	MO	64108	816-842-4811	816-472-4960	sharon@kceb.org
Board of Advisors (EAC)	Board of Advisors	Helen	Purcell	Maricopa County Recorder	111 S 3rd Avenue	Phoenix	AZ	85003	602-506-3629	602-506-4050	hpurcell@risc.maricopa.gov
Architectural and Transportation Barrier Compliance Board	Access Board	James (Jim) R.	Harding	Board Member	6027 Ox Bottom Manor Drive	Tallahassee	FL	32312			HardinJ@vr.doe.state.fl.us
Architectural and Transportation Barrier Compliance Board	Access Board	James	Elekes	Board Member	121 Mountain Avenue	North Plainfield	NJ	07060-4355			jelekes@comcast.net
American National Standards Institute	ANSI	Ann	Caldas	Director Procedures and Standards Administration	25 West 43 Street, 4th Floor	New York	NY	10036	212-642-4914	212-840-2298	Acaldas@ansi.org
Institute of Electrical and Electronics Engineers	IEEE	H. Stephen	Berger	TEM Consulting, LP-Chair, IEEE SEC 38 (Voting Syst. Stds.)	140 River Rd	Georgetown	TX	78628	512-864-3365	512-869-8709	stephen.berger@ieee.org
National Association of State Election Directors	NASED	Dr. Brittain	Williams	Retired professor-Kennesaw State-University of Georgia	2776 Arldowne Drive	Tucker	GA	30084	770-934-6632	770-423-6905	britw@bellsouth.net
National Association of State Election Directors	NASED	Paul	Craft	Florida Department of State, Voting Systems Division	107 West Gaines Street, Rm 231	Tallahassee	FL	32399	850-245-6220	850-921-0783	pcraft@dos.state.fl.us
Other Sci-Techs		Dr. Ronald	Rivest	Professor, MIT-Department of Electrical Engineering and Computer Science	545 Technology Square	Cambridge	MA	2139	617-253-5880	617-258-9738	rivest@mit.edu
Other Sci-Techs		Dr. Daniel	Schutzer	Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup	750 Washington Blvd. 7th Floor	Samford	CT	6901	203-975-6812		schutzerd@citigroup.com
Other Sci-Techs		Patrick	Gannon	President and CEO, OASIS	630 Boston Road	Billerica	MA	1821	978-667-5115	978-667-5114	patrick.gannon@oasis-open.org
Other Sci-Techs		Whitney	Quesenbery	Director-Usability Professionals' Association	78 Washington Avenue	High Bridge	NJ	8829	908-638-5467		whitneyq@wqusability.com

019061



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

OFFICE OF THE CHAIRMAN

BEFORE THE U.S. ELECTION ASSISTANCE COMMISSION

In the Matter of)
)
)
 Approval of Recommended Joint)
 Appointments to Technical)
 Guidelines Development Committee;))
 Letter Re Same to Director, NIST)

CERTIFICATION

I, DeForest B. Soaries, Jr., Chairman of the U.S. Election Assistance Commission do hereby certify that on June 10, 2004, the Commission decided by a vote of 4-0 to approve the following:

1. Approval of Recommended Joint Appointments to Technical Guidelines Development Committee; Letter Re Same to Director, NIST.

Commissioners Soaries, Hillman, Martinez and DeGregorio voted affirmatively for the decision.

7/6/04 6/10/04
 Date

DeForest B. Soaries, Jr.
 Chairman



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation. — *as edited*
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: See edits to spelling of Ms. Turner-Buie's
name and to the letter.

DATE: 6/9/04 SIGNATURE: Jacira M. Hillman

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO



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

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the
Technical Guidelines Development Committee; Letter to Acting Director,
National Institute of Standards and Technology, Requesting Concurrence
in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development
Committee.

That the Commission recommends the joint appointment, with the Director of the
National Institute of Standards and Technology (HAVA sec. 221(c)), of the following
individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. *Sharon*
~~Sharon~~ Turner Buie *no hyphen*
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

019064

- d. Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- f. James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- g. Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Recommended Joint Appointments to TGDC
June 9, 2004

- n. Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

2. Letter to Director, National Institute of Standards and Technology. Requesting
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff

019066



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

OFFICE OF THE CHAIRMAN

June , 2004

Dr. Arden Bement, Jr.
Acting Director, National Science Foundation
Director, National Institute of Standards and Technology
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June , 2004, the Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

~~Sharon~~ Sharon Turner Buie (no by phone)
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

019067

Dr. Arden Bement, Jr.

June __

James (Jim) R. Harding

Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

James Elekes

Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

Ann Caldas

Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger

TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams

Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft

Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest

Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer

Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))

Patrick Gannon

President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery

Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

019068

Dr. Arden Bement, Jr.

June —

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.
Chairman

019068



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 6/9/04

SIGNATURE:

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

019070



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: June 10, 2004 SIGNATURE: Paul DeGregorio

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

019071



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

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
 I disapprove the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 6/10/04 SIGNATURE: Ray Martinez

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

019072



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

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the Technical Guidelines Development Committee; Letter to Acting Director, National Institute of Standards and Technology, Requesting Concurrence in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development Committee.

That the Commission recommends the joint appointment, with the Director of the National Institute of Standards and Technology (HAVA sec. 221(c)), of the following individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. Sharen Turner-Buie
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

019073

- d. Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- f. James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))
- g. Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Recommended Joint Appointments to TGDC
June 9, 2004

- n. Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

2. Letter to Director, National Institute of Standards and Technology, Requesting
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff

019075



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

OFFICE OF THE CHAIRMAN

June __, 2004

Dr. Arden Bement, Jr.
Acting Director, National Science Foundation
Director, National Institute of Standards and Technology
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June __, 2004, the Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

Donetta Davidson
Colorado Secretary of State
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller
Director of Elections-District of Columbia
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Sharen Turner-Buie
Director of Elections-Kansas City
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell
Maricopa County Recorder
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

019076

Dr. Arden Bement, Jr.
June __

James (Jim) R. Harding
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

James Elekes
Member, Architectural and Transportation Barrier Compliance Board
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier
Compliance Board))

Ann Caldas
Director, Procedures and Standards Administration
American National Standards Institute
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger
TEM Consulting, LP
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics
Engineers
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams
Retired professor- Kennesaw State- University of Georgia
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft
Florida Department of State, Voting Systems Division
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest
Professor, MIT-Department of Electrical Engineering and Computer Science
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer
Vice President & Director of External Standards and Advanced Technology,
e-Citi, CitiGroup
(HAVA sec. 221(c)(1)(E))

Patrick Gannon
President and CEO, OASIS
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery
Director-Usability Professionals' Association
(HAVA sec. 221(c)(1)(E))

019077

Dr. Arden Bement, Jr.
June __

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission, I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.
Chairman

019078



Paul DeGregorio/EAC/GOV
06/14/2004 11:22 AM

To "Allan Eustis" <allan.eustis@nist.gov>@GSAEXTERNAL
cc
bcc
Subject Re: Correction

Thanks for the clarification. We'll fix the bio section and resend.

"Allan Eustis" <allan.eustis@nist.gov>



"Allan Eustis"
<allan.eustis@nist.gov>
06/13/2004 11:40 AM

To pdegregorio@eac.gov
cc "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>
Subject Correction

Paul-

My apologies for the mis-statement. Patrick Gannon is indeed one of the approved TGDC at large members. In my attached e-mail, I meant to print Don Norman for exclusion from the TGDC bios file and for some reason typed Patrick Gannon .

Don Norman is not one of the TGDC members, Patrick Gannon is. (Norman was one of the original seven approved and vetted "at large" candidates bios originally transmitted to the EAC. We narrowed the selection to four and included Whitney Quesenbery.)

Bottom line, the TGDC voted on the correct at-large members listed in the EAC_TGDC file dated June 8, 2004. Norman's name appears only in the EAC_BIOs file.

Again, my apologies.

Allan,

I am really confused now. Are you saying that Patrick Gannon is NOT Dr. Bement's pick for the TGDC? His name and the bio we are using was with Bement's letter of April 27, 2004 which transmitted his 4 recommendations to the TGDC.

Please advise ASAP as the commission voted today to approve all members of the TGDC.

019079

Thanks.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Date: Thu, 10 Jun 2004 16:16:15 -0400
To: pdegregorio@eac.gov
From: Allan Eustis <allan.eustis@nist.gov>
Subject: TGDC Members- Incorrect Addresses

Paul-

Per my voice mail, I am listing the corrected addresses for Whitney Quesenbery and Patrick Gannon below. The file you sent with their addresses contained erroneous title lines. Also, the bio file contains a bio for Patrick Gannon who I am fairly sure is not one of the TGDC members on whom you will be voting. You will want to delete his bio.

Regards

Patrick Gannon
President and CEO,
OASIS
630 Boston Road
Billerica, MA 01821

Whitney Quesenbery
President-Usability Professionals' Association
78 Washington Avenue
High Bridge, NJ 08829

019030

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg , Md. 20899-8901
301-975-5099
allan.eustis@nist.gov
<http://vote.nist.gov>

019081



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-
OFFICE OF THE DIRECTOR

June 15, 2004

Dr. DeForest B. Soaries, Jr.
Chairman
U. S. Election Assistance Commission
1225 New York Avenue
Suite 1100
Washington, DC 20005

Dear Dr. Soaries:

Thank you for the June 10, 2004 letter indicating the Election Assistance Commission's affirmative vote for the fourteen members of the Technical Guidelines Development Committee.

I concur with the individuals selected to the committee by the Commission and look forward to the upcoming July meeting of the Committee.

Sincerely,

Arden L. Bement, Jr.
Director

019082

NIST



Paul DeGregorio/EAC/GOV
06/16/2004 03:17 PM

To allan.eustis@nist.gov, CSBurkhardt@DOC.GOV, John C.
Vergelli/EAC/GOV, Diane Savoy/EAC/GOV
cc Brian Hancock/EAC/GOV
bcc
Subject TGDC deadlines

The EAC will announce the members of the TGDC on Thursday, June 17.

I want to remind everyone that with the first meeting set for July 9, we need to do the following:

- 1) Get out a "save the date" e-mail to the members ASAP so they can hold their calendars for the July 9 meeting (and arrive in DC the night before). Diane Savoy is to do this by COB on June 16.
- 2) No later than Friday, June 18, we need to mail and fax a formal letter out from the Chairman to the members of the TGDC of their appointment and with meeting details, including information on how to make plane/hotel reservations and file any reports they are required to. John Vergelli is doing the draft, with input from Eustis, Burkhardt and Greene.
- 3) We need to file the Charter of the TGDC with the proper committees by next Monday. John Vergelli is working on this.
- 4) Federal Register notice must be published no later than June 24 (and the FR has to be notified that it is coming). Allan Eustis is responsible for this.
- 5) The agenda for July 9 has been drafted. I am circulating it with my fellow commissioners to make sure they are OK with it.

I am assuming that once the TGDC is up and running that NIST will handle all of the administrative functions, and coordinate with the EAC as to meeting dates and the agenda.

What am I missing?

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

019083



Paul DeGregorio/EAC/GOV
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,
CSBurkhardt@DOC.GOV
cc Raymundo Martinez/EAC/GOV

bcc

Subject draft letter to TGDC appointees

Greetings all:

Attached is the latest draft of the letter that is to be sent to the members of the TGDC ASAP. Please review and get your comments to Diane Savoy, who will facilitate getting these letters out. Perhaps Adam can assemble the attachments. I've attached a list of the members (taken from our shared drive).

John--do we need a separate version for those appointees who will not have to file the same disclosure documents as the 6 you identified (the four scientist plus the ANSI and IEEE representatives)? Please note that I asked them to submit the forms to you.

Craig--since Alan Eustis is out until Monday, you'll need to sign off on this letter (he gave us Mary Floyd's contact information; I assume she knows this).

Adam- Please go to the following file on the shared drive to find the list of members in excel and word. Please note that the word file lists two phone numbers for each person, but does not indicate which one is the fax (you can go to the excel file to confirm which one is). Please note which number is the fax number on the word file, which is the document you should send as an attachment: I:\CLEARINGHOUSE\Help America Vote Act\Boards and Committees\TGDC

Thanks for your help.

Paul DeGregorio
Commissioner
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pdegregorio@eac.gov
www.eac.gov



TGDC appointment meeting announce letter6-17-04.doc

019084

Diane Savoy/EAC/GOV
06/18/2004 08:11 AM

To Paul DeGregorio/EAC/GOV@EAC
Adam Ambrogi/EAC/GOV@eac, allan.eustis@nist.gov,
cc CSBurkhardt@DOC.GOV, John C.
Vergelli/EAC/GOV@EAC, Raymundo
bcc
Subject Re: draft letter to TGDC appointees

Paul,

I have made a few changes to the letter. The revision is attached below. If anyone else has any additional changes, please send them to me so that we can get the letter prepared in final. Thank you in advance.

L. Diane Savoy
Consulting Chief of Staff
U.S. Election Assistance Commission

e-mail: dsavoy@eac.gov
phone: 202-566-3100
fax: 202-566-3127



TGDC Meeting Annouce Letter.doc
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,
CSBurkhardt@DOC.GOV
cc Raymundo Martinez/EAC/GOV
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019085

Thanks for your help.

Paul DeGregorio
Commissioner
US Election Assistance Commission
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TGDC appointment meeting announce letter6-17-04.doc

019086



John C. Vergelli/EAC/GOV
06/18/2004 09:24 AM

To Paul DeGregorio/EAC/GOV@EAC
Adam Ambrogi/EAC/GOV@EAC, allan.eustis@nist.gov,
cc CSBurkhardt@DOC.GOV, Diane Savoy/EAC/GOV@EAC,
Raymundo Martinez/EAC/GOV@EAC
bcc
Subject Re: draft letter to TGDC appointees

Good morning,

For the recipients of the letter who are not financial disclosure filers, the third full paragraph (beginning "Before you begin ...") should be deleted.

Having the filers send the forms to me is fine.

JCV.
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,
CSBurkhardt@DOC.GOV
cc Raymundo Martinez/EAC/GOV
Subject draft letter to TGDC appointees

Greetings all:

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Thanks for your help.

Paul DeGregorio
Commissioner
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005

019087

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pdegregorio@eac.gov
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TGDC appointment meeting announce letter6-17-04.doc

019088



Adam Ambrogi/EAC/GOV
06/18/2004 01:31 PM

To John C. Vergelli/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Update on the FACA Charter for the TGDC 

Please review updated letter with OGE450 language:
Thanks,
Adam




TGDC Meeting Annouce Letter.doc

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

019089



Adam Ambrogi/EAC/GOV
06/18/2004 02:17 PM

To Adam Ambrogi/EAC/GOV@EAC
cc John C. Vergelli/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Update on the FACA Charter for the TGDC 



TGDC Meeting Annouce Letter.doc

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

019090



CSBurkhardt@DOC.GOV
06/21/2004 08:58 AM

To jvergelli@eac.gov
aambrogi@eac.gov, allan.eustis@nist.gov,
cc dsavoy@eac.gov, pdegregorio@eac.gov,
martinez@eac.gov
bcc
Subject Re: draft letter to TGDC appointees

All:

The letter looks good to me.

Regards,
Craig Burkhardt

019091



DeForest Soaries
Jr./EAC/GOV
06/22/2004 03:07 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: letter to TGDC members

Approved

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 06/22/2004 02:24 PM
To: Joan Wooley; DeForest Soaries Jr.
Cc: Adam Ambrogi; Diane Savoy
Subject: letter to TGDC members

Joan,

Attached is a draft of the letter that is to go to the TGDC members notifying them of the first meeting on July 9. Please show it to the Chairman so that he can see it before we send him 15 letters to sign, in case he has changes to make. Please note that there will be two versions: 6 of the 15 members will receive a letter with the 3rd paragraph shown in the attached version (financial disclosure requirement). When you have a final version, please send it to Joyce, with a cc to me, Diane, Adam and John. Joyce will facilitate merging the letters and getting them out the door.

We need to get this done ASAP. Thanks.



TGDC Meeting Announce Letter.doc

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US Election Assistance Commission
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pdegregorio@eac.gov
www.eac.gov

019092

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

Before you begin your important work with the TGDC, please be aware that the Federal Advisory Committee Act (FACA) Pub. L. 92-463, 5 U.S.C. App.1, and Federal ethics laws require that you complete the attached SF-450 financial disclosure document. This document is mandated for individuals appointed to the TGDC as general experts or otherwise unofficial representatives of the appointing authority. Please complete this form by July 2, 2004 and return it to John Vergelli at the address listed at the top of this page. This form can also be accessed on-line by going to the U.S. General Services Administration web site (www.gsa.gov) and typing "SF450" in the search box at the top right-hand side of the page. Timely submission of this form will ensure that you are able to fully participate in all actions of the TGDC. Please be assured that your information will be kept in the strictest confidence according to Federal statute.

019093

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The July 9th meeting will begin at 9:00 am and will continue until approximately 3:00 pm. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing you on July 9th.

Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

019094

June 18, 2004

<Name>
<Title>
<Organization>
<Address1>
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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Sincerely,

DeForest B. Soaries, Jr.
Chairman

Attachments

019096

June 24, 2004

Ms. Donetta Davidson
Standards Board (EAC)
1560 Broadway, Ste. 200
Denver, CO 80202

Dear Ms. Davidson:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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019097

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019098

June 24, 2004

Ms. Alice Miller
Standards Board (EAC)
Director of Elections—District of Columbia
441 Fourth St, N.W., Rm 1130
Washington, DC 20001

Dear Ms. Miller:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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019099

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019100

June 24, 2004

Ms. Sharen Turner-Buie
Board of Advisors (EAC)
Director of Elections
1828 Walnut Street, Suite 300
Kansas City, MO 64108

Dear Ms. Turner-Buie:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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019101

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Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019102

June 24, 2004

Ms. Helen Purcell
Board of Advisors (EAC)
Maricopa County Recorder
111 S. 3rd Avenue
Phoenix, AZ 85003

Dear Ms. Purcell:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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019103

NIST on 301-975-4612. A block of rooms has been reserved at the Washington Marriott Metro Center hotel, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019104

June 24, 2004

Dr. Ronald Rivest
MIT- Department of Electrical Engineering and Computer Science
545 Technology Square
Cambridge, MA 02139

Dear Dr. Rivest:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

Before you begin your important work with the TGDC, please be aware that the Federal Advisory Committee Act (FACA) Pub. L. 92-463, 5 U.S.C. App.1, and Federal ethics laws require that you complete the attached OGE-450 financial disclosure document. This document is mandated for individuals appointed to the TGDC as general experts or otherwise unofficial representatives of the appointing authority. Please complete this form by July 2, 2004 and return it to John Vergelli at the letterhead address at the top of this page. This form can also be accessed on-line by going to the U.S. General Services Administration web site (www.gsa.gov) and typing "OGE450" in the search box at the top right-hand side of the page. Timely submission of this form will ensure that you are able to fully participate in all actions of the TGDC. Please be assured that your information will be kept in the strictest confidence according to Federal statute.

The inaugural meeting of the TGDC will be held on July 9, 2004, in Washington, D.C. at the offices of the EAC, 1225 New York Ave, NW, Suite 1100. Under HAVA, the National Institute for Standards and Technology (NIST) will serve as the Secretariat for the TGDC. Accordingly, NIST will pay roundtrip airfare, hotel, per diem and local transportation expenses for you as prescribed in the Federal Government Travel Regulations. We ask that you make your travel arrangements by calling Mary Floyd at NIST on 301-975-4612. A block of rooms has been reserved at the Washington Marriott

019105

Metro Center hotel, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019106

June 24, 2004

Dr. Daniel Schutzer
Vice- President, CitiGroup
750 Washington Blvd. 7th Floor
Samford, CT 6901

Dear Dr. Schutzer:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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019107

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019108

June 24, 2004

Mr. Patrick Gannon
President and CEO, OASIS
630 Boston Road
Billerica, MA 01821

Dear Mr. Gannon:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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019109

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019110

June 24, 2004

Mr. Whitney Quesenbery
President-Usability Professionals' Association
78 Washington Avenue
High Bridge, NJ 08829

Dear Mr. Quesenbery:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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019411

Metro Center hotel, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019112

June 24, 2004

«First_Name» «Last_Name»
«Title»
«Organization»
«Address»
«City» «St» «Zip»

Dear «Last_Name»

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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019143

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman
Vice-Chair

Attachments

019114



"Allan Eustis"
 <allan.eustis@nist.gov>
 06/30/2004 08:51 AM

To dsavoy@eac.gov
 cc pdegregorio@eac.gov, "Craig S Burkhardt"
 <CSBurkhardt@DOC.GOV>
 bcc
 Subject Fwd: TGDC Final Ltr

Diane-

Here is a final draft of the letter that went to TGDC members yesterday. You will receive a hard copy of the package as well most likely today. I am sending the letter and contents of the package to Mr. Elekes via e-mail as he is blind and the Access Board has requested we transmit all documents to him in .doc format. I will cc you on this e-mail as well with a copy to David Capozzi at the Access Board.

regards

X-Sieve: CMU Sieve 2.2
 X-Sender: golden@mailserver1.nist.gov
 X-Mailer: QUALCOMM Windows Eudora Version 5.1
 Date: Tue, 29 Jun 2004 17:09:44 -0400
 To: allan.eustis@nist.gov
 From: Sylvia Golden <sylvia.golden@nist.gov>
 X-NIST-MailScanner: Found to be clean
 X-MailScanner-From: sylvia.golden@nist.gov
 Subject: TGDC Final Ltr

Allan,
 Here is the final letter sent to the TGDC and the list of members.
 Sylvia

Sylvia J. Golden
 NIST/Information Technology Laboratory
 100 Bureau Drive, MS 8900
 Gaithersburg, MD 20899-8900
 Voice: 301/975-2900
 Fax: 301/840-1357
 email: sgolden@nist.gov
www.itl.nist.gov

Allan C. Eustis
Project Leader- NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901
Gaithersburg , Md. 20899-8901
301-975-5099
allan.eustis@nist.gov



<http://vote.nist.gov> TGDCFinalmembers1.doc TGDCpackage0709meeting.doc

June 29, 2004

Mr. H. Stephen Berger
TEM Consulting, LP-Chair
And IEEE SEC 38
Institute of Electrical and
Electronics Engineers
140 River Road
Georgetown, TX 78628

Dear Mr. Berger:

On behalf of Dr. Arden L. Bement, Jr., and the Information Technology Laboratory at the National Institute of Standards and Technology (NIST), I welcome the opportunity to work with you as a member of the Technical Guidelines Development Committee (TGDC). The Help America Vote Act (HAVA) of 2002 sets out an ambitious nine-month task for us to meet. I will serve as the Committee's Secretariat. Please feel free to contact me with any issues at any time.

I am including some information on our work at NIST in this package. Early next week, I will send you an agenda for our upcoming July 9, 2004 meeting as well as a straw man procedural roadmap for the TGDC. My assistant, Mary Floyd, is making final arrangements for your travel and hotel accommodations at the Marriott Metro Center Hotel, approximately two blocks from the Election Assistance Commission (EAC) Headquarters, 1225 New York Avenue, where the TGDC will meet on July 9, 2004. The Hotel, located at 775 12th Street NW, is a twenty-minute taxi ride from National Airport. We are planning a get acquainted dinner at the Metro Grille in the hotel at 7 pm on July 8, 2004. I hope you will arrive in time to attend and meet Dr. Bement, Director of NIST and chair of the TGDC.

We will begin our committee work on July 9th at 9 a.m. and end at 3 p.m. I look forward to working with you on accomplishing the tasks outlined for us in HAVA.

Sincerely,

Allan C. Eustis
Project Leader
NIST Voting Systems Standards

Enclosure

cc: Diane Savoy (EAC)

019117

Juliet E. Thompson/EAC/GOV
03/17/2005 10:40 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL
cc
bcc
Subject Re: Fw: ANSI Representative on the TGDC

Craig,

I have taken a look at the statute and charter for some guidance on this issue. It appears that ANSI (whoever is the proper person to make the appointment) should notify TGDC through Dr. Semerjian and EAC that they wish to replace Ms. Caldas with Mr. Karmol including the effective date of the appointment. Not having the historical knowledge that you do, I am not sure that Ms. Caldas is the right person to be communicating on behalf of ANSI. Is she the appointing authority for ANSI? If so, then we can accept a letter or communication from her as the tool to make the change. If not, we need a communication from the appropriate person.

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



CSBurkhardt@DOC.GOV
03/17/2005 09:13 AM

To juliet.thompson@eac.gov
cc
Subject Fw: ANSI Representative on the TGDC

Juliet: Looks like we should go ahead and make the switch. As GC for the EAC, I think it is in your court, but let me know if you wish me to do anything. At the least, I suggest I have my people do the basic background vetting, which takes 3 days. Perhaps we should have Caldas send a formal message of resignation to Hratch to trigger the event. Doing so will not negatively impact TGDC operations, as Ms. Caldas was abstaining on all votes anyway. How do you think we should proceed? Regards, Craig
----- Forwarded by Craig Burkhardt/HCHB/Osnet on 03/17/2005 09:08 AM -----

Anne Caldas
<Acaldas@ansi.org>
>

03/16/2005 11:11
AM

To
"'CSBurkhardt@DOC.GOV'"
<CSBurkhardt@DOC.GOV>, "'Allan
Eustis'" <allan.eustis@nist.gov>

cc

David Karmol <DKarmol@ansi.org>,
Lane Hallenbeck
<LHallenb@ansi.org>, Anne Caldas
<Acaldas@ansi.org>

Subject
ANSI Representative on the TGDC

019148

Dear Craig and Allan -

In follow-up to my E-mail below and in light of Craig's confirmation at the last TGDC meeting that David Karmol may replace me as ANSI's representative on the TGDC, I wondered if official confirmation is forthcoming or needed? In addition, as David will serve as the ANSI representative going forward, his name should replace mine for E-mail and hard copy distributions.

I appreciate your efforts and thank you both for your professionalism and hard work in connection with this project.

If I can ever be of assistance to you in the future, please do not hesitate to contact me.

Regards,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

www.ansi.org

25 West 43 Street, 4th Floor

New York, NY 10036

acaldas@ansi.org

212-642-4914

Fax: 212-840-2298

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

019119

From: Anne Caldas
Sent: Monday, February 28, 2005 5:25 PM
To: 'CSBurkhardt@DOC.GOV'
Cc: David Karmol; Lane Hallenbeck
Subject: ANSI Representative on the TGDC

Dear Mr. Burkhardt:

The purpose of this E-mail is to request that the official representative of ANSI on the TGDC be changed to:

David L. Karmol

Vice President, Public Policy and Government Affairs

dkarmol@ansi.org

202-331-3610

Please advise me of any steps that ANSI must take to effect this change. At this time, I intend to represent ANSI at the March 9th TGDC meeting at NIST.

Thank you for your assistance.

Sincerely,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

www.ansi.org

25 West 43 Street, 4th Floor

New York, NY 10036

019120


acaldas@ansi.org

212-642-4914

Fax: 212-840-2298

019121

Juliet E. Thompson/EAC/GOV
03/17/2005 11:38 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL
cc
bcc
Subject Re: Fw: ANSI Representative on the TGDC 

sounds wonderful. thanks.

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



CSBurkhardt@DOC.GOV
03/17/2005 11:03 AM

To jthompson@eac.gov
cc
Subject Re: Fw: ANSI Representative on the TGDC

She is not the appointing authority. Why don't I call her and say she should get the appointing authority of ANSI to send a letter indicating their desired appointee to the EAC and Semerjian, also a letter of resignation to the same parties?

019122

Juliet E. Thompson/EAC/GOV
03/31/2005 07:52 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL
cc
bcc
Subject Re: Will have ANSI replacement vetted by Tuesday

Craig,

I have notified Commissioner Martinez, who is the DFO for the TGDC this year. I will work on the Turner-Buie issue today.

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



CSBurkhardt@DOC.GOV
03/30/2005 02:43 PM

To jthompson@eac.gov
cc
Subject Will have ANSI replacement vetted by Tuesday

Juliet:

We will have the vetting done on David Karmol (the ANSI replacement) on Tuesday next week. I can arrange for Semerjian to agree to the appointment immediately thereafter, and then it is just a matter for you to get assent from the EAC and issue the invitation. We can also have Hratch make the invitation, if the EAC prefers.

I know you are busy, but the EAC needs to determine if it wants to replace Ms. Turner-Bouie in advance of the April meeting. She is ill with cancer, and has asked for a "leave". Unfortunately, there is no flexibility for someone to vote or meaningfully participate in her place during the meeting, so I suggest that we replace her with the understanding that the replacement will resign and she will be reappointed when she wants to return. This is one of the slots the EAC picked from its advisory board, so NIST will agree to your replacement. We can vet this person very quickly, if you wish.

Regards,
Craig
202-482-4620

019123



Paul DeGregorio/EAC/GOV
04/20/2005 10:00 AM

To Carol A. Paquette/EAC/GOV, Gavin S. Gilmour/EAC/GOV,
"Craig Burkhardt" <CSBurkhardt@DOC.GOV>
cc Juliet E. Thompson/EAC/GOV, Gracia Hillman/EAC/GOV,
Raymundo Martinez/EAC/GOV, DeForest Soaries
Jr./EAC/GOV

bcc

Subject Replacement of TGDC member

This morning, moments before the TGDC meeting was to begin, I was approached by David Karmol, who indicated that he was the replacement for Anne Caldas, who resigned as the American National Standards Institute (ANSI) representative on the TGDC about two months ago. Mr. Karmol said that the letter from ANSI to the EAC/NIST appointing him as the replacement for Ms. Caldas was sent concurrently with Ms. Caldas resignation. I do recall seeing a copy of the resignation and replacement letters.

Needless to say Mr. Karmol was very upset that his paperwork was not processed in a timely manner so that he could participate in this very important meeting of the TGDC. He pressed me on the status of his paperwork and I could not give him an answer because I had no idea.

It was an embarrassing incident. As the Federal Officer for the TGDC I should have been kept in the loop and should have had an adequate answer for Mr. Karmol.

Mr. Karmol's paperwork should have been processed in an expedited manner so that he could have participated in this meeting. The fact that it was not shows that there is a serious communications and process breakdown somewhere that must be fixed. I should have been kept better informed by staff on this important manner and will insist that they do so in the future.

Paul DeGregorio
Vice Chairman

Sent from my BlackBerry Wireless Handheld

019124



CSBurkhardt@DOC.GOV
04/21/2005 10:15 AM

To: jthompson@eac.gov, ggilmour@eac.gov
cc
bcc
Subject: ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

On April 12, I spoke very briefly with with Caldas and Karmol, and informed them to contact Carol if there were any questions regarding when the EAC would act to issue an appointment letter. When EAC is ready to act, all it needs to do is issue the same appointment letter used during the original round of appointments. I don't have copies of those letters, but I recall they were very summary in nature.

Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,
Craig

019125

Carol A. Paquette/EAC/GOV
04/21/2005 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: ANSI TGDC appointment

I'll ask him today (the ANSI guy) to send me a resume. Thanks!

Sent from my BlackBerry Wireless Handheld
Gavin S. Gilmour

From: Gavin S. Gilmour
Sent: 04/21/2005 11:53 AM
To: Carol Paquette
Cc: Juliet Thompson
Subject: Fw: ANSI TGDC appointment

Carol,

Regarding the e-mail below.

I have some questions regarding his recollection. I obviously can't speak to anything that occurred regarding this matter before last week, However, I do know that neither Julie nor myself were involved in a group call on the 11th.

Such issues aside...

I have only spoken to the man once (alone), on or about the 12-13th of April. Per my notes, I wanted four things from him. (1) a Resume or other info on qualifications, (2) Letter from ANSI, (3) Letter from Nist (which he noted may be in a casual form like an e-mail) and (4) an Example appointment letter (if he could find one).

I have not received the above information as of yesterday.

As for the information he faxed today, it contains only two NIST letters (1 resignation letter and 1 appointment letter). In my opinion it is missing the most important part, a letter from NIST approving the candidates. HAVA requires that the candidates be approved by both NIST and EAC. We cannot issue the candidate a final appointment letter unless we have documentation that he is NIST approved. Perhaps we may hold that the various conversations and the e-mails below constitute such confirmation. I leave that matter to you. Finally, I would note that if NIST will provide no background info on the applicant, how are we to send this matter to a tally vote (and how did they approve the person)? We would be asking the Commissioners to approve an individual for the board based solely on a three sentence ANSI representation letter.

GG

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

----- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/21/2005 10:51 AM -----



CSBurkhardt@DOC.GOV

019126



04/21/2005 10:15 AM

To jthompson@eac.gov, ggilmour@eac.gov

cc

Subject ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

On April 12, I spoke very briefly with with Caldas and Karmol, and informed them to contact Carol if there were any questions regarding when the EAC would act to issue an appointment letter. When EAC is ready to act, all it needs to do is issue the same appointment letter used during the original round of appointments. I don't have copies of those letters, but I recall they were very summary in nature.

Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,
Craig

019127

Juliet E. Thompson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

04/25/2005 01:06 PM

cc

bcc

Subject Fw: TGDC Replacement

I suppose that I will have to summarize the vetting process. Good thing I took notes.

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

----- Forwarded by Juliet E. Thompson/EAC/GOV on 04/25/2005 01:07 PM -----



CSBurkhardt@DOC.GOV

04/25/2005 12:41 PM

To juliet.thompson@eac.gov

cc hratch.semerjian@nist.gov, matthew.heyman@nist.gov,
PGreene@doc.gov

Subject TGDC Replacement

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,
Craig Burkhardt
Chief Counsel for Technology
U.S. Department of Commerce

019128



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>.
bcc
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhart at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

019129

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Kamol Bio1.doc

019130

Attachment found at

Tally Vote

Information dated

April 27, 2005

019131



"Allan Eustis"
<allan.eustis@nist.gov>
04/26/2005 12:04 PM

To "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>
cc "David Karmol" <DKarmol@ansi.org>, ggilmour@eac.gov
bcc
Subject Fwd: RE: TGDC Appointment

Craig-

Per Mr. Karmol's request I am forwarding this e-mail.

regards

X-Sieve: CMU Sieve 2.2
From: David Karmol <DKarmol@ansi.org>
To:
Cc: Diane Zielinski <dzielins@ansi.org>, Anne Caldas <Acaldas@ansi.org>,
Allan Eustis <allan.eustis@nist.gov>
Subject: RE: TGDC Appointment
Date: Tue, 26 Apr 2005 11:46:23 -0400
X-Mailer: Internet Mail Service (5.5.2653.19)
X-MailScanner:
X-MailScanner-From: dkarmol@ansi.org

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhardt at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhardt's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

019132

f there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol

Vice President, Public Policy and Government Affairs

dkarmol@ansi.org

202-331-3610

From: ggilmour@eac.gov [<mailto:ggilmour@eac.gov>]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

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

The contents of this e-mail are confidential and pre-decisional

019133

Allan C. Eustis
NIST Voting Systems Standards
Technology Building 225 Room B257
100 Bureau Drive, Stop 8901



Gaithersburg , Md. 20899-8901 Kamol Bio1.doc

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV
04/25/2005 09:06 AM

To dkarmol@ansi.org
cc
bcc Juliet E. Thompson/EAC/GOV@EAC
Subject TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

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

...019136

Gavin S. Gilmour/EAC/GOV
04/26/2005 11:54 AM

To Juliet E. Thompson/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
cc
bcc
Subject Fw: TGDC Appointment

FYI

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

----- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/26/2005 11:53 AM -----



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhart at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

019137

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

019138

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV
04/26/2005 12:06 PM

To "David Karmol" <DKarmol@ansi.org>@GSAEXTERNAL
cc dzielins@ansi.org
bcc
Subject RE: TGDC Appointment

Mr. Karmol,

Thank you for your prompt reply. The bio you have sent should meet our needs. A package will be put together today and presented to the Commission at the next available opportunity. You will be informed as soon as this process is completed. If you have any questions, please contact me at the number, below.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"David Karmol" <DKarmol@ansi.org>



"David Karmol"
<DKarmol@ansi.org>
04/26/2005 11:46 AM

To ggilmour@eac.gov
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

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As I do not seem to have Mr. Burkhardt's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

David L. Karmol
Vice President, Public Policy and Government Affairs
dkarmol@ansi.org
202-331-3610

019140

From: ggilmour@eac.gov [mailto:ggilmour@eac.gov]
Sent: Monday, April 25, 2005 9:06 AM
To: dkarmol@ansi.org
Subject: TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

019141

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV
04/26/2005 01:21 PM

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

cc

bcc

Subject KARMOL APPOINTMENT TGDC

Julie,

Here is the info you request concerning the appointment of Mr Karmol. Hopefully you can perform some sort of tally vote on the road. Attached please find (1) Mr. Karmol's Bio, (2) A memo for the Tally Vote, (3) a proposed appointment letter, (4) the ANSI letters [two] and (5) a list of TGDC members I received from Adam. I have not enclosed a copy of Mr. Burkhardt's Email memorializing NIST's approval of the candidate, as I believe you already have this in your e-mail. Please review the proposed documents and let me know if you have any questions. Hope things are going well in Boston. Let me know if you need further action on this issue.

GG



Karmol Bio1.doc



ANSI ltrs.pdf



TGDC member excel.xls



LTR- Karmol Appointment- TGDC 2.doc



Memo- Karmol Appointment- TGDC (Tly vt).doc

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

019143

Attachments, found at

1,243

Tally Vote

Information dated

April 27, 2005



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

April 26, 2005

Mr. David L. Karmol
American National Standards Institute
Vice President, Public Policy and Government Affairs
1819 L Street, NW, 6th Floor
Washington, DC 20036

Dear Mr. Karmol:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC), I would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your participation in this Committee has been approved by both the Director of the National Institute of Standards and the EAC.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list for your perusal. Please refer to our website (www.eac.gov) for additional information. If you have any questions concerning your appointment, please feel free to contact me or Vice Chair Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman
Chair

Enclosures

*Attachment
4*

019145



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

April 26, 2005

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio, Vice Chairman
U.S. Election Assistance Commission

SUBJECT: Appointment of David Karmol to the Technical Guidelines
Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005 Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

The Help America Vote Act of 2002 (HAVA) provides for both the composition of the TGDC and the Committee's appointment process. Specifically, HAVA Section 221(c) (42 USC §15361(c)) specifies that the Committee will have in its membership one representative from ANSI. Further, HAVA states that all members of the Board are to be appointed jointly by NIST and the EAC. (See HAVA Section 221(c)(1)).

Recently, the EAC received notice that NIST (Dr. Hratch Semerjian) has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr Karmol may become a member of the Standards Board. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4). Finally, I have also attached a proposed appointment letter for the Chair's signature. (Attach. 5).

Attachment
5

019146

RECOMMENDATION:

Review each of the attachments and approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

Attachments:

1. ANSI Resignation Letter.
2. ANSI Replacement Letter.
3. E-mail noting NIST's Approval.
4. Mr. Karmol's Bio.
5. Proposed Appointment Letter.



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

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio, Vice Chairman *Paul DeGregorio*
U.S. Election Assistance Commission

DATE: April 27, 2005

SUBJECT: Appointment of David Karmol to the Technical Guidelines
Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005 Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

The Help America Vote Act of 2002 (HAVA) provides for both the composition of the TGDC and the Committee's appointment process. Specifically, HAVA Section 221(c) (42 USC §15361(c)) specifies that the Committee will have in its membership one representative from ANSI. Further, HAVA states that all members of the Board are to be appointed jointly by NIST and the EAC. (See HAVA Section 221(c)(1)).

Recently, the EAC received notice that NIST has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr Karmol will become a member of the Technical Guidelines Development Committee. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4)

Upon approval of this recommendation, a letter of appointment signed jointly by the Director of NIST and the Chair of EAC will be sent to Mr. Karmol to formalize and finalize his appointment.

RECOMMENDATION:

Approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

019148



March 29, 2005

Dr. Hratch Semerjian
TGDC Chair
Acting Director
National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Semerjian:

I respectfully resign as ANSI's representative on the TGDC. ANSI's President and CEO, Dr. Mark Hurwitz, will advise you of my replacement.

Thank you for the opportunity to work with you and the excellent NIST staff on this important initiative.

Sincerely,

Anne Caldas
Director, Procedures and Standards Administration
acaldas@ansi.org
(212) 642-4914

cc: Dr. Hurwitz

019149



DR. MARK W. HURWITZ, CAE
PRESIDENT & CEO
Tel: 202.331.5006
Email: mhurwitz@ansi.org

March 29, 2005

Dr. Hirato Sernerjian
TGDC Chair
Acting Director
National Institute of Standards and Technology (NIST)
100 Bureau Drive, Stop 1000
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Sernerjian:

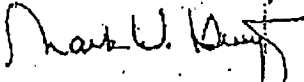
I am requesting that ANSI's current representative on the TGDC, Anne Caldas, be replaced by David Karmol, ANSI's Vice President of Public Policy and Government Affairs. David's contact information follows:

David L. Karmol
Vice President, Public Policy and Government Affairs
1819 L Street, NW, 6th Floor
Washington, DC 20036
E-mail: dkarmol@ansi.org
Phone: 202-331-3610

If further information is required, please advise.

Thank you for your continuing leadership with respect to this important initiative.

Sincerely,


Mark W. Hurwitz, CAE

New

Reply Forward Move Tools

4

47

From: CSBurkhardt@DOC.GOV
To: juliet.thompson@eac.gov
Cc: hratch.semerjian@nist.gov, matthew.heyman@nist.gov,
PGreene@doc.gov

Date: Monday, April 25, 2005 12:41PM
Subject: TGDC Replacement

History This message has been forwarded

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,
Craig Burkhardt
Chief Counsel for Technology
U.S. Department of Commerce

019151

David Karmol
Vice President, Public Policy and Government Affairs
American National Standards Institute (ANSI)

David Karmol currently serves as Vice President for Public Policy and Government Affairs at the American National Standards Institute (ANSI). In this position he is responsible for advocacy and outreach programs designed to better educate federal, state and local government officials on the value of the voluntary consensus standardization system and its importance to advancing the competitiveness of U.S. businesses and enhancing the health and safety of the world's citizens.

Karmol joined ANSI in July 2001 with a thorough knowledge of the issues important to the standards and conformity assessment community and a track record of success working on policies, strategies and programs in close liaison with federal, state and local governments. Prior to joining ANSI, he spent ten years as general counsel and director of public affairs at the National Spa and Pool Institute (NSPI), an ANSI member and accredited standards developer. Karmol also served as press secretary and special assistant to the director of the United States Mint; general counsel for the Can Manufacturers Institute; associate counsel to the U.S. House of Representatives Judiciary Committee; member of the Ohio House of Representatives, and assistant prosecuting attorney in Franklin County, Ohio.

Mr. Karmol received his B.A. from Miami University of Ohio, and his J.D. from the Ohio State University College of Law and is admitted to practice law in Virginia, the District of Columbia and Ohio.

ANSI's mission is to enhance U.S. global competitiveness and the American quality of life by promoting, facilitating, and safeguarding the integrity of the voluntary standardization system. ANSI is the official U.S. representative to the International Accreditation Forum (IAF), the International Organization for Standardization (ISO) and, via the U.S. National Committee, the International Electrotechnical Commission (IEC). ANSI currently has offices in New York City and Washington, DC.



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

OFFICE OF THE CHAIR

May 4, 2005

Mr. David L. Karmol
American National Standards Institute
Vice President, Public Policy and Government Affairs
1819 L Street, NW, 6th Floor
Washington, DC 20036

Dear Mr. Karmol:

On behalf of the U.S. Election Assistance Commission (EAC) and the National Institute for Standards and Technology (NIST), we would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your appointment is effective May 3, 2005.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list and charter for your perusal. Please refer to our website (www.eac.gov) for additional information. If you have any questions concerning your appointment, please feel free to contact Gracia Hillman, Chair, or Vice Chairman Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman
Chair
U.S. Election Assistance Commission

Dr. Hratch Semerjian
Acting Director
National Institute of Standards and Technology

Enclosures

FOIA File



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

December 12, 2006

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

Dear Ms. Weiser:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on November 13, 2006. The request sought certain agency records concerning two agency draft reports, *The Voter Fraud and Intimidation Report* and *The Voter Identification Report*. Specifically, the request sought: (1) "the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law," (2) "the report on voter fraud and voter intimidation prepared by Tova Wang and Job Serebrov," (3) The voter identification and voting fraud report requests for proposals and contracts, and (4) communications relating to the above reports between the EAC and Eagleton Institute of Politics, the Moritz College of Law, Ms. Tova Wang, Mr. Job Serebrov, or other third parties.

This letter is a partial response to your request and deals only with your request for documents consistent with items (1) – (3), above. With regard to item (4), we continue to search our files, e-mails and computers for all relevant communications. We expect to have all relevant, releasable documents collected, reviewed and sent to you within five working days. If you have any questions regarding this process, please contact the undersigned.

With regard to items (1) – (3) above, please find copies of all responsive contracts and request for proposals enclosed. Upon review of the records, you will find a few places where small portions of information have been redacted (in black). As required by FOIA exemption 6, the EAC has redacted certain pieces of personal information, including home addresses, telephone numbers, and personal e-mail addresses. The EAC has also redacted confidential commercial information as mandated by FOIA exemption 4. Specifically, the EAC has redacted information that can be used to calculate unit costs regarding a contractor's labor rates. With regard to your requests for "the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law," and "the report on voter fraud and voter intimidation prepared by Tova Wang and Job Serebrov," these draft documents are predecisional drafts protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5).

As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) predecisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and

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contractors (“consultants”) constitute intra-agency documents.¹ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.² The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.³ Ultimately, deliberative documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁴

In both cases, the reports you have requested are drafts, representing one phase of the deliberative process—before the document was vetted by staff, approved by the executive director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft documents were created by experts to aid the EAC’s Commissioners in their decisions. The consultants had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating truthful and comprehensive draft reports. Finally, both reports when finalized would constitute an EAC decision or a policy determination.

These conclusions are born out in the facts surrounding the projects at issue, including the attached contract documents. First, the voter fraud and intimidation study you have requested is a draft of a final document that has already been released after being vetted by staff and approved by the EAC Commissioners. It is available in its final form on EAC’s website (www.eac.gov). The draft document at issue was created by two contract employees hired pursuant to 5 U.S.C. §3109 (see 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees were supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. As stated by their contract, these consultants were hired so that the EAC could “...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation.”⁵ Moreover, the contracts clearly forbid the consultants from releasing the draft they created consistent with the privilege the EAC is asserting. The contract states:

All research, information, documents, and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.⁶

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

² Klamath, at 10.

³ Hoover, 611 F.2d at 1138.

⁴ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

⁵ See the consultant contracts for Job Serebrov and Tova Wang, enclosed.

⁶ See *Id.*

Finally, the purpose or subject of the draft report at issue was to make an EAC determination on how voter fraud should be studied by the agency. This was to be done by (1) accessing the nature and quality of the information that presently exists on the subject matter, (2) defining the terms and scope of EAC study as proposed by HAVA, (3) determining what is to be studied and (4) determining how it is to be studied. EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision.

With regard to the Voter Identification draft, it was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voting identification procedures."⁷ The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.⁸

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC adoption." Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. However, as this letter is only partially responsive to your request, please hold any appeal until your request has been fully addressed. At that time, your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,



Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (dated November 8, 2006)
2. Responsive Documents

⁷ See EAC Contract, Act Number E4014127 (enclosed).

⁸ See *Id.*

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COPY R-05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See Instructions in GSAR
 553.370-300-1 for distribution
 PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 05/24/05
 2. ORDER NUMBER:
 3. CONTRACT NUMBER:
 4. E4014127

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM9110	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	GA DEBT
W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT	

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

 Contact: Keith Osterhage [REDACTED]

8. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.
 B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.
 C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
 22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROP
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE
 EAC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 05/26/05

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)
 Gracia Hillman (202) 566-3100

TOTAL FROM 300-A(s) 560,002.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL 560,002.00

24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana Scott

25B. TELEPHONE NO.
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Gracia Hillman, Chair

26B. TELEPHONE NO.
 (202) 566-3100

26C. SIGNATURE
 [Signature]

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PURCHASE ORDER TERMS AND CONDITIONS

29-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish the exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on partial deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACR number (block 29) and shall be submitted in original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. When transfer of address must correspond to the recipient address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality, or contractor compliance with a contract provision.

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 (a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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COPY

ORDER FOR SUPPLIES AND SERVICES

MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage

B. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE	REFERENCE YOUR
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
 22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROP
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE
 EAC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
 05/26/05

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements.				
	TOTAL COST OF CONTRACT: \$560,002.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)
 Gracia Hillman (202) 566-3100

TOTAL FROM 300-A(s) 560,002.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL 560,002.00

24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana Scott

25B. TELEPHONE NO.
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Gracia Hillman, Chair

26B. TELEPHONE NO.
 (202) 566-3100

26C. SIGNATURE

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PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1966, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8. a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1966 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1966, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1966 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

52.203-1 Officials Not to Benefit (APR 84)

52.203-3 Gratuities (APR 84)

52.203-5 Covenant Against Contingent Fees (APR 84)

52.203-6 Restriction on Subcontractor Sales to the Government

(JUL 85)

52.203-7 Anti-Kickback Procedures (OCT 88)

52.212-9 Variation in Quantity (APR 84)

(In the preceding clause, the permissible variations are stated in the schedule.)

52.222-3 Convict Labor (APR 84)

52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)

52.222-35 Affirmative Action for Special Disabled and Vietnam Era

Veterans (APR 84)(Applies when amount exceeds \$10,000.)

52.222-36 Affirmative Action for Handicapped Workers

(APR 84)(Applies when amount exceeds \$2,500.)

52.222-37 Employment Reports on Special Disabled Veterans and

Veterans of the Vietnam Era (JAN 88)(Applies whenever

clause 52.222-35 is included.)

52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is

awarded to an individual.)

52.225-3 Buy American Act - Supplies (JAN 89)

52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)

52.232-26 Prompt Payment (SEP 92)

52.233-1 Disputes (DEC 91)

52.233-3 Protest After Award (AUG 89)

52.246-1 Contractor Inspection Requirements (APR 84)

52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

52.222-4 Contract Work Hours and Safety Standards Act - Overtime

Compensation - (MAR 86)(Applies when amount is between

\$2,500 and \$10,000.)

52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when

amount exceeds \$10,000.)

52.243-1 Changes - Fixed Price (AUG 87)

52.249-1 Termination for

Convenience of the Government (Fixed Price)(Short

Form)(APR 84)

Applicable to purchase orders for services:

52.222-4 Contract Work Hours and Safety Standards Act - Overtime

Compensation - (MAR 86)(Applies when amount exceeds

\$2,500.)

52.243-1 Changes - Fixed Price (APR 84) - Alt. II

52.249-4 Termination for Convenience of the Government

(Services)(Short Form)(APR 84)

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

May 24, 2005

Mr. Keith Osterhage, Director
Office of Research and Sponsored Programs
Rutgers, The State University of New Jersey
3 Rutgers Plaza
New Brunswick, New Jersey 08901

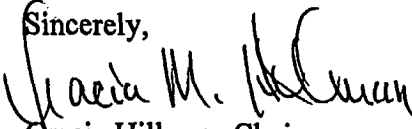
Dear Mr. Osterhage:

Enclosed is a signed contract in the amount of \$560,002.00 for the provision of research assistance to the U.S. Election Assistance Commission (EAC) for the development of voluntary guidance on provisional voting and voter identification procedures. The EAC has accepted the basic proposal submitted by the Eagleton Institute of Politics and has also elected to include the optional survey of local election officials. This proposal was evaluated as providing the best value to the government through a competitive source selection process. The proposal is incorporated by reference into the contract.

The U.S. Election Assistance Commission (EAC) was created by the Help America Vote Act of 2002 (HAVA) and is charged with assisting the States in meeting the election reform requirements mandated by this legislation. One of the EAC's principal tasks is to provide guidance to the States on the interpretation of HAVA and its requirements. The provisional voting and voter identification effort that will be supported by this contract is a major element of EAC's Fiscal Year 2005 research agenda. The objective of this work is to develop guidance on these topics that States can utilize in the 2006 election cycle.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy of this letter to the attention of Carol A. Paquette, Interim Executive Director.

We look forward to working with Rutgers University and the Eagleton Institute on this very important research effort.

Sincerely,

Gracia Hillman, Chair

Keith Osterhage
Rutgers, The State University of New Jersey

May 24, 2005

CONTRACT TO PROVIDE RESEARCH ASSISTANCE TO THE EAC FOR THE DEVELOPMENT OF VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

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

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

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

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

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

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

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due regard in the course of considering future policy alternatives for provisional voting.

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

3.0 Specific Tasks

For ease of reference, following task 3.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is anticipated that the work on these two topics will be conducted essentially concurrently.

- 3.1 Update the project work plan, as required. The Contractor shall update and deliver the Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The updated Project Plan shall be formally briefed to the EAC Project Manager and lead Commissioner.
- 3.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status shall also be provided.
- 3.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

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

Topics of particular interest include the following:

- How did States prepare for the onset of the HAVA provisional ballot requirement?
- How did this vary between States that had previously had some form of provisional ballots and those that did not?
- How did litigation affect the implementation?
- How effective was provisional voting in enfranchising qualified voters?
- Did State and local processes provide for consistent counting of provisional ballots?
- Did local election officials have a clear understanding of how to implement provisional voting?

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

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

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

record comments.

- 3.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
- 3.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the meeting.
- 3.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 3.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 3.11 Convene a half day public hearing on the topic of voter identification requirements. This hearing should occur early in the research process as an informational hearing where all points of view on this topic can be aired. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 3.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 4.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall

coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.

- 3.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 3.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
- 3.15 Arrange a second public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the hearing.
- 3.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.
- 4.0 Contract Type. The contract type will be Time and Materials in the amount of \$560,002.00.
- 5.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices. Some travel will be required.
- 6.0 Period of Performance. The period of performance is from date of award until December 30, 2005.
- 7.0 Schedule of Deliverables:
 1. Updated project plan – 10 days after contract award
 2. Progress reports – monthly
 3. Briefings – as required
 4. Analysis report on provisional voting, including compendium of legislation, procedures and litigation - TBD
 5. Alternatives report on provisional voting – TBD

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6. Preliminary draft guidance on provisional voting - TBD
7. Draft guidance on provisional voting for publication – 9/2005
8. Public hearing on draft guidance – 30 days after publication
9. Final guidance on provisional voting for EAC adoption – 10/2005
10. Analysis report on voter identification requirements, including compendium of legislation, procedures and litigation – TBD
11. Public hearing on voter identification requirements – TBD
12. Summary of voter identification requirements hearing - TBD
13. Alternatives report on voter identification requirements - TBD
14. Preliminary draft guidance on voter identification requirements - TBD
15. Draft guidance on voter identification requirements for publication – 11/2005
16. Public hearing on draft guidance – 30 days after publication
17. Final guidance on voter identification requirements to EAC for adoption – 12/2005

8.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Karen Lynn-Dyson. She will review and approve all work on behalf of the Commission.

9.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington D.C. 20005.

10.0 Accounting and Appropriation Data: Funds in the amount of \$560,002.00 are available for this task order.

11.0 General Provisions:

11.1 *Proposal Incorporated.* The Contractor's proposal is incorporated by reference into the statement of work.

11.2 *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.

11.3 *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial

data, the contract clauses in this document shall take precedence.

- 11.4 *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.
- 11.5 *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.
- 11.6 *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.
- 11.7 *Other compliances.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.
- 11.8 *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C. 423 relating to procurement integrity.
- 11.9 *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.
- 11.10 *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

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FY06 - No Cost Amend

ORDER FOR SUPPLIES AND SERVICES

1. DATE OF ORDER: 02/23/06
 2. ORDER NUMBER: [Blank]
 3. CONTRACT NUMBER: 553.370-300-1 for distribution
 4. ACT NUMBER: 1
 E4014127A

5. ACCOUNTING CLASSIFICATION

FUND: 8035	ORG CODE: TZM9110	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.:	CC-A:
W/ITEM:	CC-B:	PRT./CRFT:	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage [Redacted]

8. TYPE OF ORDER: A. PURCHASE
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. [Blank] AUTHORITY FOR ISSUING: 01 FAR 43.103(a)(3)

A. EMPLOYER'S IDENTIFICATION NUMBER: 2-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%:

9A. CLASSIFICATION: A. SMALL BUSINESS, B. OTHER THAN SMALL BUSINESS, C. SMALL DISADVANTAGED, D. SMALL WOMEN-OWNED

10. ISSUING OFFICE (Address, zip code, and telephone no.): Election Assistance Commission, 225 New York Ave., NW, Suite 1100, Washington, DC 20005, (202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY): Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION: A. CORPORATION, B. PARTNER-SHIP, C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.): Election Assistance Commission, 1225 New York Ave., NW, Suite 1100, Washington, DC 20005, (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE: AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.): Election Assistance Commission

16. DELIVERY F.O.B. POINT ON OR BEFORE: 01/26/06

17. GOVERNMENT B/L NO. [Blank]

18. PAYMENT/DISCOUNT TERMS: Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				

RECEIVING OFFICE (Name, symbol and telephone no.): Election Assistance Commission (202) 566-3100

23. GROSS SHIP WT. [Blank]

TOTAL FROM 300-A(s): 560,002.00
 GRAND TOTAL: 560,002.00

MAIL INVOICE TO: (Include zip code) Federal Services Administration (FUND) Election Assistance Commission, 225 New York Ave., NW, Suite 1100, Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott
 25B. TELEPHONE NO. (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type): Thomas R. Wilkey, Executive Director
 26B. TELEPHONE NO. (202) 566-3100

26C. SIGNATURE: [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

52.224-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the late on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for our convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-28 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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ORDER FOR SUPPLIES AND SERVICES

NUMBER MARK ALL PACKAGES WITH PAGE OF PAGES

1. DATE OF ORDER 02/23/06	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127A
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IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage

B. TYPE OF ORDER	REFERENCE YOUR
<input checked="" type="checkbox"/> A. PURCHASE	

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.

C. MODIFICATION NO.	AUTHORITY FOR ISSUING
	01 FAR 43.103(a)(3)

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

8A. EMPLOYER'S IDENTIFICATION NUMBER

22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROPRIATE
<input type="checkbox"/> WITHHOLD 20%

8A. CLASSIFICATION

<input type="checkbox"/> A. SMALL BUSINESS	<input checked="" type="checkbox"/> B. OTHER THAN SMALL BUSINESS	<input type="checkbox"/> C. SMALL DISADVANTAGED	<input type="checkbox"/> D. SMALL WOMEN-OWNED
--	--	---	---

9. ISSUING OFFICE (Address, zip code and telephone no.)

Election Assistance Commission
225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION

<input type="checkbox"/> A. CORPORATION	<input type="checkbox"/> B. PARTNERSHIP	<input type="checkbox"/> C. SOLE PROPRIETORSHIP
---	---	---

13. SHIP TO (Consignee address, zip code and telephone no.)

Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

10. PLACE OF INSPECTION AND ACCEPTANCE

AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

11. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
01/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				

RECEIVING OFFICE (Name, symbol and telephone no.)

Election Assistance Commission (202) 566-3100

SHIPPING POINT

23. GROSS SHIP WT.

TOTAL FROM 300-A(s)	560,002.00
GRAND TOTAL	560,002.00

MAIL INVOICE TO: (Include zip code)

Federal Services Administration (FUND)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26C. SIGNATURE

25B. TELEPHONE NO.

(202) 566-3100

26B. TELEPHONE NO.

(202) 566-3100

FEDERAL SERVICES ADMINISTRATION

2. CONTRACTOR'S ORIGINAL

GSA FORM 300 (REV. 2-93)

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PURCHASE ORDER TERMS AND CONDITIONS

52.220-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 60 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.226-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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

January 24, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart had requested an extension to complete the work of this contract to February 28, 2006.

In response to EAC's requests for additional information related to the no-cost extension, in a January 13, 2006 e-mail, Mr. Weingart revised the request for the extension to March 31, 2006. Mr. Weingart did note that he would still like to conclude the project's work by the end of February.

In various correspondences, Mr. Weingart notes the following reasons for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of the seven as planned,

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will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase... We anticipate this research monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated”.

The contractor anticipates reallocating funds primarily from the public hearings line item (\$81,120) and spending approximately \$33,750 more than originally budgeted on personnel, \$23,171 more on the subcontract with Ohio State and \$20,250 more on consultants. The EAC elected to not hold public hearings on the topics of provisional voting and voter identification.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

1. ***Eagleton Institute of Politics personnel:***

Original budgeted project personnel costs-\$110,695 (May-December)
Revised project personnel costs- \$144,444 (May-February)

2. ***Consultant Services:***

Original budgeted costs: \$79,500 (May-December)
Revised costs -\$99,750 (May-February)

3. ***Moritz School of Law personnel and overhead:***

Original budgeted costs: \$84,744 (May-December)
Revised costs- \$107,915 (May-February)

Total project budget:

Original budgeted costs: \$560,002 (May- December)
Revised project cost: \$549,831 (May-February)

EAC Staff Recommendation

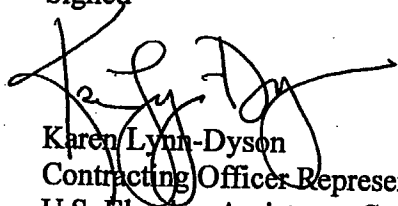
Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project's overall budget.

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Based upon the work products provided to the EAC, thus far, the additional personnel expenses which the contractor has incurred appear to be reasonable. To grant the Eagleton Institute a three-month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and therefore, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed



Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission



Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission

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AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES
				E4014127	
2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)		
	01/24/2008				
6. ISSUED BY	CODE	7. ADMINISTERED BY (if other than item 6)	CODE		
U.S. Election Assistance Commission 1225 New York Avenue Suite 1100 Washington, DC 20006					
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)	9A. AMENDMENT OF SOLICITATION NO.
Rutgers, Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901					
					9B. DATE ISSUED (ITEM 11)
					10A. MODIFICATION OF CONTRACT/ORDER NO.
					E4014127
				X	10B. DATE ISSUED (ITEM 11)
					05/24/2005
CODE	FACILITY CODE				
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAR 43.103 OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

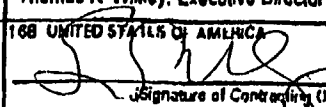
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE (WHICH IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	FAR 43.103(a)(3)
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as change in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October, 2005. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification issues. The extension will entail additional personnel time, but no additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of March 31, 2006.

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Constance J. Bornheimer Accounting Manager	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Thomas R. Wilkey, Executive Director
15B. CONTRACTOR OFFICE Constance J. Bornheimer (Signature of person authorized to sign)	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)
15C. DATE SIGNED 02/06/06	16C. DATE SIGNED 02/22/06

INSTRUCTIONS

Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

(1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.

(2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.

(3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.

(4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.

(5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

l) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification
Net increase

\$ 019176

(2) Accounting classification
Net decrease

\$ _____

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ _____

(ii) Total contract price decreased by \$ _____

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i) Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

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

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

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

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

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

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

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Fy06 - No cost Amend

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 04/26/06

2. ORDER NUMBER:

3. CONTRACT NUMBER:

4. ACT NUMBER: E4014127B

5. ACCOUNTING CLASSIFICATION

FUND	ORG CODE	B/A CODE	O/C CODE
8035	TZM9110	10	25
FUNC CODE	C/E CODE	PROJ./PROS. NO.	CC-A
000	516		
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage [REDACTED]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

02 FAR 43.103(a)(3)

A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROPRIATE

WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS

B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)

Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE

AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 01/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				

RECEIVING OFFICE (Name, symbol and telephone no.)

S. Election Assistance Commission (202) 566-3100

SHIPPING POINT

23. GROSS SHIP WT.

TOTAL FROM 300-A(s) 560,002.00

GRAND TOTAL 560,002.00

MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)

Election Assistance Commission

25 New York Ave., NW, Suite 1100

Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

25B. TELEPHONE NO. (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO. (202) 566-3100

26C. SIGNATURE [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-26 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of a defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500.)

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

019179



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

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

Background:

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

Justification for No-Cost Extension:

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

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

Recommendation:

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

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE
E4014127

PAGE OF PAGES

AMENDMENT/MODIFICATION NO.

3. EFFECTIVE DATE
04/24/2006

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (if applicable)

ISSUED BY CODE

7. ADMINISTERED BY (if other than Item 6) CODE

3. Election Assistance Commission
25 New York Avenue, NW
Washington, DC 20005

NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

gers, Office of Research and Sponsored Programs
utgers Plaza
Brunswick, NJ 08901

(X) 9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER NO.
E4019892A

10B. DATED (SEE ITEM 11)
6/24/2005

JE FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended, is not extended. You must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 9 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE OFFICE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

ACCOUNTING AND APPROPRIATION DATA (if required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

13A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.	X
FAR 43.103(a)(3)	
13B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).	
13C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:	
13D. OTHER (Specify type of modification and authority)	

IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
no-cost contract modification is intended to move the contractor's concluding date from March 31, 2006 to June 30, 2006. Pursuant to the terms of the referenced contract, the contractor was to have finished its work by March 31, 2006. However, the EAC wishes to conduct a supplemental review of the report on Voter Identification during the week of May 8, 2006. After the supplemental review, the contractor will revise the draft report and present two reports (Provisional Voting and Voter Identification) to the EAC Advisory Board at its May 25, 2006 meeting. Anticipating that the EAC Advisory Board will complete its work by June 30, 2006.

As provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

NAME AND TITLE OF SIGNER (Type or print) JOHN WEINBART, Assoc. Director, Election Inst.	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Thomas R. Wilkey, Executive Director and Contractor Officer	019130
CONTRACTOR/OFFEROR <i>(Signature)</i>	16B. UNITED STATES OF AMERICA <i>(Signature of Contracting Officer)</i>	16C. DATE SIGNED 4-25-06
16C. DATE SIGNED 4/25/06		

Obligated FY05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER
11/08/05

2. ORDER NUMBER

3. CONTRACT NUMBER
EAC 05-67

4. A

E4019698

5. ACCOUNTING CLASSIFICATION

6. FINANCE DIVISION

FOR GOVERNMENT USE ONLY

FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Job Serebrov

Contact: Job Serebrov

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

B. DELIVERY

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

114647486

9B. CHECK, IF APPROP WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION B. PARTNER-SHIP C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
225 New York Ave., N.W., Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

EAC, 1225 New York Ave., NW, #1100, Wash. DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
09/01/05

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$ 5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$55,000.00

SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

55,000.00

MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)

Election Assistance Commission

225 New York Ave., NW Suite 1100

Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

25B. TELEPHONE NO.

202-566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia Hillman, Chair

26B. TELEPHONE NO.

202-566-3100

26C. SIGNATURE

GENERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

019181

ACT NUMBER E4019698; EAC CONTRACT NUMBER 05-67

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

019185

FY 06

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution
 PAGE 1 OF 1 PAGES
 3. CONTRACT NUMBER: EAC 06-05
 4. ACT: E4019905

1. DATE OF ORDER: 02/24/06
 2. ORDER NUMBER:

FOR GOVERNMENT USE ONLY

5. ACCOUNTING CLASSIFICATION

FUND: 8036	ORG CODE: TZM91100	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.:	CC-A:
W/ITEM:	CC-B:	PRT./CRFT:	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)
 Job Serebrov
 [Redacted]
 Contact: Job Serebrov [Redacted]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER: 144-64-7486
 9B. CHECK, IF APPROPRIATE: WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 Election Assistance Commission
 1225 New York Ave, NW Suite - 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Job Serebrov
 2110 South Spring Street
 Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

4. PLACE OF INSPECTION AND ACCEPTANCE
 J.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission

6. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE: 2/26/06

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
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RECEIVING OFFICE (Name, symbol and telephone no.)
 S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) \$28,475.00
 GRAND TOTAL 28,475.00

MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 Election Assistance Commission
 225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana M. Scott

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Thomas R. Wilkey, Executive Director

28C. SIGNATURE

26B. TELEPHONE NO.
 (202) 566-3100

26B. TELEPHONE NO.
 (202) 566-3100

019186

PURCHASE ORDER TERMS AND CONDITIONS

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The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

2.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

i) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

ii) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of a defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

i) Name and address of the Contractor.

ii) Invoice date.

iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.226-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 12/24/06
 2. ORDER NUMBER: [REDACTED]
 3. CONTRACT NUMBER: EAC 06-05
 4. ACT NUMBER: E4019905

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

TO: CONTRACTOR (Name, address and zip code)

Job Serebrov

Contact: Job Serebrov

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9. EMPLOYER'S IDENTIFICATION NUMBER

44-64-7486

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

- A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

- A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

Election Assistance Commission
 1225 New York Ave, NW Suite - 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Job Serebrov
 2110 South Spring Street
 Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

16. F.O.B. POINT

Estimation

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 2/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. Labor: \$24,975.00 Travel: \$3,500.00 TOTAL COST OF CONTRACT: \$28,475.00	1			

21. RECEIVING OFFICE (Name, symbol and telephone no.)

S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$28,475.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

28,475.00

24. MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)
 Election Assistance Commission
 1225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

25B. TELEPHONE NO.

(202) 566-3100

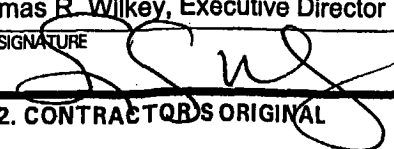
26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.

(202) 566-3100

26C. SIGNATURE



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PURCHASE ORDER TERMS AND CONDITIONS

52.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offers awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for our convenience. All days referred to in the extracts below are calendar days.

a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1966, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1966 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1966, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1966 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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ACT NUMBER E4019905; EAC CONTRACT NUMBER 06-05
Personal Services Contract for Interim Expert Services

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this expert to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two experts, who will work jointly to perform the work described below. This contract is a follow-on agreement to EAC Contract Number 05-67. That agreement for non-severable services expires February 25, 2006, without completion of the project. The originally estimated labor hours for the project were insufficient. As such, the EAC seeks to continue the work started in the previous contract but has changed the scope (or duties) of the contractor to limit project costs. This change is reflected in the scope of work section, below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). The initial appointment under this agreement shall be for the intermittent employment of an expert as defined by 5 C.F.R. §304.102(d) and (e). The expert (hereinafter "contractor") shall work as required by the EAC, without a regularly scheduled tour of duty. Under no circumstances may contractor work more than 225 hours during the term of this agreement (5 C.F.R. §304.103(c)(2)(i)).

Supervision and Management.

The EAC Manager and Contracting Officer's Representative (COR) for this effort is Peggy Sims. Ms. Sims will provide taskings, and authorize, supervise, review and approve all work and performance. She will also approve all labor hours on invoices and travel vouchers submitted for compensation under this agreement.

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Period of Appointment.

The appointment under this contract is temporary and shall be for a period of up to four months. The contract period shall begin February 26, 2006. The contract may be extended and contractor reappointed for an additional period (not exceed one year) upon agreement of both parties. (See 5 C.F.R. §304.103(c)).

Compensation

The consultant shall be paid at a rate of \$111 per hour. Contractor shall perform the services prescribed by this agreement as directed by the COR on an intermittent basis. **However, in any event, the contractor shall not work more that [41 hours] in either of the 2 two week periods that make up each four week pay period.** Further, as aforementioned, the contractor may not work more than 225 hours during the term of this agreement. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. COR shall provide contractor notice and authorization when performance under this agreement is required.

The consultant shall not incur overtime and is not eligible for premium pay under subchapter V of chapter 55 of title 5, United States Code. (5 C.F.R. §304.106(b)). The contractor, as an intermittent appointee, is also not entitled to sick or annual leave. Contractor will not receive compensation for Federal holidays when no work is performed. (5 C.F.R. §304.106(b)). The contractor shall not receive automatic adjustments of pay based upon 5 U.S.C. §5303. Contractor's pay rate may be increased at the sole discretion of the Contracting Officer, consistent with Federal regulations. Contractor may be reimbursed for other costs, such as local travel, consistent with this agreement if approved by the COR and submitted in writing via invoice.

Travel

The contractor may be required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC COR. The contractor will be reimbursed for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel. Compensation for travel shall be made in accordance with the rates set forth in the Federal Travel Regulation. The amount reimbursed for travel shall not exceed \$3,500 in Federal Fiscal Year 2006.

Release of Information

As a result of the limited employment relationship created by this agreement, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All

such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Compensation Procedures

Compensation shall be made for work done (labor hours) by submitting invoices. Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin February 26, 2006. Invoices must be submitted every 4 weeks when compensable work under this contract has been performed. The COR will provide the contractor with an invoice schedule, identifying each of the invoice periods, and model invoice forms. Invoices shall be delivered to the COR for review and approval. Each invoice shall:

- (1) Identify each day (by date) that work was performed and the number of labor hours performed that day. Briefly describe the nature of the work performed for that day;
- (2) State the total number of labor hours that have been expended under the agreement for the invoice period;
- (3) State the total number of hours worked for each of the two week periods that make up the total invoice time;
- (4) Provide a cumulative total of hours worked during the entire contract performance period (one year);
- (5) Submit, as a separate line item, all reimbursable travel costs for approval. The submission must provide dates of travel, receipts and other information as required by the Federal Travel Regulation.
- (6) Include the contractor's signature, affirming that information contained in the invoice is accurate.

Duty Location

Contractor's duty station shall be his/her home or place of business. The contractor has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). All other resources will be provided by the EAC as needed and at its discretion.

Notices

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To EAC: 1225 New York Avenue, Suite 1100, Washington, DC 20005,
Attention: Contracting Officer Representative, Peggy Sims.

To Contractor: At EAC and at the Contractor's address shown on the Cover Page of this contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice whichever is later.

Areas of Responsibility (Statement of Work)

1. Submit a revised work plan reflecting revised due dates for deliverables.
2. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
3. Using the description developed for 2 above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
4. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of the consultant's research (discussed in 2 and 3, above) as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
5. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort.

Terms and Conditions

The following additional terms and conditions shall apply to this personal services contract:

a. Federal Acquisition Regulation Clauses Incorporated by Reference:

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. These clauses may be obtained on the internet at <http://farsite.hill.af.mil/>.

52.203-7 Anti-Kickback Procedures (JUL 1995)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Sept 2005)

52.215-2	Audit and Records -- Negotiation (Jun 1999)
52.224-1	Privacy Act Notification (APR 1984)
52.224-2	Privacy Act (APR 1984)
52.232-17	Interest (JUN 1996)
52.246-25	Limitation of Liability-Services (FEB 1997)
52.252-4	Alterations in Contract (APR 1984)

b. Federal Acquisition Regulation Clauses in Full Text:

Contract Termination (FAR 52.249-12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer. (End of Clause)

Site Visit (FAR 52.237-1)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. (End of Clause)

Protection of Government Buildings, Equipment, and Vegetation (FAR 52.237-2)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price. (End of Clause)

Covenant Against Contingent Fees (FAR 52.203-5)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty,

the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Contingent Fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.
(End of Clause)

Disputes (FAR 52.233-1), Alternate I

(a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d) (1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)

(i) The contractor shall provide the certification specified in paragraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the offer.

(h) The Government shall pay interest on the amount found due and unpaid from

(1) the date that the Contracting Officer receives the claim (certified, if required); or

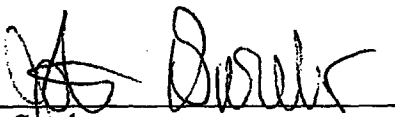
(2) the date that payment otherwise would be due, if that date is later, until the date of payment.

With regard to claims having defective certifications, as defined in FAR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the contract, and comply with any decision of the Contracting Officer.
(End of Clause)

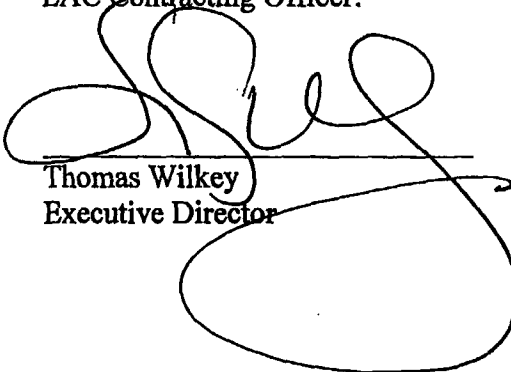
By signing below, contractor agrees to furnish the personal services set forth or otherwise identified, above, consistent with the conditions noted above and for the consideration stated herein.

Contractor:



Job Serebrov

EAC Contracting Officer:



Thomas Wilkey
Executive Director

File 06

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER
02/24/06

2. ORDER NUMBER

3. CONTRACT NUMBER
EAC 06-04

4.

E4019904

FOR GOVERNMENT USE ONLY

5. ACCOUNTING CLASSIFICATION

FUND 8036	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

TO: CONTRACTOR (Name, address and zip code)

Tova Wang
[Redacted]
Contact: Tova Wang [Redacted]

B. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

EMPLOYER'S IDENTIFICATION NUMBER
19-70-1137

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

12. REMITTANCE ADDRESS (MANDATORY)
Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)
Same as block 11

PLACE OF INSPECTION AND ACCEPTANCE
S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
U.S. Election Assistance Commission

F.O.B. POINT
Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
2/26/06

19. PAYMENT/DISCOUNT TERMS
Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. Labor: \$24,975.00 Travel: \$3,448.34 TOTAL COST OF CONTRACT: \$28,423.34				

RECEIVING OFFICE (Name, symbol and telephone no.)
Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)	\$28,423.34
GRAND TOTAL	28,423.34

MAIL INVOICE TO: (Include zip code)
Services Administration (FUND)
Election Assistance Commission
5 New York Avenue, NW, Suite 1100
Washington, DC 20005

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana M. Scott

25B. TELEPHONE NO.
(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.
(202) 566-3100

26C. SIGNATURE

FEDERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

2.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offers awarded contracts may include prompt payment discounts on individual invoices.

i) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

i) Name and address of the Contractor.

ii) Invoice date.

iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

DATE OF ORDER

2. ORDER NUMBER

3. CONTRACT NUMBER

4. ACT NUMBER

2/24/06

EAC 06-04

E4019904

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

TO: CONTRACTOR (Name, address and zip code)

Tova Wang

201 West 74th Street, Apt. 11F
New York, NY 10023

Contact: Tova Wang

B. TYPE OF ORDER

REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO.

AUTHORITY FOR ISSUING

1. EMPLOYER'S IDENTIFICATION NUMBER

19-70-1137

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

A. CLASSIFICATION

A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

Election Assistance Commission
25 New York Ave, NW Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

13. SHIP TO (Consignee address, zip code and telephone no.)
Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE

2/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics.</p> <p>Labor: \$24,975.00 Travel: \$3,448.34 TOTAL COST OF CONTRACT: \$28,423.34</p>				

RECEIVING OFFICE (Name, symbol and telephone no.)

Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$28,423.34

SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

28,423.34

MAIL INVOICE TO: (include zip code)

Federal Services Administration (FUND)
Election Assistance Commission

25 New York Avenue, NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

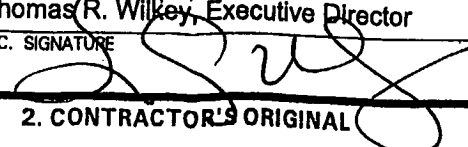
25B. TELEPHONE NO.
(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.
(202) 566-3100

26C. SIGNATURE



019206

FEDERAL SERVICES ADMINISTRATION

2. CONTRACTOR'S ORIGINAL

GSA FORM 300 (REV. 2-93)

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.262-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-28 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

019201

03/02/2006 12:27 2120007007 FOR PAGE 02/03

ACT NUMBER E4019904; EAC CONTRACT NUMBER 06-04
Personal Services Contract for Interim Expert Services

Background

Section 241 of H.R. VA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this expert to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two experts, who will work jointly to perform the work described below. This contract is a follow-on agreement to EAC Contract Number 05-66. That agreement for non-severable services expires February 15, 2006, without completion of the project. The originally estimated labor hours for this project were insufficient. As such, the EAC seeks to continue the work started in this previous contract but has changed the scope (or duties) of the contractor to limit project costs. This change is reflected in the scope of work section, below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). The initial appointment under this agreement shall be for the intermittent employment of an expert as defined by 5 C.F.R. §304.102(d) and (e). The expert (hereinafter "contractor") shall work as required by the EAC, without a regularly scheduled tour of duty. Under no circumstances may contractor work more than 225 hours during the term of this agreement (5 C.F.R. §304.103(c)(2)(i)).

Supervision and Management.

The EAC Manager and Contracting Officer's Representative (COR) for this effort is Peggy Sims. Ms Sims will provide taskings, and authorize, supervise, review and approve all work and performance. She will also approve all labor hours on invoices and travel vouchers submitted for compensation under this agreement.

019202

Period of Appointment.

The appointment under this contract is temporary and shall be for a period of up to four months. The contract period shall begin February 26, 2006. The contract may be extended and contractor reappointed for an additional period (not exceed one year) upon agreement of both parties. (See 5 C.F.R. §304.103(c)).

Compensation

The consultant shall be paid at a rate of \$111 per hour. Contractor shall perform the services prescribed by this agreement as directed by the COR on an intermittent basis. However, in any event, the contractor shall not work more than [41 hours] in either of the 2 two week periods that make up each four week pay period. Further, as aforementioned, the contractor may not work more than 225 hours during the term of this agreement. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. COR shall provide contractor notice and authorization when performance under this agreement is required.

The consultant shall not incur overtime and is not eligible for premium pay under subchapter V of chapter 55 of title 5, United States Code. (5 C.F.R. §304.106(b)). The contractor, as an intermittent appointee, is also not entitled to sick or annual leave. Contractor will not receive compensation for Federal holidays when no work is performed. (5 C.F.R. §304.106(b)). The contractor shall not receive automatic adjustments of pay based upon 5 U.S.C. §5303. Contractor's pay rate may be increased at the sole discretion of the Contracting Officer, consistent with Federal regulations. Contractor may be reimbursed for other costs, such as local travel, consistent with this agreement if approved by the COR and submitted in writing via invoice.

Travel

The contractor may be required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC COR. The contractor will be reimbursed for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel. Compensation for travel shall be made in accordance with the rates set forth in the Federal Travel Regulation. The amount reimbursed for travel shall not exceed \$6,500 in Federal Fiscal Year 2006.

Release of Information

As a result of the limited employment relationship created by this agreement, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All

such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Compensation Procedures

Compensation shall be made for work done (labor hours) by submitting invoices. Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin February 26, 2006. Invoices must be submitted every 4 weeks when compensable work under this contract has been performed. The COR will provide the contractor with an invoice schedule, identifying each of the invoice periods, and model invoice forms. Invoices shall be delivered to the COR for review and approval. Each invoice shall:

- (1) Identify each day (by date) that work was performed and the number of labor hours performed that day. Briefly describe the nature of the work performed for that day;
- (2) State the total number of labor hours that have been expended under the agreement for the invoice period;
- (3) State the total number of hours worked for each of the two week periods that make up the total invoice time;
- (4) Provide a cumulative total of hours worked during the entire contract performance period (one year);
- (5) Submit, as a separate line item, all reimbursable travel costs for approval. The submission must provide dates of travel, receipts and other information as required by the Federal Travel Regulation.
- (6) Include the contractor's signature, affirming that information contained in the invoice is accurate.

Duty Location

Contractor's duty station shall be his/her home or place of business. The contractor has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). All other resources will be provided by the EAC as needed and at its discretion.

Notices

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To EAC: 1225 New York Avenue, Suite 1100, Washington, DC 20005,
Attention: Contracting Officer Representative, Peggy Sims.

To Contractor: At EAC and at the Contractor's address shown on the Cover Page of this contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice whichever is later.

Areas of Responsibility (Statement of Work)

1. Submit a revised work plan reflecting revised due dates for deliverables.
2. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
3. Using the description developed for 2 above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
4. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of the consultant's research (discussed in 2 and 3, above) as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
5. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort.

Terms and Conditions

The following additional terms and conditions shall apply to this personal services contract:

a. Federal Acquisition Regulation Clauses Incorporated by Reference:

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. These clauses may be obtained on the internet at <http://farsite.hill.af.mil/>.

52.203-7 Anti-Kickback Procedures (JUL 1995)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Sept 2005)

- 52.215-2 Audit and Records -- Negotiation (Jun 1999)
- 52.224-1 Privacy Act Notification (APR 1984)
- 52.224-2 Privacy Act (APR 1984)
- 52.232-17 Interest (JUN 1996)
- 52.246-25 Limitation of Liability-Services (FEB 1997)
- 52.252-4 Alterations in Contract (APR 1984)

b. Federal Acquisition Regulation Clauses in Full Text:

Contract Termination (FAR 52.249-12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer. (End of Clause)

Site Visit (FAR 52.237-1)

Offerors or quarters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. (End of Clause)

Protection of Government Buildings, Equipment, and Vegetation (FAR 52.237-2)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price. (End of Clause)

Covenant Against Contingent Fees (FAR 52.203-5)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty,

the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Contingent Fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.
(End of Clause)

Disputes (FAR 52.233-1), Alternate I

(a) This contract is subject to the Contract Disputes Act of 1973, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d) (1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

019207

(2)

(i) The contractor shall provide the certification specified in paragraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the offer.

(h) The Government shall pay interest on the amount found due and unpaid from

(1) the date that the Contracting Officer receives the claim (certified, if required); or

(2) the date that payment otherwise would be due, if that date is later, until the date of payment.

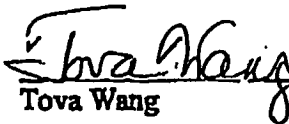
With regard to claims having defective certifications, as defined in FAR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

019208

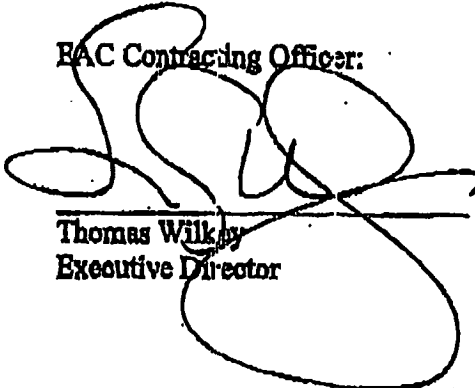
(i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the contract, and comply with any decision of the Contracting Officer.
(End of Clause)

By signing below, contractor agrees to furnish the personal services set forth or otherwise identified, above, consistent with the conditions noted above and for the consideration stated herein.

Contractor:


Tova Wang

EAC Contracting Officer:


Thomas Wilkey
Executive Director

Obligated FY05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER
11/08/05

2. ORDER NUMBER

3. CONTRACT NUMBER
EAC 05-66

4. AC

B4019697

FOR GOVERNMENT USE ONLY

5. ACCOUNTING CLASSIFICATION

FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

8. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Tova Wang
[Redacted]

Contact: Tova Wang [Redacted]

B. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.
 B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

9A. EMPLOYER'S IDENTIFICATION NUMBER

119701137

9B. CHECK, IF APPROP WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
225 New York Ave., N.W., Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

4. PLACE OF INSPECTION AND ACCEPTANCE

AC, 1225 New York Ave., NW, #1100, Wash. DC 20005
F.O.B. POINT

15. REQUISITION OFFICE (Name, symbol and telephone no.)
Election Assistance Commission

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
09/01/05

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$ 5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

RECEIVING OFFICE (Name, symbol and telephone no.)

Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) \$55,000.00
GRAND TOTAL 55,000.00

MAIL INVOICE TO: (Include zip code)

ral Services Administration (FUND)
ction Assistance Commission
15 New York Ave., NW Suite 1100
shington, DC 20005

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana Scott

25B. TELEPHONE NO.
202-566-3100

28A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Gracia Hillman, Chair

26B. TELEPHONE NO.
202-566-3100

26C. SIGNATURE

ERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

019210

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70. FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(b)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and point of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

019211

ACT NUMBER E4019697; EAC CONTRACT NUMBER 05-66

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

PROPOSAL TO THE U.S. ELECTION ASSISTANCE COMMISSION

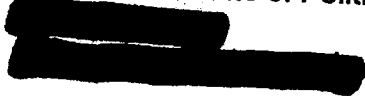
Eagleton Institute of Politics, Rutgers, The State University of New Jersey
With the Moritz College of Law, The Ohio State University

Providing Research Assistance to the Election Assistance Commission for the
development of voluntary guidance on Provisional Voting and Voter Identification
Procedures

March 22, 2005

CONTACT

Ruth B. Mandel, Director
Principal Investigator
Eagleton Institute of Politics



CONTENTS OF THE PROPOSAL PACKAGE

Technical Proposal, Including Project Workplan

- Attachment 1 -- Preliminary Gantt Chart
- Attachment 2 -- Matrix of Personnel
- Attachment 3 -- Qualifications of the Principal Investigator
- Attachment 4 -- Comparable Projects of Eagleton Institute
- Attachment 5 -- Risks for Successful Completion of Provisional Voting
- Attachment 6 -- Risks for Successful Completion of Voter ID
- Attachment 7 -- Reasons the Project Team is the Best Qualified
- Attachment 8 -- Resumes of Project Team
- Separate File -- Cost Proposal

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The Eagleton Institute of Politics at Rutgers, The State University of New Jersey, together with the Moritz College of Law and the Department of Political Science at The Ohio State University have formed a consortium to respond to the U.S. Election Assistance Commission's Request for Proposals to support the development of voluntary guidance on Provisional Voting and Voter Identification Procedures. These institutions have a record of accomplishment in this and closely related fields and are pleased to have this opportunity to contribute to the nationally significant research agenda proposed by the Commission. The consortium offers an independent, objective team of scholars and researchers whose experience and previous contributions to the field will facilitate the completion of the ambitious research agenda in the compressed time established in the RFP.

The research described follows the Commission's Resolution of October 12, 2004 that made the following points:

- Provisional Voting should ensure that all voters who are --or believe they are-- registered can cast a ballot in federal elections with the knowledge that a fair process will be followed to determine if the provisional ballot should be counted;
- Election officials have a duty to make certain that provisional balloting is administered fairly and effectively;
- Just before the election, the public was unclear about Provisional Voting procedures;

The Consortium

THE EAGLETON INSTITUTE

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton offers a range of education programs, including an undergraduate certificate, graduate fellowships, research internships, and opportunities to interact with political practitioners. Eagleton's unusual experience in combining scholarly work with the practice of politics means that the Commission will receive information, analysis and recommendations that are credible, practical, and effective.

The Institute regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions. Its faculty, centers and programs specialize in fields that are directly relevant to the Commission's needs, including the study of: state legislatures; minority and immigrant political behavior; campaigns, elections and political parties; and civic education. The Institute is well known for its Eagleton Poll, a survey research center, which may contribute to this project if the EAC elects to include the optional surveys of young voters (who face particular hurdles as first-time registrants and voters) and of local election officials across the country. These surveys are described in this proposal as possible supplements to the research outlined specifically in the Commission's RFP.

019216

THE MORITZ COLLEGE OF LAW

The College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. It offers a broad and deep curriculum of approximately 145 courses, covering nearly every area of the law. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy. Moritz's role in the research may be enhanced by the inclusion of the OSU Department of Political Science, which is prepared to undertake an in-depth survey of provisional voting and voter identification requirements in one to three states if EAC elects to include that optional research in its contract.

Design and Management of the Project

The Consortium's work will be directed by a Project Team. Dr. Ruth B. Mandel, Director of the Eagleton Institute of Politics and Board of Governors Professor of Politics at Rutgers, chairs the Project Team, and will be the Principal Investigator. Project Team members are:

Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law at the Moritz College of Law and Director of Election Law @ Moritz

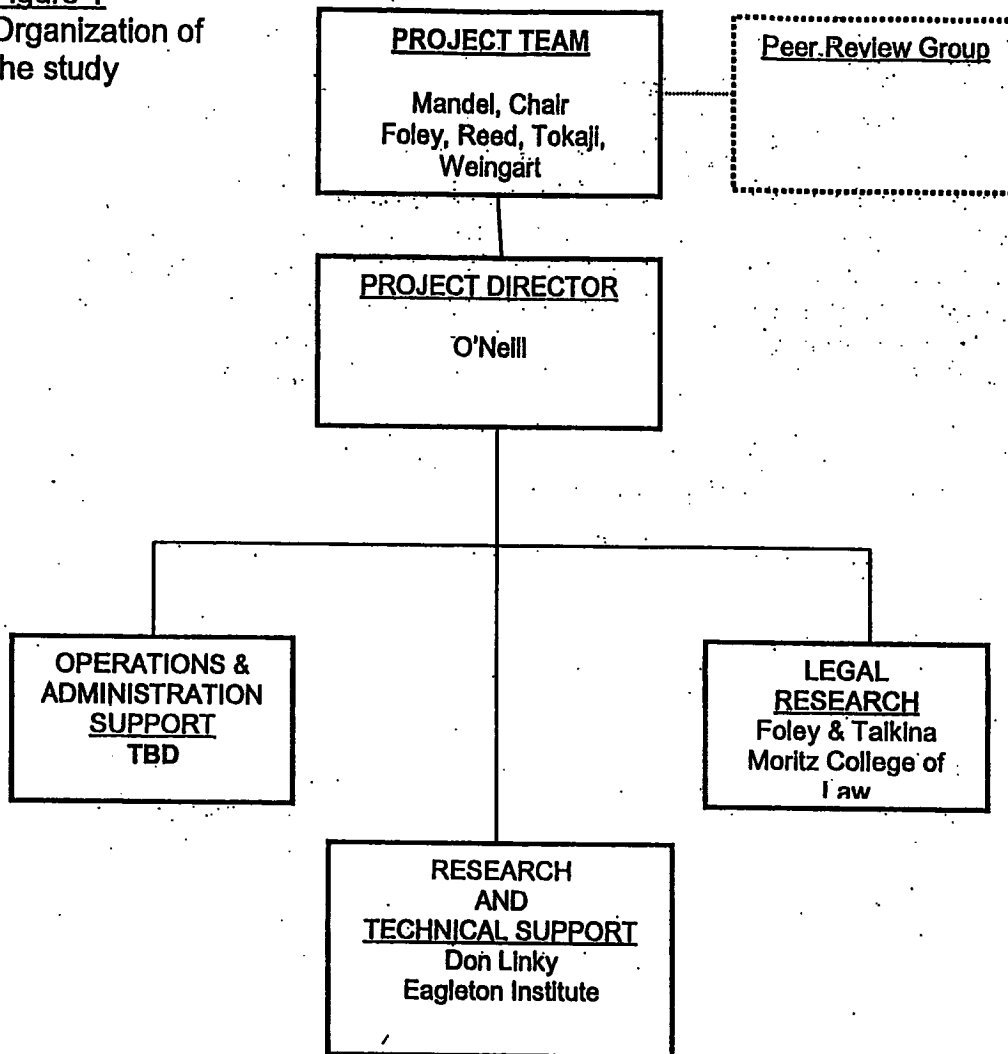
Ingrid Reed, Director of the New Jersey Project at the Eagleton Institute of Politics. Reed's work has focused on campaigns and elections from the point of view of the citizen.

Daniel P. Tokaji, Assistant Professor of Law at the Moritz College of Law. His areas of expertise include voting rights, civil rights, freedom of speech, disability rights, and civil procedure.

John Weingart, Associate Director of the Eagleton Institute of Politics, whose publications focus on government process and citizen involvement

To manage the project, Eagleton has retained Thomas O'Neill. He has long experience in leading and managing complex research and analysis projects. For the past 20 years, O'Neill served as President of The Partnership for New Jersey and led its Leadership New Jersey, diversity management and education improvement programs. Previously he was Executive Director of The Center for Analysis of Public Issues in Princeton, which, among other research, analyzed campaigns and elections. He served for several years as election night analyst for New Jersey Network Television and for WNET-Channel 13 in New York. The team he leads will include a research administrator and support staff necessary for the timely completion of all tasks specified in the RFP. The work will benefit from review by an advisory group of senior scholars and a bi-partisan group of practitioners to provide peer review of draft reports. The peer review group will broaden the viewpoints reflected in the work and lend depth to the Project Team.

Figure 1
Organization of
the study



The Peer Review Group is now in formation. Both Eagleton and Moritz are connected to a wide, national network of academics, authorities, and activists involved in elections and election law. Upon award of the contract, we will activate that network to recruit 8 to 10 outstanding men and women to constitute the Peer Review Group. Those listed below have not been approached yet, but they represent the range and caliber we intend to recruit for the Peer Review Group.

- Kim Alexander, California Voter Foundation, a nonpartisan organization she founded in 1994 to advance new technologies to improve elections.
- William Baroni, an attorney, Republican member of the New Jersey General Assembly, who specializes in election law.
- Mickey Edwards, former Oklahoma Congressman and faculty member at Harvard's Kennedy School who taught courses on Congress, political leadership, issue advocacy, election strategies, conservative political theory, and the constitutional separation of

powers. Now at the Princeton University's Woodrow Wilson School of Public and International Affairs.

- Elaine Jones, former president and director-counsel of the NAACP Legal Defense Fund.
- Richard C. Leone, President, The Century Foundation, which sponsors an active project on election law. Former New Jersey Treasurer and candidate for the U. S. Senate.
- Frank Relche, an attorney in private practice, chaired the Federal Election Commission during the Administration of George H. W. Bush.
- Trevor Potter, President, Campaign Legal Center and former member of the FEC. The Campaign Legal Center is a nonpartisan, nonprofit organization which works in campaign finance, and elections. Advisor to Senator John McCain.
- Peter Veniero, an attorney in private practice, former Justice of the New Jersey Supreme Court, who provided election-related legal advice to former Governor Christine Todd Whitman during her first campaign.
- Alan Rosenthal, Professor of Public Policy, Rutgers, the State University, whose research focuses on state legislatures.

The Peer Review Group will bring a wide range of thinking and informed opinion to the project. Its members will broaden and deepen the Project Team's consideration of how provisional voting and the voter identification regime affect access to the ballot while preserving the integrity of the election process. The Peer Review Group will comment on an early draft of the analysis called for in Tasks 3.4 and 3.10 and in the development of alternative approaches called for in Tasks 3.5 and 3.12.

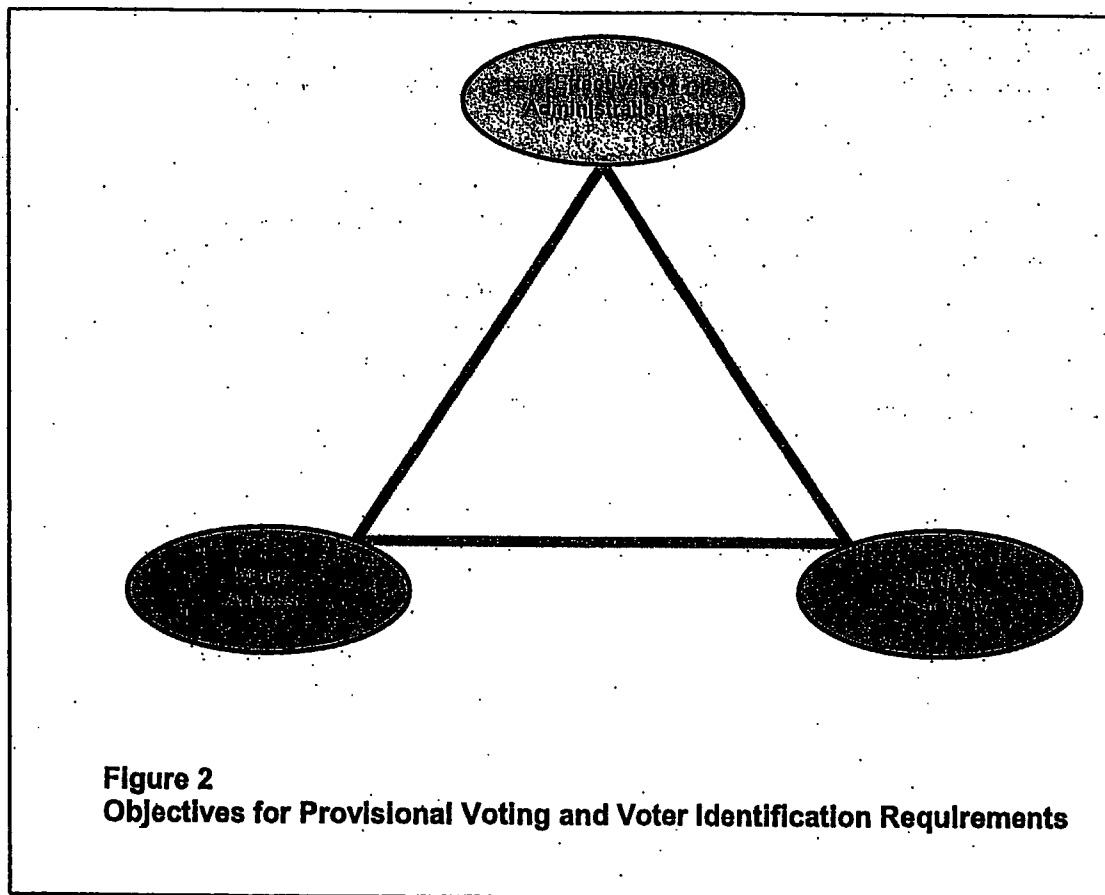
Approach to the Research and Analysis

The Commission's resolution of October 12 (Resolution 2004-02) provided guidance for election administrators in the states on how to achieve the goals of the Help America Vote Act. The research proposed here should determine the degree to which that guidance was followed in the case of Provisional Voting and in the intertwined topic of Voter Identification Requirements. Through research, interviews, survey analysis and hearings, we will develop information on key questions about the 2004 election, including:

- Did the States have in place clear and uniform written procedures, guidelines and/or instructions to govern the casting and counting of provisional ballots?
- Did local procedures reflect the state's uniform procedures?
- Did all States and election jurisdictions make these procedures available to the public, political parties and candidates before the election;
- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?
- How were Federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot, as well as where such provisional ballots must be cast in order to be counted?
- In States where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
- Do states have mechanisms in place to inform voters casting provisional ballots whether or not their vote was counted, and whether or not they are now registered for subsequent elections?

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The answers to these questions will reveal the nationwide response to HAVA and to the Commission's guidance in its Resolution 2004-02. They will also help the Project Team develop recommendations to improve the Commission's ability to tailor its guidance document to the needs of voters and election officials. The Commission will gain the knowledge needed to provide a clear basis for practical action by those responsible for administering elections, and thereby move closer to the goals of the Help America Vote Act. It will determine the degree to which Provisional Voting provides a "fail-safe" ballot for those who would otherwise be disenfranchised by confusion or administrative error. This work is important.



A critical area of inquiry throughout this study will be the balance between ballot access and ballot integrity. Striking that balance requires well-trained election administrators who can make fine distinctions under pressure. Figure 2 shows the interplay among the three goals of voter access, ballot security, and administrative clarity, illustrating that tradeoffs must be made in pursuing these important goals. The balance among these goals was one issue at stake in *Spencer v. Blackwell*, which raised the central issue of discrimination against African-American voters by poll challengers in Ohio. Just before the 2004 election, the U.S. Court Of Appeals for the Sixth Circuit in *Summit County Democratic Central and Executive Committee v. Blackwell* described the tension

between the conflicting goals of ballot access and ballot integrity, concerns that apply to assessing the effects of provisional voting:

There is a strong public interest in allowing every registered voter to vote freely. There is also a strong public interest in permitting legitimate statutory processes to operate to preclude voting by those who are not entitled to vote. Finally, there is a strong public interest in smooth and effective administration of the voting laws that militates against changing the rules in the hours immediately preceding the election.

We will pay particular attention to these tensions. The study will weigh questions of open access, administrative practicality, equitable treatment of all voters, the role of technology in extending the boundaries of the possible, and the realities of reliance on state and local entities to devise and administer election law in compliance with constitutional protections within a framework of federalism.

We will reach out to organizations, such as those listed below, with an interest in HAVA and in issues surrounding Provisional Voting and Voter Identification to gather information and invite their comments, suggestions, and recommendations:

- American Enterprise Institute [www.aei.org]
- Brennan Center for Justice at NYU School of Law [www.brennancenter.org]
- Center for Digital Government
- The Century Foundation [www.tcf.org]
- The Constitution Project
- DEMOS-USA [www.demos-usa.org]
- The Election Center [www.votewatch.us]
- Election Reform Information Project [www.electionline.org]
- Leadership Conference on Civil Rights [www.civilrights.org]
- League of Women Voters [www.lwv.org]
- National Association of State Election Directors [www.nased.org]
- People for the American Way [www.pfaw.org]
- Secretaries of State Association [www.nass.org]

The information and perspectives held by these organizations will provide leads for further research and analysis. For example, DEMOS-USA, a New York-based NGO, undertook a 50-state survey of plans for provisional ballots. Published as "Placebo Ballots—Will Fail Safe Voting Fail", its findings suggest areas for further inquiry:

- Officials were asked the circumstances under which provisional ballots would be offered, which races the ballots would include, and how they would be determined valid and subsequently counted. The responses differed widely among states. At times, different elections officials within the same state offered different answers.
- Idaho and Minnesota do not offer provisional ballots to first-time, newly registered voters who cannot show identification.
- Ten other states do not allow these individuals a chance to substantiate their identity after Election Day or verify their eligibility through other means. Instead, they will automatically invalidate provisional ballots cast by these "voters."

- At least fifteen other states require provisional voters to return to the election clerk's office after Election Day to present identification. Poll worker error is likely to have a particularly strong effect on provisional voters. Many voters will likely leave the polling place without understanding that they must return with identification sometime later for their provisional ballot to count.
- Twenty-three states provide provisional ballots and verify voters' eligibility without requiring them to present identification subsequent to Election Day.

WORK PLAN

Figure 4, attached, is a preliminary Gantt chart of the project. Please refer to it in conjunction with the following narrative. The chart projects a start date of April 4, 2005, with completion by the end of October 2005, for a duration of 7 months.

PROVISIONAL VOTING

Task 3.1 (By April 14)

We will submit an updated work plan and more detailed Gantt chart. The updated work plan will contain additional detail on the approach and methods we will apply to each task and will provide a more precise estimate of the time required for completion of those tasks. The Project Director and selected members of the Project Team will brief the EAC Project Manager and lead Commissioner as required. Before April 14 we expect to know from the Project Manager if the EAC wishes us to undertake the optional surveys described in this proposal as supplements to the research.

Task 3.2 (By middle of each month, May – October)

The Project Director will submit progress reports that summarize activities, indicate progress, report preliminary results and conclusions, identify problems to be resolved, and track the budget.

Task 3.3 (Periodically, May – October)

The Project Team will brief the EAC as desired. The work plan provides for as many as 6 briefings at appropriate milestones (see Gantt chart). Some of these would be by conference call, others would take place at the EAC's offices.

Task 3.4 Collect and Analyze (April -- May)

The analysis of variation in the administration of Provisional Voting across the country is the keystone of this phase of the research. With the research team and advisory group in place, we will begin immediately to collect and analyze state legislation, administrative procedures, and court cases to understand variations in implementation across the country. The compendium of statutes, case law and procedural guidance collected will provide a valuable continuing resource for the EAC. The analysis of that material—and, we hope, of the optional surveys described below—will provide the basis for possible alternative approaches to Provisional Voting called for in Task 3.5 that we and the EAC will consider in drafting the preliminary guidance document called for in Task 3.6.

- In 2004, according to Electionline, more than 1.6 million provisional ballots were cast, with nearly 1.1 million (68 percent) counted. In Florida and Ohio alone, this meant nearly 200,000 voters who would have been turned away from polling places if their names could not be found in 2000 had a chance to cast a ballot in 2004. Election Line's work points to the critical importance of different procedures state-by-state across the country in the implementation of Provisional Voting.¹ It found that: "Provisional vote-counting varied widely among states, from a national high of 97 percent counted in Alaska to a low of 6 percent counted in Delaware. The report found a national average of 68 percent counted. While lacking any concrete data of the reasons for accepting or declining the votes, anecdotal reports from state and local election officials indicate some people were confused into thinking that provisional ballots could be used in lieu of registration. Those ballots were not counted." "State rules had an impact on the percentage of provisional ballots counted. States that allowed voters to cast ballots outside of their correct precinct but inside of their jurisdiction counted an average of 70 percent of provisional ballots. States that disqualified any provisional ballots counted outside of a voter's correct precinct counted 60 percent of the ballots."
- "The national mandate for provisional voting did not mean national uniformity. In fact, we found that whether a voter had his or her provisional ballot counted relied nearly as much on where they cast it as their actual registration status. Had the election been closer, this would have been a flashpoint for controversy... The debate over provisional ballots is far from over."

Our goal in this project is to provide the EAC with the information and analysis needed to move that debate closer to resolution.

The Project Director and staff at Eagleton, working with one or more graduate assistants, will undertake a comprehensive survey of the literature on Provisional Voting and of news and government reports in the experience with Provisional Voting in the November 2004 election.

If the Commission elects to fund the optional survey of local election officials, the work will also include producing reliable and valid data on how these officials conducted themselves and how they evaluate the clarity of the instructions and guidance they received. The sampling of the view of these officials, whose responsibilities are critical to the effective implementation of Provisional Voting, will provide information more reliable and thorough than the anecdotal reports available through a literature search.

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The Commission may also elect to fund the optional survey of provisional voters in 1 – 3 states that is described below. It will enrich the study by providing valid and reliable, non-anecdotal information on the experience of those who cast a provisional ballot.

¹ ElectionLine.Org, *Solution or Problem? Provisional Ballots In 2004*, March 2005
<http://electionline.org/site/docs/pdf/ERB.10.Provisional.Voting.3.17.2005.a.pdf>

Optional Survey of Provisional Voters

A survey of provisional voters would provide rare, reliable information about the process of casting a provisional ballot as reported by the voters themselves. The OSU Department of Political Science will design a survey instrument and commission a survey of a sample of those casting provisional ballots in one to three states (including at least one of the 17 states where Provisional Voting was new in 2004).

The survey would reveal the voters' understanding about why they had to cast a provisional ballot. Was this due to their changing residences before the election, faulty voter identification, or other reasons? It would gauge their reactions to the provisional ballot process. The results of this survey would enrich the research and provide a new dimension of the EAC's understanding of the provisional voting process.

Learning how the process worked for provisional voters is important. We lack systematic information about how citizens view casting a provisional ballot. Is the experience positive or negative for them? Did they expect their vote would be counted, or did they believe that being asked to cast a provisional ballot implied that their vote would be discarded? The survey will summarize voters' reports about whether they were informed that their ballot was or was not counted. Demographic questions will ascertain the correlates of provisional voting: if it was more common among racial and ethnic minorities in some areas, among young voters, etc.

The OSU team will begin the survey by constructing a sample of 3,000 provisional voters with names and addresses. It will obtain the list of provisional voters, write the survey questions, verify the programming of the questionnaire, analyze the data, and write up the data. In writing the survey, the OSU political scientists will reflect the results of the EAC's ElectionDay Survey.

OSU plans to subcontract the actual administration of the survey instrument to Knowledge Networks (www.knowledgenetworks.com), which has conducted internet surveys funded by several federal agencies, including the NSF and the EPA. Knowledge Networks will send letters to the provisional voters in the sample to notify them of the study. Of the 3,000 provisional voters, 2,400 will receive directions to complete the interview on a website. Knowledge Networks will conduct 10-minute phone interviews with 200 of those who do not complete the web interview. It will also conduct telephone interviews with 200 of the 600 people not assigned to the web interviews.

The interview process, including the mailing and programming, pretest, revisions, field period, and file construction, will require 56 days. Consequently the survey of provisional voters should begin at the very start of the project so that its results can be considered in drafting the guidance document on Provisional Voting.

Optional Survey of Young Voters

Eagleton's Center for Public Interest Polling (the Eagleton Poll) has won a grant from the Carnegie Foundation to survey the experience of young voters as a result of their participation in the 2004 election. Young voters are one of the groups most likely to encounter difficulties in registration, identifying themselves, finding the proper polling place, and other topics relevant to this research. This proposal offers the Commission the option of funding the addition of questions to this survey to highlight issues faced by

young, often first-time voters. The additional questions could determine, with measurable reliability, the frequency with which young voters cast provisional ballots, their impressions of the process by which they voted provisionally, and their experience with identifying themselves at the polls. Answers to these question would deepen the analysis of these issues and provide results more reliable than those produced by the collection of anecdotal evidence.

At the same time, the researchers at Moritz will undertake a thorough collection and analysis of legislation and litigation to reveal how each of the 50 states approached HAVA's mandates. They will analyze the effect of litigation on that implementation and of the continuing influence of case law on the interpretation of HAVA. We will merge the legal analysis with the political and procedural analysis to illuminate the key questions posed by the RFP.

The merged analysis will increase understanding of the range of approaches to implementing Provisional Voting across the country. It will permit us to categorize the states by the nature of their Provisional Voting regimes, which will produce insights into the strengths and weaknesses of different approaches to implementing HAVA. The goal of the new guidance document, of course, is to build on the strengths and correct the weaknesses.

Our analysis will consider the variation in experience between those states that previously provided for provisional voting and the 17 where provisional voting was new in 2004.

Developing answers to three key questions poses a challenge.

1. Ideally, gauging the effectiveness of provisional voting in enfranchising qualified voters requires an examination that goes beyond calculating the percentage of provisional ballots cast counted. That number alone does not reveal the subjective experience of those who voted by provisional ballot. Did they feel enfranchised, or did they harbor doubts that their votes would count? The optional survey described above would assess that dimension of the question, which is important to understand the credibility of the provisional ballot, particularly in a closely contested election.
2. Measuring the consistency of counting of provisional ballots also poses significant challenges. The literature search will reveal anecdotal reports from various jurisdictions, but the optional survey of local election officials could provide results that are more revealing from the observations of those in the best position to answer this question.
3. Assessing how well local election officials understood how to implement provisional voting will be difficult. The option survey by the Eagleton Poll would tap the opinions of a national sample of local election official to assess their self-reports about their level of understanding and their evaluation of the training and explanatory materials provided to them.

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Deliverables

1. Indexed database of major articles on Provisional Voting and related topics
2. Summary of case law on Provisional Voting
3. Compendium of states' legislation, procedures, and litigation.
4. Summary of the Election Day Study –a narrative of the nation's experience with Provisional Voting in 2004.
5. Analysis of disparities and similarities of how provisional voting was implemented around the country, which will be critiqued by the Peer Review Group.
6. [Optional] Survey results of local election officials' experience in interpreting guidance from the EAC and state election officials by the Eagleton Poll.
7. [Optional] Survey report on the experience of provisional voters in 1 – 3 selected states by the OSU Department of Political Science.
8. [Optional] Survey report on the experience of young voters by the Eagleton Poll.

Task 3.5 Analysis and Alternative Approaches (June)

We see this task as the heart of the project: to assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

The first step in this task is to undertake a thorough analysis of the information developed in the first phase of the project (Task 3.4). The Project Team and its staff will merge the legal analysis, review of case law, study of procedures, and, if the optional surveys are included in the project, the information gleaned from the reports of provisional voters and local election officials. Our work will take the following approach:

1. Review the facts and opinions revealed in the Columbus hearing, in the Commission's Election Day Study, the literature review, and the optional surveys (if undertaken) to prepare a written summary of the experience with Provisional Voting.
2. Clarify the additional policy considerations involved in improving the processes of Provisional Voting, such as the relationship between the Provisional Voting regime and the approach to voter registration and voter identification.
3. Summarize the views of the groups with a stake in Provisional Voting and related issues.
4. Analyze the tensions among the triangle of competing forces that connect the three major objectives for Provisional Voting: enabling maximum number of eligible voters to cast ballots that will be counted; establishing procedural simplicity for voters with a reasonable workload for election officials; minimizing the opportunity for voter fraud.
5. Describe and evaluate alternative ways to achieve the goals of HAVA through Provisional Voting.

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6. Tap the views of the members of the Peer Review in preparation for briefing for the Commission on our preliminary conclusions and recommendations.
7. Also during this period, the Project Director, in consultation with EAC staff, will select a location and make preliminary arrangements for a public hearing on the Provisional Voting Guidance Document to take place in September.

Deliverables

1. Written analysis of the experience of Provisional Voting across the country in 2004 based on all available sources and original research.
2. Report of alternatives to existing practices and procedures for Provisional Voting and voter identification and assess which objectives or values each alternative favors.
3. Recommendations for best practices
4. Briefing documents for Peer Review Group.
5. Briefing for the Commission

Task 3.6 Preliminary Guidance Document (July – early August)

In this phase of the project, we will develop policy recommendations based on the research and analysis performed in the previous task. Successful completion of this task will require the closest coordination on a continuing basis with EAC staff.

Based on the Commission's reaction to the briefing at the conclusion of Task 3.4 the Project Team will draft a preliminary guidance document for review by the EAC Board of Advisors and the Standards Board at a meeting to be convened by the Commission. The meeting will take place in early August.

The Project Team will:

1. Outline major findings, flesh out preferred alternative approaches, and review with EAC staff.
2. Develop draft Preliminary Guidance Document (PGD)
3. Submit the PGD to the Peer Review Group and revise based on its comments.
4. Prepare final draft of PGD for review by Commission staff; revise
5. Distribute document to EAC Board of Advisors and Standards Board 5 – 7 days before the meeting or teleconference.
6. Project Director and selected members of the Project Team will brief and respond to questions and comments during the meeting or teleconference.
7. Prepare summary of issues raised by members of the EAC Board of Advisors and Standards Board at the meeting or teleconference.

Deliverables

1. Draft Preliminary Guidance Document
2. Briefing for EAC Board and Advisors and Standards Board
3. Summary of comments from Board of Advisors and Standards Board

Task 3.7 Revise Guidance Document for Publication (August)

Based on the comments from the EAC, the Board of Advisors and the Standards Board, the Project Team will revise the PGD to prepare it for publication in the Federal Register. The target for publication will be the week of August 22.

Deliverable

Revised PGD suitable for publication in Federal Register

Task 3.8 Arrange Public Hearing (August)

The target date for the hearing is the third week of September, 30 days after publication of the draft Guidance Document in the Federal Register during the week of August 22.

The Project Director will have made preliminary arrangements for the public hearing – selection of city and reserving a venue, for example – earlier in consultation with EAC staff. Arrangements will be finalized in June and July, with retention of a transcription service and provision of day staff to register those testifying. The Project Team will begin to review and summarize written comments as they arrive.

Deliverables

Contract for use of venue for public hearing

Contract with transcription service for coverage of hearing

Contract with office temp agency for admin support of hearing

Task 3.9 Final Guidance Document for Adoption (late September)

In the week following the hearing, the Project Team will review the comments and testimony received, summarize that material for discussion with the EAC staff, and revise the Guidance Document as appropriate. The EAC will receive the final Guidance Document in time to adopt it before the end of September.

Deliverable

Final Guidance Document

VOTER IDENTIFICATION REQUIREMENTS

Voter identification requirements are intertwined with provisional voting issues. Understanding the connections between the two parts of this research will be critical in achieving the goals of the project.

Ferment is bubbling in the states over voter identification issues. The sharp debate over voter identification makes this work more immediately relevant. Legislatures are now wrestling with the very issues to be analyzed in these tasks. The current edition of

*Democracy Dispatches*², for example, highlights recent developments and contentious debates that the Guidance Document on this subject may help resolve.

- In Indiana the Republican-controlled House Elections Committee reported out a bill by a 7-5 margin that would require most people to show government-issued ID before voting. Opponents argue that the legislation will discourage people from voting. "It is very clear who is being disenfranchised," said a poll worker quoted in the newsletter. "It's people of color, it's the poor, it's the elderly."
- African American lawmakers in the Georgia State Legislature led a walkout by Democrats after the passage of a bill in both Houses that would require Georgia voters to show photographic identification. "What's happening today is just an updated form of Jim Crow," said one senator from Atlanta. "You may be more polite about it... but we know who's going to be disenfranchised."
- In New Mexico, House Republicans attacked Democrats for not including more stringent voter ID requirements in their election reform bills. After several House Republicans left an elections committee meeting on March 13, one representative accused them of planning a walkout to prevent his bill's passage.
- In Texas, new bills would require voters to show proof of citizenship before registering to vote for the first time. A spokesman for People For the American Way is quoted as saying that "this type of legislation will be just as burdensome for U.S. -born voters who move from state to state, or from county for county, as for naturalized citizens."

Authoritative research on the effect of different voter ID regimes on electoral participation, including registering and turnout, particularly turnout by minority voters, promises to raise the level of the debate across the nation.

Advocates on voter ID issues are divided into two, polarized camps. Some seek to minimize identification requirements in order to maximize the number of potential voters who register and cast a ballot. Advocates of this position fear that minority and immigrant voters, young voters, and elderly voters will lack convenient access to the required ID documents, or that they will be more fearful of submitting their ID documents to official scrutiny. On the other side of this debate are people and groups that seek to maximize the security of the franchise, prevent multiple voting or voting by those who are not citizens, and ensure that only those legally entitled to vote do so, and do so once only for each election. Each position pursues legitimate and important goals, but the tradeoffs between them have not been clarified.

The debate between these two positions is rich in assertion, but poor in evidence. We propose to test the hypothesis that more stringent voter ID requirements depress voter participation in general or for the poor, minorities and older voters in particular. We will also search for evidence of a change in the frequency of voter fraud under different requirements for Voter Identification. This research appears practical because the 50 states can be classified into 4 broad, different Voter ID regimes --from requiring ID at every election to merely signing in without verification. We plan to include in our

² Demos Democracy Dispatches

research a statistical analysis of voter turnout in the jurisdictions, with special attention to participation by minority voters, using the variety of Voter ID requirements that existed before HAVA as a controlling variable.

A study by The Constitution Project, published by Electionline.org in 2002³ found "a wide variety of practices around the country – from procedures requiring nothing more than voters stating their names to rules ordering voters to produce picture identification before casting ballots." In the pre-HAVA era it found the following distribution of practices, which provides a potentially rich mine of data to compare voter participation in states with different Voter ID regimes:

- 11 states required in-person voters to present documentary information; local jurisdictions and/or poll workers in 4 more states can choose to require identification.
- 18 states required only that voters sign in at the polls.
- 9 states required the signatures to be matched against other signed documents.
- 9 states only required voters to announce their names at the polls.

Performing this analysis will strengthen the factual basis on which the commission proposes new guidance on Voter Identification Requirements.

Task 3.10 Collect and Analyze (April – May)

We will perform this task in conjunction with Task 3.4. The material we gather on Voter ID legislation, administrative procedures and case law will be included in the compendium to be delivered at the end of June. While the Project Team and staff collect and begin the analysis of the material, the Project Director will plan the public hearing on Voter ID issues that will take place in early June.

Our research staff will begin the statistical study of voter participation under various Voter ID regimes, with the aim of completing that work in time for its results to be considered in drafting the Preliminary Guidance Document to be delivered to the EAC in mid July.

Deliverables

1. Indexed database of major articles on Voter ID Requirements and related topics
2. Summary of case law on Voter ID issues
3. Compendium of states' legislation, procedures, and litigation.
4. Analysis of voter participation and vote fraud under various Voter ID regimes to be reviewed by the the Peer Review Group.

Task 3.11 Conduct Public Hearing (June)

The Project Director will consult closely with EAC staff on planning for the half-day, informational public hearing, including on questions of site selection, development of

³ The Constitution Project, "Election Reform Briefing –Voter Identification," 2002, <http://www.electionline.org/index.jsp?page=Publications>

topics to be covered by panels, and the recruitment of panelists with contrasting views and information on those topics. The target for invitations to panelists will be no later than early May. The information and perspectives gleaned at the hearing will be included in the analysis of Voter ID issues that shapes the drafting of the Preliminary Guidance Document.

Deliverables

1. Outline of topics for 3 panels
2. List of 9 – 12 panelists
3. Invitations to panellists
4. Hearing announcement
5. Hearing transcript
6. Hearing summary

Task 3.12 Alternative Approaches (late June)

Following the hearing, the Project Team will review its compilation of materials from the states, the results of its research on voter participation and vote fraud under different Voter ID regimes, its literature search, and the information from the public hearing to assess the problems and challenges of Voter Identification procedures and devise a range of alternative policy measures to respond to those problems and challenges. The Project Director will work closely with the EAC and its staff to identify policy objectives with which to assess the alternatives, using the triangle of contending forces as an organizing principle to categorize objectives.

The Peer Review Group will be kept informed of the progress of this work and its comments will be sought on an early draft of the Analysis and Alternative Approaches paper. The comments of the Peer Review Group will help shape our briefing for the Commission on this critical task. The Project Director and members of the Project Team will conduct that briefing in late June, just as the Commission receives the Draft Report and Compendium of materials on Provisional Voting (Task 3.4)

During this time period, the Project Director, in consultation with the EAC, will select a site and make preliminary arrangements for the public hearing on the draft guidance document, which will be held in early October.

Deliverables

Draft analysis and alternatives for Peer Review Group
Briefing on analysis and alternatives for EAC

Task 3.12 Preliminary Guidance Document (July – August)

Based on comments by the EAC on the briefing, particularly the discussion of alternatives, as well as the evidence, and criteria for evaluation, the Project Team will draft the Preliminary Guidance Document. The draft will be distributed to the EAC Board of Advisors and the Standards Board for a meeting in mid August (just as the draft

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Guidance Document on Provisional Voting is delivered to the EAC for publication in the Federal Register). The Project Director and selected members of the Project Team will participate in the Board meeting to present the document for discussion and respond to questions and comments. It will record comments for review in revising the document.

Deliverables

1. Draft Guidance Document
2. Briefing for EAC Board of Advisors and Standards Board
3. Summary of comments from Boards

Task 3.14 Revise Guidance Document for Publication (Late August)

The Project Team will review on the comments by the Peer Review Group, EAC, the Board of Advisors, and the Standards Board and reflect their views in the Guidance Document. The target is to deliver it to the EAC for publication before the end of August.

Deliverable

Draft Guidance Document for publication

Task 3.15 Public Hearing (October)

The Project Director will have completed arrangements for the hearing (city, venue, transcription service, etc.) by late July. The hearing will take place in the first two weeks of October, 30 days after publication of the draft in the Federal Register.

Deliverables

1. Public hearing
2. Transcript
3. Summary of comments

Task 3.16 Final Guidance Document (late October)

In the week following the hearing, the Project Team will review the comments and testimony received, summarize that material for discussion with the EAC staff, and revise the Guidance Document as appropriate. The EAC will receive the final Guidance Document in time to adopt it before the end of October.

Deliverable

Final Guidance Document

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TASK	RESPONSIBLE	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
<u>Management</u>	Project Director	Update Work Plan Prog. Rpt.		▶▶ Prog. Rpt. EAC	▶ Prog. Rpt. EAC Finalize PV Hearing	▶ Prog. Rpt. EAC Finalize VID Hearing	▶ Prog. Rpt. EAC
		EAC Recruit PRG/Arrange Pub Hearings					
<u>Provisional Voting</u>	Moritz	Complie Legal Materials					
	Eagleton	Complie Procedures		Draft An & Aits			
	OSU Poll Sci	State PV Survey					
	Eagleton Poll	Young Voter Survey		PRG coms	Draft GD to EAC		
	Eagleton Poll	Election Official Survey		Report and compendium to EAC.	EAC Comment	Meet EAC BOA	
					Revise	Revise GD Draft GD to EAC for publication	Revise & Adopt Hearing
					Submit Draft GD		
<u>Voter ID</u>	Moritz	Complie Legal Materials		Draft Alternatives Brief to EAC	Draft PGD To EAC Rev	BOA Meet EAC	Pub
	Eagleton	Complie Procedures					
	Eagleton			Hearing Summary			

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TASK	PERFORMED BY	COMMENT
<u>Provisional Voting</u>		
3.4 Collect and analyze State legislation, procedures, and court cases	Legislation and cases –MCL Team led by Foley Procedures – EIP Team led by PI with Reed, O'Neill, and Linky	Graduate students and EIP Research Coordinator will also participate.
3.5 Recommend alternative approaches	Steering Committee ⁴ with O'Neill directing staff	Graduate students and EIP Research Coordinator will also participate
3.6 Prepare preliminary draft guidance document ⁵	Steering Committee with O'Neill directing staff	This task may include derived from the optional surveys described in the proposal ⁶ : <i>Optional Survey of Election Officials</i> – TBD <hr/> <i>Optional Survey of</i> <i>Young Voters— TBD</i> <i>Optional Survey of Ohio Provisional</i> <i>Ballots – TBD</i>
3.7 Revise draft guidance for publication	Steering Committee with O'Neill directing staff	
3.8 Arrange public hearing on draft guidance	O'Neill and Admin Coordinator	
3.9 Prepare final guidance document for EAC adoption	Steering Committee with O'Neill directing staff	
<u>Voter Identification Requirements</u>		
3.10 Collect and analyze State legislation, procedures, and court cases.	Legislation and cases –MCL Team led by Foley Procedures – EIP Team led by PI with Reed, O'Neill, and Linky	
3.11 Convene informational public hearing	O'Neill and Admin Coordinator	
3.12 Recommend alternative approaches	Steering Committee with O'Neill directing staff	
3.13 Prepare preliminary draft guidance document.	Steering Committee with O'Neill directing staff	

⁴ The Steering Committee for the project is responsible for the completion of all tasks. Chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics of Rutgers, its members of the Committee are Professor Edward Foley of the Moritz College of Law, Ohio State University, Ingrid W. Reed, Director of the New Jersey Project of the Eagleton Institute of Politics, Professor Dan Tokaji of the Moritz College of Law, Ohio State University, and John Weingart, Associate Director of The Eagleton Institute of Politics. Thomas O'Neill, a consultant to the Eagleton Institute of Politics, directs the staff overseen by the Committee.

⁵ The preliminary guidance documents for both the Provisional Voting and for Voter Identification Requirements will be reviewed by a Peer Review Group appointed by the Steering Committee and may be revised as a result of that review before being submitted to the EAC. Members of the Peer Review Group are listed in a separate appendix to this proposal.

⁶ The surveys would provide additional and valid and reliable data on which to base the conclusions reflected in the draft preliminary guidance document.

3.14 Revise draft guidance for publication	Steering Committee with O'Neill directing staff	
3.15 Arrange public hearing on draft guidance	O'Neill and Admin Coordinator	
3.16 Prepare final guidance document for EAC adoption	Steering Committee with O'Neill directing staff	

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Attachment 3: Principal Investigator

The principal investigator, Dr. Ruth B. Mandel, is director of the Eagleton Institute of Politics and Board of Governors Professor of Politics. As Institute director, she is responsible for general direction and oversight of all programs and projects at Eagleton. Under Mandel's leadership, the Institute has been successfully completed dozens projects under federal, state and foundation grants and contracts, many of which address topics related to voters and voting, civic engagement and political participation, and representative democracy.

Three projects in which she has played a significant and direct substantive role are described below: the New Jersey Initiative: Building Management Capacity in New Jersey Municipalities; the Young Elected Leaders Project; and the New Jersey Civic Education Consortium.

a) The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities

Sponsoring Organizations: The Pew Charitable Trusts and the
NJ Department of Community Affairs

Project Managers: Dale Jones, Syracuse University [REDACTED]
Mark Pfeiffer, NJ Department of Community Affairs,
[REDACTED]

Period of Performance: 5/01 to 11/02

Value of Award: \$90,000 to Eagleton Institute of Politics

Mandel oversaw the implementation of the New Jersey Initiative, which was conducted as a partnership between the Alan K. Campbell Public Affairs Institute of the Maxwell School of Citizenship and Public Affairs at Syracuse University and the Eagleton Institute of Politics. Mandel guided the formation of the collaboration, the identification of the tasks, including issues related to selecting the case studies, and dissemination of the recommendations and results.

The overall goal of the New Jersey Initiative was to provide opportunities for municipalities and other levels of government, educational institutions, non-profit organizations and individuals to learn about public management systems, how they might be improved, and how they can better meet the needs of those in leadership positions and the needs of citizens. Recommendations for state policy and municipal administration were included.

Seven New Jersey municipal governments volunteered to participate in the Initiative – Brick Township, Elizabeth City, Franklin Township, Irvington Township, Old Bridge Township, Paterson City, and Trenton City. Through their involvement, the project examined the five core management system areas that comprise management capacity – financial management, capital management, human resources management, information technology management, and managing for results. Much was learned about management capacity at the municipal level in New Jersey and the role of the state government in municipal management.

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The project resulted in two published monographs: *The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities* and *Summary of The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities*.

b) Young Elected Leaders Project

Sponsoring Organization: The Pew Charitable Trusts

Project Managers: Tobi Walker, Program Officer, Civic Life Initiatives; [REDACTED]

Period of Performance: January, 2002 - June, 2004

Value of Award: \$211,000

Mandel led the project team that conducted a pioneering national study of young officeholders. Under her direction, Eagleton identified and surveyed elected officials age 35 and under in three categories: federal (members of Congress); state (statewide elected officials and state legislators); and local (mayors and municipal council members from cities with populations of 30,000 or more). In May 2003, Eagleton convened *Political Generation Next: America's Young Elected Leaders*, the first national conference for young elected leaders, an occasion to explore issues raised in the research and discuss the challenges of public leadership facing the next generation.

Mandel was centrally involved in every phase of the project, providing the vision that resulted in the successful proposal to Pew, contributing both to the ideas guiding the project and the actual day-to-day management. She played a key role in the design of the survey administered to young elected leaders, in the selection of conference participants, and in the planning of the conference agenda and presenters, as well as at the conference itself. She co-authored the final report provided to the funder and issued to the general public, also titled *Political Generation Next: America's Young Elected Leaders*, and she led dissemination efforts, speaking at public programs and to the media about the findings from the research and conference.

c) New Jersey Civic Education Consortium

Sponsoring Organization: The Geraldine R. Dodge Foundation

Project Manager: David Grant, [REDACTED]

Period of Performance: March, 2000 - May, 2001

Value of Award: [REDACTED]

The New Jersey Civic Education Consortium was created by the Eagleton Institute of Politics as a statewide partnership of educators, schools, nonprofit organizations, corporations, and political leaders committed to expanding and strengthening civic education and political participation in New Jersey. Sponsored and hosted by Eagleton, the Consortium seeks to promote partnerships among schools, community organizations, and public servants to educate and encourage a citizenry informed about and engaged in the practice of a democratic society. More than 100 organizations,

agencies and school districts signed on as Consortium partners, and more than 125 individuals in the education, non-profit, and political communities served on Consortium work groups. The Consortium came into existence to strengthen the state's infrastructure to educate and encourage a citizenry informed about and engaged in the practice of a democratic society. It seeks to leverage limited resources through partnerships and information-sharing and by increasing public awareness.

With support from the Dodge Foundation, the Consortium hosted a statewide conference to highlight best practices, exchange ideas, and explore how to use the 2001 gubernatorial election as an educational opportunity. Approximately 90 people gathered at the New Jersey Law Center in New Brunswick to share ideas, make connections, and find new ways of improving civic education in New Jersey. The conference included: a poster session highlighting some of the best practices in civic education from across the state; panels of educators, government, academia, the media, and the non-profit community; and a keynote speaker, Professor Alan Rosenthal, discussing democracy and youth civic engagement.

The Consortium also awarded mini-grants for exemplary programs and engaged the public sector in civic education through a pilot project to bring public officials into the classroom. Some of the grantees presented their work at the Consortium's conference. Under a related grant from the Schumann Fund for New Jersey, the Consortium developed a toolkit with educational resources and suggested activities to assist public officials in working with students.

Mandel worked on the original plan for Eagleton to convene the Consortium and directed Institute staff in shaping the mission and direction of the Consortium. She has been actively involved in development of the Consortium's activities and materials.

Dr. Mandel's current resume is provided in Attachment 8 – Resumes of the Project Team.

Attachment 4: Comparable Projects Performed by the Eagleton Institute of Politics

a) Seminar Series: The Challenge of Implementing the Help America Vote Act

Sponsoring Organization: The Fund for New Jersey

Project Manager:

Mark Murphy, Executive Director, [REDACTED]

Grant:

\$5,000 for direct expenses of speakers.

This project demonstrates Eagleton's continuing interest in the implementation of HAVA and knowledge of implementation issues. It shows the Institute's knowledge of implementation issues and its ability to achieve productive results by identifying competencies in other states and making contact with key leaders, summarizing information in useful formats and engaging individuals with diverse perspectives on election administration.

In the fall of 2003, the Eagleton Institute of Politics presented a series of three seminars, organized by Ingrid W. Reed, Director of the Institute's New Jersey Project, designed to give New Jersey an opportunity to gain perspectives from six states – New Mexico, Maryland, Michigan, Pennsylvania, Georgia and California – on election reform and implementation of the then-new federal Help America Vote Act. The seminars were held at Eagleton on the Rutgers University campus in New Brunswick, New Jersey.

Each seminar featured speakers from two states where election administration initiatives are underway and addressed one of three areas – state administration, statewide voter registration lists, and communication and education. The programs also included extensive discussion periods with individuals from New Jersey's state and county governments, academic institutions and non-profit organizations interested in election reform, as well as members of the New Jersey HAVA planning committee. The seminars were supported in part by a grant from the Fund for New Jersey.

The first seminar, on September 25, 2003 focused on state administration of elections and plans for implementing HAVA. Presentations were made by Rebecca Vigil-Giron, New Mexico Secretary of State and president-elect of the Association of Secretaries of State, and Linda Lamone, the State Administrator of the Maryland State Board of Elections. They focused on how states are working with counties to provide state-coordinated management practices.

The second seminar on October 28, 2003 focused on HAVA requirements to create a statewide voter registration list. Presentations were made by Christopher Thomas, Director of the Bureau of Elections in the Michigan Department of State who headed his state's efforts to create a statewide voter data base that began in the mid-1990's before HAVA, and Ted Koval, project manager for the Statewide Uniform Registry of Electors (SURE) in the Pennsylvania Department of State who leads the development of his state's registration list in the post-HAVA period. Thomas and Koval discussed state initiatives for addressing a key provision of HAVA which involves application of information technology and new approaches to inter-governmental relations.

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The third seminar, on November 20, 2003 focused on the HAVA requirement to provide voter information and education. Presentations were made by Alison Bracewell McCullick, Statewide Voter Education Coordinator for the Georgia Department of State where she oversees 12 voter education coordinators around the state, and Conny G. McCormack, County Clerk for Los Angeles County who has responsibility for conducting elections with over 4 million voters and 5,000 voting places. Bracewell McCullick and McCormack presented examples of communications approaches reaching different audiences through diverse media.

As a follow-up to the seminars, a summary of specific key points from the presentations of each of the speakers was prepared and mailed and e-mailed to staff members in the to New Jersey partisan and non-partisan legislative staff offices to help inform new legislation New Jersey would need to implement the requirements of HAVA. The summary was also provided to the election administration staffs in each of New Jersey's 21 counties and to the leadership of the municipal clerks organization in order to give them a sense of what other states have done in working with county and local leadership to implement HAVA. As a direct result of Eagleton's work, New Jersey election officials subsequently visited the State of Michigan election office and are now modeling New Jersey effort to create a statewide voter list on Michigan's. In addition, the summary has been useful to organizations who have advocated for changes in the election system and who are acting as watch dogs of New Jersey's progress on implementation. The summary is posted on the Eagleton Institute web site.

b) Second HAVA Seminar Series

Subsequent to the HAVA seminar series focusing on other states, the Eagleton Institute of Politics supported the subsequent seminars as part of the Institute's public service mission. This series was directed by Ingrid Reed of Eagleton and included the following:

July 24, 2004 - The Chairman of the U.S. Election Assistance Commission, Dr. DeForest B. Soaries, Jr., spoke about "Implementing HAVA: Perspectives from the Federal Level." The program also included Attorney General Peter C. Harvey, New Jersey's Chief Election Official.

October 8, 2004 - The topic was "Implementing HAVA: Can We Alleviate Risk and Improve Public Confidence When Using New DRE Voting Systems?" Eric Lazarus, lead developer of the report "Recommendations for Improving Reliability of Direct Recording Electronic Voting Systems" issued by the Brennan Center for Justice at NYU Law School and the Leadership Conference on Civil Rights, discussed how and why these recommendations were made for the 2004 election and how election officials were asked to respond to them. New Jersey election officials then discussed how these recommendations were being addressed, which measures should be considered for the future and which measures appeared irrelevant for New Jersey.

January 5, 2004 - The topic was "Next Steps for HAVA Implementation in 2006 Based on 2004 - and what it means for the New Jersey Election In 2005." The session used the Election Official Report Card 2004 developed by the Brennan Center as a starting point for a discussion to set an agenda for evaluating the next elections. Bonnie Blader of NJ Appleseed reported on her inspections and discussions about security matters in several counties. Deborah Goldberg, Program Director of the Democracy Project of Brennan Center for Justice at NYU Law School discussed the use of the Election 2004 Report Card and Eric Lazarus presented plans for assessing what information is needed to make decisions about voting systems.

c) *The 2001 New Jersey Election, A Century Foundation Report (issued October, 2002)*

Sponsoring Organization: The Century Foundation

Project Manager: Tova Wang, [REDACTED]

Period of Performance: 2001-2002

Value of Award: \$6,000

This project illustrates the Eagleton Institute's early interest in issues related to HAVA and its ability to conduct applied research, analyze data and information, work with election officials, craft recommendations and contribute to state-by-state comparison of election issues.

The Century Foundation requested Ingrid Reed, director of the Eagleton New Jersey Project, to prepare one of four studies of 2001 elections designed to assess the extent to which problems evident in Florida and elsewhere in 2000 persisted in the absence of fundamental reform throughout most of the country. Reed provided a study with recommendation of the New Jersey gubernatorial election. The other three were the governor's race in Virginia, and mayoral races in New York City and Los Angeles.

The Century Foundation reports were released and discussed at the National Press Club, Washington D.C. on October 15, at a program, "Does the Federal Election Bill Fix The Problem?" moderated by Juan Williams, senior correspondent for National Public Radio's *Morning Edition*.

Overall, the reports show that election problems were much less pervasive in Virginia and Los Angeles -- which have long-standing voting laws and practices that parallel the reforms that Congress enacted -- than in New Jersey and New York City, where there have been more scattershot approaches to election reform. The reports can be found on www.reformelections.com.

The Overview of the Century Foundation Report (p. xxxiv) notes that in New Jersey, "structural flaws in the system reduce responsibility for carrying out elections effectively and leave local and county administration unaccountable." The report notes that in the 2001 election, the number of uncounted votes rose -- usually New Jersey hovers around the national average -- despite the fact that the state replaced its punch card ballot machines. It also notes that New Jersey uses a wide variety of voting machines, and

despite official reports, election observers and voting advocates report polling sites and systems remain inaccessible for the disabled.

The report on the 2001 New Jersey Election points out that New Jersey's decentralized, county-based election system is very similar to Florida's and lacks transparency and accountability.

The first part of the New Jersey report gives a the context for the 2001 elections and describes initiatives taken in 2000 such as eliminating punch card machines and increasing poll worker pay. It discusses how the process worked by looking at four places where specific election problems arose -- Atlantic City, Cumberland County, Passaic County, and Mercer County. It also presents results of an informal survey conducted by Eagleton with the assistance of two research fellows of election administrators about the 2001 election that showed that the increase in poll worker pay successfully addressed the need for workers. It also makes recommendations for improving future elections (p.39): They include:

- define a state leadership role in managing elections
- set county standards for streamlined administration
- address the needs of citizens with disabilities
- examine role of absentee ballots
- improve services for bilingual voters
- upgrade and standardize voting equipment
- consider practices in other states for such initiatives as statewide voter lists, mail ballots, shorter registration deadlines
- use modern communications to promote elections
- recognize outstanding achievements in election administration at the county and local level

Reed concludes the report noting that "the challenge is to find a way to address the systemic issues about election administration in order to assure that the more specific issues are implemented fairly and efficiently and not simply added on to an already complex, overburdened structure.... Leadership from the governor and the legislature will be required to define the expectations for reform and to engage, not ignore, the many individuals and entities already involved in the election process to craft a new system."

Reed added that the new federal election reform act will be catalyst for addressing many of the problems with New Jersey's system and provides funds to make improvements in voting equipment.

d) RU Voting

Sponsoring Organization: Rutgers University
Project Manager: Greg Blimling, Vice President, [REDACTED]

Period of Performance: Fall 2004
Value of Award: \$20,000

The Eagleton Institute initiated and managed a project to register and educate Rutgers University students and get them out to vote. Helping to form and mobilize a non-partisan association of staff, faculty, and student groups, Eagleton assistant research professor Susan Sherr served as faculty advisor for a project led by a recent Rutgers graduate. The coalition collected approximately 11,000 registration forms for students registering for the first time, seeking absentee ballots or filing address changes. The group also sponsored a website providing information for student voters.

The election-day experience of this project is particularly relevant to this proposal to the EAC. While thousands of Rutgers students headed to the polls, apparently because of the huge influx of new voter registrations, many found their names had not been added to the rolls. While they were able to vote by provisional ballot, many found this frustrating and disappointing, and contacted Eagleton. Several Eagleton faculty and staff members spent much of election day in contact with area local election officials, reporters and students trying to determine exactly what the problem was and what solutions could be found quickly. The difficulty of making these determinations along with the wild rumors the problems generated were sobering and instructive for considering how to improve the use of provisional ballots in particular.

e) Public Interest Polling

Sponsoring Organization: NJ Motor Vehicles Commission
Project Manager: Sharon Harrington, Director, [REDACTED]

Period of Performance: 2003-2005
Value of Awards: \$160,000

The fifth comparable project is the survey research work performed by the Eagleton Institute's Center for Public Interest Polling, also known as the Eagleton Poll. Whether or not the EAC chooses to fund the optional polls described in this proposal, the work done by the Eagleton Poll is relevant both for helping the project team understand the value and limits of polling as a gauge of public opinion and because the prominence of the Poll has contributed to public knowledge and respect for the Institute as a whole.

The Eagleton Poll, established in 1971, was one of the first, and most respected academic-based state survey research organizations in the country. The Center engages with approximately 25 government or non-profit agencies each year to conduct polls and focus groups. One client has been the New Jersey Motor Vehicles Commission which has hired Eagleton twice over the last three years to conduct

customer satisfaction surveys. The current contract also calls for convening of focus groups to probe issues more deeply and an assessment of Motor Vehicles employee attitudes and impressions.

In addition, Eagleton collaborates with New Jersey's largest newspaper, The Star-Ledger, to conduct the *Star-Ledger/Eagleton-Rutgers Poll*. Conducted five to six times a year, this is the most prominent and oldest survey of public opinion in the states.

Attachment 5 –Risks re Provisional Voting

The research proposed to develop the guidance document for Provisional Voting involves a contentious political and policy debate, requires the use of a large mass of information to varying reliability, and requires aiming at a moving target because considerable action is underway across the country based on the experiences with the 2004 election. Each of these factors could undermine the credibility and utility of the work, but reasonable precautions can moderate that risk.

Polarized Political and Policy Debate

The debate over Provisional Voting has resulted in a clash over policy with a distinct partisan tinge. Republicans and Democrats are at odds over the proper role for Provisional Voting in the electoral system, election officials are exposed to a more stringent scrutiny that had been the norm, and the federal role in what had previously been a state and local responsibility is controversial in some quarters. All of these conditions make Provisional Voting a controversial topic and will put the analysis and recommendations of this project not just under a microscope but one illuminated by a harsh light.

The most effective way to moderate the risk that controversy could undermine credibility of the project is to turn to independent institutions with a strong reputation and the credentials that inspire confidence. We believe that the Eagleton Institute of Rutgers, The State University of New Jersey and the Moritz College of Law of the Ohio State University have that reputation and that their scholarly, policy-relevant work has created a reputation that inspires confidence.

Data Analysis

The volume and types of information related to Provisional Voting nationwide is staggering. Relying on narratives in the press or from the organizations that have sprung up in the last several years to monitor election reform is appropriate for much of the work proposed. But judging the validity and reliability of that information can frequently be problematic. Unreliable data will produce unreliable conclusions, which, in the present contentious political atmosphere, will quickly undermine the project.

This proposal addresses that problem by supplementing the available sources of data with survey research, the reliability and validity of which is measurable. The proposed survey of provisional voters would go beyond the anecdotal to provide statistically significant measures of their subjective experiences. The survey of local election officials would tap systematically their assessment of the clarity of the guidance they received in 2004 more reliable than the anecdotal reports frequently found in the existing literature.

The Moving Target

The states are not sitting back waiting for instructions on how to proceed in improving the process of Provisional Voting. This project to provide them guidance, which they may or not accept, is aimed at a moving target.

The best way to ensure the relevance of the guidance when published is to conduct the project in a way that provides information too good to ignore. The thorough nationwide search for best practices, clear-eyed analysis, independent review of the experience in 2004, and clear objectives will make the guidance document useful to all jurisdictions.

Attachment 6 – Risks re Voter Identification

The research proposed to develop the guidance document for Voter Identification Requirements and Procedures comes at a time of particularly sharp debate. That debate reveals a racial dimension as well as a partisan dimension, and it is taking place in state houses across the country. The vocabulary of the controversy is richer in invective and allegation than it is in information and analysis. As with the project on Provisional Voting, we are aiming at a moving target as the states grapple with how to modify their requirements for Voter Identification at a pace that may be faster than the schedule for publication of the Commission's guidance on this topic.

Polarized Debate

The debate over Provisional Voting has resulted in a clash over policy with a distinct partisan tinge. Republicans tend to favor more demanding Voter Identification procedures to increase the security of the ballot. Democrats advocate for a more open system, fearing that stringent requirements would reduce the electoral participation of the poor, the elderly, African-Americans and immigrants, and other groups. Stepping into the middle of this conflict is inherently risky because motives and intentions will be called into question.

The most effective way to moderate the risk that controversy could undermine credibility of the project is to provide information that is not now found in the debate. The analysis of the effects of different Voter Identification regimes on voter participation will bring new information to the debate. If our intentions are realized—and they should be—the analysis will yield a clearer understanding of what tradeoffs may exist between various Voter Identification regimes. This kind of good data will not end the debate, but it should raise it to a higher level, and that would be no small achievement in this case. A higher level of debate will likely make the Commission's guidance more influential.

Quality of the data

Raising the quality of the debate by providing information both sides can find useful carries its own risk. The time available for this work is limited. To fail to produce the information as needed in the workplan is real because the work is demanding. But we believe that careful management and the resources of the two institutions will make it possible to develop the analysis in time to be useful in shaping the guidance document.

The Moving Target

The states are moving ahead to change their Voter Identification Procedures. This project to provide them guidance, which they may or not accept, is aimed at a moving target.

As with the Provisional Voting Project, The best way to ensure the relevance of the guidance when published is to conduct the project in a way that provides information too good to ignore. The thorough nationwide search for best practices, clear-eyed analysis of the tradeoffs between Voter ID procedures, and clear objectives will make the guidance document useful across the country.

Attachment 7 – Five Top Reasons Eagleton/Moritz is the best qualified candidate

1. This project involves subjects in sharp debate. The Eagleton Institute of Politics of Rutgers, the State University of New Jersey, and the Moritz College of Law of the Ohio State University are well-respected, independent academic institutions whose work will lend credibility to the research and the resulting Guidance Documents.
2. Eagleton and Moritz have an active and admirable record of involvement in election analysis, inter-governmental relations, election law and related topics. This experience not only enhances their reputations, it provides them with a rare, if not unique, perspective on the issues that will be apparent in the quality of the work produced.
3. The partnership in this project between an Institute of Politics and a College of Law will enrich the analysis. The synergies derived from focusing two different perspectives and ways of thinking on the issues will strengthen the conclusions. The guidance documents that result will rest on a platform both broad and strong.
4. The Peer Review Group created for this project in the proposal will enlarge even further the perspectives and experience focused on improving the process of Provisional Voting and assessing Voter Identification Requirements. The Peer Review Group's comments will strengthen the analysis so that it can survive the scrutiny it is sure to receive in the current, contentious climate.
5. Both Eagleton and Moritz have strong record of obtaining and analyzing information from governments and interest groups and involving them in the interpretation of the data. They are truly independent: neither is a vendor or contractor involved in elections. Their work will be –and will be seen to be– objective and thorough.

Qualifications and Resumes for Project Team

QUALIFICATIONS

Jeffrey Levine - Director of Eagleton's Center for Public Interest Polling

Levine has written extensively on political behavior. He is author or co-author of chapters in three forthcoming books: *The Social Logic of Politics: Family, Friends, Neighbors, and Workmates as Contexts for Political Behavior* (Alan Zuckerman, editor), *The Behavioral Study of Political Ideology and Policy Formulation* (Carl Grafton and Anne Permaloff, editors), and *The Persistence of Political Disagreement among Citizens: How Disagreement Survives within Communication Networks* (Robert Huckfeldt, Paul Johnson, and John Sprague, authors). Levine's research has also been published in a variety of academic journals, including *Public Opinion Quarterly*, *American Political Science Review*, and *American Journal of Political Science*. Currently, he is engaged in an ongoing research project that examines the incidence and nature of informal political debate and deliberation in the American electorate.

Before his appointment as Director of the Center for Public Interest Polling in 2004, Levine was Managing Director of a commercial research firm, where he directed hundreds of quantitative and qualitative research studies for a range of corporate, non-profit, and political clients. He has also provided public opinion analysis on MSNBC and the FOX News Channel.

Levine earned his B.A. in Political Science from University of Rochester and his M.A. and Ph.D. in Political Science from Indiana University.

DON LINKY - Director, Electronic Government Project

Linky is focusing on how electronic technology is affecting government, politics and public affairs. He also continues as president of the Public Affairs Research Institute of New Jersey, a corporate-supported nonprofit founded in 1930 that monitors New Jersey economic, demographic and fiscal trends, and as president of Joshua Communications, a for-profit publishing and information consulting firm.

During the administration of New Jersey Governor Brendan T. Byrne, Linky served as chief counsel to the governor and director of the Governor's office of policy and planning. He had key roles in the development of such programs as the Pinelands Protection Act, the Spill Compensation and Protection Act, the Community Development Bond Act, the Enterprise Zone program, and the creation of New Jersey Transit.

He is the editor or co-editor of the reference books *The New Jersey Directory: The Insider Guide to New Jersey Leaders*; *The New Jersey Almanac*; and *The New Jersey Municipal Almanac*, and serves on the editorial board of *The New Jersey Encyclopedia*. A native of Asbury Park, he now resides in Princeton.

Linky received a BA from Dartmouth College in 1968 and a JD from Harvard Law School in 1972. He also attended the London School of Economics and Political Science.

RUTH B. MANDEL - Director, Eagleton Institute of Politics, Rutgers University
and Board of Governors Professor of Politics,
Eagleton Institute of Politics, Rutgers University

From 1971 through 1994, Ruth B. Mandel directed Eagleton's Center for American Women and Politics (CAWP), where she remains affiliated as a Senior Scholar. Mandel teaches and writes about women and leadership, with emphasis on U.S. women's political history, women as political candidates and officeholders, women's political networks, and the "gender gap." She is the author of numerous publications about women's changing political roles. Recently, she headed an Eagleton team in developing the Young Elected Leaders Project, a new area of study focused on elected officials age thirty-five and under.

Mandel's public service includes a presidential appointment on the governing board of the U.S. Holocaust Memorial Museum in Washington, D.C. She has served as Vice Chairperson of the board since being named by President Bill Clinton in 1993 and reappointed by President George Bush in 2002. Mandel is a member of the Museum's Executive Committee, its Academic Committee, and chairs its Education Committee. She chaired the task group charged with proposing a governing structure for the new Museum. In the 1990's, she led the process to create the Museum's Committee on Conscience, which was established in 1996 with Mandel as its founding chair.

Professor Mandel is a member of the board of the Charles H. Revson Foundation. Her service has also included membership on the board of the National Council for Research on Women; the National Commission for the Renewal of American Democracy; Princeton University's Center for Jewish Life; the Mercer County Commission on the Status of Women; and various editorial boards for scholarly journals and academic publishers.

Awards include: Woodrow Wilson Public Service Award given in the Governor's Pride of New Jersey Awards (1992); Gloria Steinem Women of Vision Award presented by the Ms. Foundation (1996); Twenty-First Century Leadership Award, presented by the President of the National Women's Hall of Fame; Breaking the Glass Ceiling Award from Women Executives in State Government (1998); honorary Doctor of Public Service degree from Chatham College (1998); Award for Distinguished Policy Leadership and Advancement of Women in Public Life from the Women Legislators and College Presidents of Maryland (2002); Salute to the Policy Makers award from Executive Women of New Jersey (2004).

As an observer and analyst of American politics and emerging trends in leadership, she lectures and speaks frequently to a wide range of community, civic and academic audiences.

Ruth B. Mandel holds a B.A. in English from Brooklyn College and an M.A. and Ph.D. in American Literature from the University of Connecticut.

THOMAS M. O'NEILL -Project Director

For the past 20 years, O'Neill served as President of The Partnership for New Jersey and led its Leadership New Jersey, diversity management and education improvement programs. Previously he was Executive Director of The Center for Analysis of Public Issues in Princeton, which, among other research, analyzed campaigns and elections. He served for several years as election night analyst for New Jersey Network Television and for WNET-Channel 13 in New York.

INGRID W. REED - Director, New Jersey Project, Eagleton Institute of Politics, Rutgers University

Ingrid W. Reed directs the Eagleton New Jersey Project, an initiative designed to reinforce and expand the contributions of Rutgers' Eagleton Institute of Politics to the governance and politics of its home state. Among its initiatives are programs on campaign and election activity, women and politics, welfare reform, and governance issues.

Recently Reed's work has focused on campaigns and elections from the point of view of the citizen. She is the co-author with Professor Gerald Pomper of a report with recommendations about the 1998 New Jersey Congressional Campaigns, *Not Bad But Not Enough*. She has conducted similar studies for the 2000 congressional campaigns, for the 2001 and 2003 for the New Jersey gubernatorial and legislative races, and 2002 U.S. Senate and House races. She is the author of *The 2001 New Jersey Election*, one of four reports prepared for The Century Foundation assessing the extent to which problems in the 2000 Florida election persisted in 2001. In March 2004, she presented a paper at Rutgers's Center for Government Services Policy Seminar Series on "Issues in Voter Participation: Do We Know What They Are? If We Know, What Can We Do About Them?" In partnership with Eagleton's Center for American Women and Politics, she organizes the BI-Partisan Coalition for Women's Appointments. In 2001-2002, Reed was associate director for a pilot project funded by The Pew Charitable Trusts and the NJ Department of Community Affairs, conducted collaboratively with Syracuse University's Maxwell School for Citizenship and Public Administration, that resulted in a report, *The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities*.

Before joining the Eagleton Institute, Reed served as assistant dean of Princeton University's Woodrow Wilson School of Public and International Affairs where she also

directed the Rockefeller Public Service Awards Program, and as vice president for public affairs and corporate secretary of The Rockefeller University in New York City.

Reed has written op-ed columns on politics for the *Home News and Tribune* (central New Jersey), *The Times of Trenton*, *New Jersey Law Journal*, the *Philadelphia Inquirer* and *The Record*; as well as authored pieces on public administration, urban redevelopment, welfare reform and municipal management. She is frequently interviewed for analyses of New Jersey politics by state, national and international media.

In her public service activities, Reed has a wide range of experiences in state politics and planning, governance and community affairs. She has chaired the Capital City (Trenton) Redevelopment Corporation, a state agency, since it began in 1988. She is a founder and board member of New Jersey Future, the organization advocating the implementation of the State Development and Redevelopment Act, and she was on the board of the New Jersey Conservation Foundation and is currently on the Regional Plan Association, New Jersey Committee. She was elected to the board of the Community Foundation of New Jersey in April 2000.

Reed is a member of the board of the Institute of Public Administration (NYC). In 1993, she was elected a fellow of the National Academy of Public Administration and served on its special panel on Civic Trust and Citizen Responsibility. From 1983 to 1986, she held a Kellogg Foundation National Leadership Fellowship.

She is a Phi Beta Kappa graduate of the University of Pennsylvania.

JOHN WEINGART - Associate Director, Eagleton Institute of Politics,
Rutgers University

John Weingart is the associate director of the Eagleton Institute of Politics at Rutgers University. He also chairs two state commissions: the Highlands Water Protection and Planning Council and the Delaware and Raritan Canal Commission.

John's publications include the Eagleton Institute study, "Another Government Success Story: Citizen Volunteers on New Jersey State Boards and Commissions" (2004); *Waste Is A Terrible Thing To Mind: Risk, Radiation, and Distrust of Government* (described at www.WasteIsATerribleThingToMind.com), and *Reform of Undergraduate Education* (written with Arthur E. Levine) which was named "Book Of The Year" by the American Council on Education.

Before coming to Eagleton, John served in New Jersey state government for 23 years during the administrations of two Democratic and two Republican governors. He worked at the New Jersey Department of Environmental Protection from 1975 to 1994 where his posts included director of the Division of Coastal Resources and Assistant

Commissioner for Environmental Regulation. He then spent four years as Executive Director of the state's Low-Level Radioactive Waste Disposal Facility Siting Board.

John holds a B.A. in Sociology from Brandeis University and a Master's in Public Affairs from Princeton University's Woodrow Wilson School.

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RUTH B. MANDEL

Office

Eagleton Institute of Politics
Rutgers, The University of New Jersey

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Home

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EDUCATION

B.A. 1960, Brooklyn College, English; Ph.D. 1969, M.A. 1962, University of Connecticut, English/American Literature

PROFESSIONAL EXPERIENCE

Board of Governors Professor of Politics, Rutgers University, since 1994

Professor, Eagleton Institute of Politics, Rutgers University, 1985-94; Associate Professor, 1978-85; Assistant Professor, 1971-78

Director, Eagleton Institute of Politics, Rutgers University, since January 1995

Established in 1956, the Eagleton Institute of Politics at Rutgers University explores state and national politics through research, education, and public service activities, linking the study of politics with its day-to-day practice. Eagleton offers graduate fellowship programs and an undergraduate certificate program for Rutgers students. The Institute's faculty and programs specialize in the study of: state legislatures; public opinion polling and survey research; women's participation in politics; minority and immigrant political participation; campaigns, elections and political parties; civic education and engagement; electronic democracy; and New Jersey politics.

Director, Center for American Women and Politics (CAWP), a unit of the Eagleton Institute of Politics, 1971-95

Built a research, education, and public service program to promote greater understanding of women's relationship to politics and government and to develop a body of knowledge about women's public leadership. Co-Director of CAWP, 1971-73; Educational Coordinator, 1971. CAWP was established in 1971.

Senior Scholar, CAWP, since 1995

Affiliated Faculty, Department of American Studies, since 2002

Affiliated Faculty, Department of Women's and Gender Studies, since 2001

Fellow, Douglass College, Rutgers University, since 1982

Member, Faculty of Arts and Sciences, Rutgers University, since 1981

Visiting Assistant Professor, Department of English, Rider College, 1970-71

Lecturer, Department of English, University of Pittsburgh, 1968-70

Part-time Instructor, Department of English, University of Connecticut, 1960-66

Teaching at Rutgers

Department of Political Science: Women and Political Leadership (graduate); Eagleton Seminar in American Politics (graduate);
Women and American Politics (undergraduate); Becoming A Public Citizen (undergraduate)
Department of Women's and Gender Studies: Leadership Scholar's Seminar (undergraduate)
Department of English: Autobiographies of American Women; Women and Contemporary Problems; Women in Modern America and England; Politics and Fiction

PRESIDENTIAL APPOINTMENT

Vice Chairperson, U.S. Holocaust Memorial Council, the governing board of the U.S. Holocaust Memorial Museum

Appointed Vice Chairperson in 1993 by President Clinton. Originally appointed to Council by President Bush (Council term 1991-1996); reappointed twice by President Clinton (1996-2001, 2001-2006).

Committees: Search Committees for Director of the US Holocaust Memorial Museum, 1992, 1995, 1998; Executive Committee (Vice Chair); Compensation Committee; Long Range Planning Committee; Development Committee; Academic Committee; Committee on Collections and Acquisitions; Chair, Task Force on Governance; Chair, Exploratory Group for A Committee on Conscience, 1994-96; Founding Chair, Committee on Conscience, 1996-97, 1999-2000; Chair, Strategic Planning Committee; Chair, Education Committee, 2003-04.

HONORS/AWARDS

Awards/Honors

Honoree, "Salute the Policy Makers—Awards Dinner Honoring Women of Achievement,"
Executive Women in New Jersey, New
Brunswick, NJ, May 6, 2004.

Honoree, as one of three Founders of the national Public Leadership Education Network on the
occasion of its 25th Anniversary
Celebration, National Museum of Women in the Arts, Washington, D.C., February 26, 2004.

Honoree, "Women of Distinction" award, American Association of University Women, June
2002

Honoree, Women Legislators and Women College Presidents of Maryland, Maryland
Independent College and University
Association, Annapolis, Maryland, January 2002

Honoree, The Section for Women in Public Administration, American Society for Public
Administration, March 2001

Honoree, "Women Who Make a Difference," Myrtle Wreath Annual Award, Hadassah Southern
New Jersey Region, November 2000

Honorary Doctor of Public Service degree, Chatham College, Pittsburgh, PA, May 1998

Breaking the Glass Ceiling Award for a Person in the Public Sector, Women Executives in State
Government, January 1998

Mary Louise Smith Chair in Women and Politics, Iowa State University, 1997-98

Twenty-First Century Leadership Award, presented by the President of the National Women's
Hall of Fame, October 1996

Gloria Steinem Woman of Vision Award, presented by the Ms. Foundation for Women, May
1996

The League of Women Voters of New Jersey 75th Anniversary Achievement Award, May 1996

Honoree, YWCA of Central Jersey, March 1993

Faculty Merit Awards, Rutgers University, 1982, 1988, 1993

Recipient of the Governor of New Jersey's Woodrow Wilson Public Service Award in the 1992
Governor's Pride of New Jersey
Awards Program

Designated "Jerseyan of the Week" by the *Sunday Star-Ledger*, October 18, 1992, January 8, 1995

The Barbara Boggs Sigmund Award: Leaders With Vision — Women in Politics, presented by the Women's Political Caucus of New Jersey, October 1992

Awarded The Douglass Medal by Douglass College of Rutgers University, June 1989

Named 1984 Ralph Bates Lecturer by the Chatham Board of Education, Chatham, NJ

Named one of 33 New Jersey Women of Achievement by *New Jersey Monthly*, October 1983

Who's Who of American Women, 1979-80

Nominee, Woman of the Year in Political Life, *Ladies' Home Journal*, 1977

US Office of Education Fellow, "Crisis: Women in Higher Education," July 1971

Research and teaching fellowships, University of Connecticut Graduate School, 1960-68

PUBLICATIONS

Books, Monographs, Book Chapters, Professional Journals

Political Generation Next: America's Young elected Leaders, Ruth B. Mandel and Katherine E. Kleeman (Eagleton Institute of Politics, Rutgers University, 2004).

"A Question About Women and the Leadership Option," in *The Difference "Difference" Makes*, ed. Deborah L. Rhode (Stanford University Press, 2003).

"Women's Leadership in American Politics: The Legacy and the Promise," in *The American Woman 2001-2001: Getting to the Top*, eds. Cynthia B. Costello and Ann J. Stone (New York: W.W. Norton & Co., 2001).

"Susan Berresford," "Anna Quindlen," "Patricia Schroeder," "Christine Todd Whitman," interviews with Mary S. Hartman, editor, in *Talking Leadership: Conversations with Powerful Women* (New Brunswick, NJ: Rutgers University Press, 1999).

"Moving Forward Together—Women in Politics in the U.S.A.," in *Mehr Frauen für Mehr Demokratie: Festschrift zu Ehren von Professor Dr. Barbara Schaeffer-Hegel*, ed. Ulla Weber (Berlin, Germany: Centaurus-Verlagsgesellschaft Pfaffenweiler, 1998).

"Politics and Persuasion," in *We Are Listening: Report of the Vital Voices, Women In Democracy Conference* (Vienna, Austria: USIA Regional Program Office, 1998).

"Madeleine May Kunin," with Katherine E. Kleeman in *Jewish Women in America: An Historical Encyclopedia*, eds. Paula E. Hyman and Deborah Dash Moore (New York: Routledge, Inc., 1997).

Introduction to *American Women Speak: Voices of American Women in Public Life*, eds. Doris Earnshaw and Maria Elena Raymond, (California: Alta Vista Press, 1996).

Voices, Views, Votes: The Impact of Women in the 103rd Congress, with D. Dodson, S.J. Carroll, K.E. Kleeman, R. Schreiber and D. Liebowitz, monograph report from a research project (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1995).

"A Generation of Change for Women in Politics," in *Women: A Feminist Perspective*, ed. Jo Freeman (Palo Alto: Mayfield, 1995).

"Doing It Whose Way? Women in Leadership," in *Our Vision and Values: Women Shaping the 21st Century*, ed. Frances C. Hutner (Westport, CT: Praeger, 1994).

"The Political Woman," in *American Women in the Nineties*, ed. Sherri Matteo (Boston: Northeastern University Press, 1993). Earlier version in *The American Woman 1988-89*, ed. Sara E. Rix (New York: W. W. Norton & Co., 1988).

"Do Women Officeholders Make a Difference?" with Debra L. Dodson, in *The American Woman 1992-93*, eds. Paula Ries and Anne J. Stone (New York: W.W. Norton & Co., 1992).

"No Striving for Glory Here: An Essay on Women and Leadership in the USSR," *Frontiers*, Vol. IX, No. 2 (Spring 1987), 16-22.

The Impact of Women in Public Office: An Overview, with Susan J. Carroll and Debra L. Dodson, monograph in a research series (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1991).

"Women Officials: A Singular Bond," with Katherine E. Kleeman in *The Women's Economic Justice Agenda: Ideas for the States* (Washington, DC: The National Center for Policy Alternatives, 1987).

"Comparative Reflections," in *Women in Leadership*, section III, *Soviet Studies Series: Women in the Soviet Union* (Washington, DC: The Committee for National Security, 1985).

In the Running: The New Woman Candidate (New York: Ticknor and Fields, 1981). Paperback: Beacon Press, 1983. Excerpted in "Race, Gender, and State and Local Politics," in *State and Local Government in an Urban Society*, Richard D. Bingham (New York: Random House, 1986). Excerpted in *Women Leaders in American Politics*, James David Barber and Barbara Kellerman, eds. (Englewood, NJ: Prentice-Hall, 1986). Excerpted in "In the Running," *National Business Woman* (BPW: The National Federation of Business and Professional Women's Clubs, October/November 1983). Excerpted in "Women Candidates: The Beginning of a Difference," *Graduate Woman*, Vol. 76, No.4 (AAUW, July/August 1982).

"Educating Political People: Familiarity Breeds Familiarity," in *Resocializing Sex Roles: A Guide for Educators*, eds. by Elinor B. Waters and Jane Goodman. Monograph of the National Vocational Guidance Association, 1980.

Educating Women for Public Life: Report from the Visiting Program in Practical Politics (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1974).

"The Two Mystery Stories in Benito Cereno," *Texas Studies in Literature and Language*, XIV (Winter 1973), 631-642.

The Assistant and A New Life: Ironic Affirmation," *Critique*, VII (Winter 1964-65), 110-122; reprinted in *Bernard Malamud and the Critics*, eds. by L.A. Field and J.W. Field (New York, 1971).

Magazines and Other Writing

"The Coin Has Two Sides," for *Women's Leadership: Collective Endeavor or Individual Mission?* National Dialogue on Educating Women for Leadership, a monograph series of the Institute for Women's Leadership, Rutgers University (forthcoming 2003).

"Memory Alone Does Not Suffice," prepared for Days of Remembrance ceremonies, Washington, DC, April 2001 and published in: *Together*, publication of the American Gathering of Jewish Holocaust Survivors, Vol. 15, No. 2 (New York); and in *Update*, publication of the U.S. Holocaust Memorial Museum, Summer 2001 (Washington, DC).

"The Power of a Woman's Voice," review of *Living a Political Life* by Madeleine Kunin, *The Boston Sunday Globe*, April 10, 1994.

"The Year of the Woman?" *Rutgers Magazine*, Vol. 72, No. 2, Summer 1993.

Foreword, *Women in Office: Getting There and Staying There*, Joanne Rajoppi (Westport, CT: Bergin & Garvey, 1993).

"Success for Women in 1992," *CAWP News & Notes*, Vol. 9, No. 1, Winter 1993.

"Year of the Woman': A Note of Caution," with Irwin N. Gertzog, *CAWP News & Notes*, Vol. 8, No. 3, Fall 1992.

"Building Women's Institutions," *CAWP News & Notes*, Vol. 8, No. 2, Spring 1992, pp. 15-16.

"1990 Election Credits and a Preview of Coming Attractions," *CAWP News & Notes*, Vol. 8, No. 1, Winter 1991.

Foreword, *Who's Who of Women in World Politics* (London and New York: Bowker-Saur, 1991).

"Women in Politics: Goals and Gains," *CAWP News & Notes*, Vol. 7, No. 3, Summer 1990.

"View From Our Bridge," with Katherine E. Kleeman, *SCAN*, Vol. 1, No. 6 (Washington, DC: Council for Liberal Learning of the Association of American Colleges, Sept./Oct. 1986).

"Old Myths Are Finally Getting Buried this Year," Guest Column, *USA Today*, September 22, 1986.

"Furthering Women in Political Leadership," with Katherine E. Kleeman, *Voice for Girls*, Vol. 29, No. 1 (Girls Clubs of America, Fall 1984).

"A Pioneering Decade," *Commemorative Journal* (California Elected Women's Association for Education and Research, Winter 1984).

"Bringing More Women into Public Office — A Prefatory Note," in *Women Make a Difference*, report in a research series (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1983).

"The Power of the Women's Vote," *Working Woman*, April 1983.

"How Women Vote: The New Gender Gap," *Working Woman*, September 1982.

"Winning With Women," *Women's Political Times* (National Women's Political Caucus, Winter 1982). Reprinted in *Bridging the Gap*, a publication of the American Society for Public Administration, March 1982.

"Networks of Women in Politics," *Networking* (American Council on Education, National Identification Program, Winter-Spring 1981-82).

"Women and Political Leadership: The Road Ahead," *State Legislatures* (National Conference of State Legislatures, January 1982).

"The Trouble with Women Candidates," *Ms*, May 1981.

Foreword, *The Women's Movement in Community Politics in the US*, Debra W. Stewart (New York: Pergamon Press, 1980).

"Introduction," Nancy Becker, *Lobbying in New Jersey* (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1978).

Foreword, *Women in Public Office 1977*, Center for the American Woman and Politics (Metuchen, NJ: The Scarecrow Press, 1978).

"Women," *Encyclopedia Americana: Year Book for 1976* (New York: Grolier, 1977).

Foreword, *Women in Public Office 1975*, Center for the American Woman and Politics (New York: R.R. Bowker, 1976).

"Women in Elected Office: Some Bad News, and Some Good," *Women's Political Times* (National Women's Political Caucus, Summer 1976).

SELECTED PROFESSIONAL ACTIVITIES

Grants (since 2000)

Principal Investigator with Debbie Walsh and Susan Sherr, The Pew Charitable Trusts (2001-2004), Young Elected Leaders Project (\$211,000).

Co-Principal Investigator with Mary S. Hartman and Marianne Gaunt, SROA grant (2000-2001), Women in Leadership Multimedia Oral History Project (\$25,000).

Co-Principal Investigator with Tobi Walker, The Schumann Fund for New Jersey (2000), Public Officials in the Classroom Project (\$15,472).

Co-Principal Investigator with Ingrid Reed, The Robert Wood Johnson Foundation (2000), Election 2000 Campaign Research and Public Service Program (\$41,000).

Co-Principal Investigator with Tobi Walker, The Dodge Foundation (2000), New Jersey Civic Education Consortium (\$75,000).

The Center for American Women and Politics was established in 1971 with \$50,000 from the Ford Foundation. Since that time, CAWP has raised funds from foundations, corporations and government. Selected grants during (or resulting from) my tenure as CAWP's director include:

Charles H. Revson Foundation (1993-1995) for study of the impact of women in Congress; an assessment of research about women in office; and expansion of a database about elected women (\$458,000)

Charles H. Revson Foundation (1987-1991) for study of the impact of women in public office (\$450,000)

Charles H. Revson Foundation (1980-1985) for study of the routes women take to elective and appointive offices (\$220,000)

W.K. Kellogg Foundation (1990-1994) public leadership education for college-age women (\$962,000)

Ford Foundation (1997) for *Good Housekeeping* Award for Women in Government (\$326,000)

Ford Foundation (1996) for a study of women in the 104th Congress (\$75,000)

Ford Foundation (1993-94) for a conference to develop a research agenda for the study of women and American politics into the 21st century (\$75,000)

Ford Foundation (1991) for assessing the feasibility of developing a women officials' policy network (\$55,000)

Ford Foundation (1989) for research about the abortion issue's impact on elections (\$35,000)

Ford Foundation (1989) for meeting of representatives of national organizations of women officials (\$39,000)

Ford Foundation (1971-80) for general support and for two research grants programs: to study women's voluntary activities; and to study women and local government

Carnegie Corporation of New York (1981-88) for program for women state legislators (\$447,000)

Carnegie Corporation of New York (1978-84) for developing a public leadership education network of women's colleges (\$72,000)

Carnegie Corporation of New York (1975) for study of women's campaigns (\$38,000)

Carnegie Corporation of New York (1972) for a conference and study of women state legislators (\$86,000)

American Express Foundation (1983-1993) for program for women state legislators (\$139,408)

Robert Wood Johnson Foundation (1991) for program for women state legislators (\$19,800)

NJ Historical Commission (1994) Equality Deferred: Women Candidates for the New Jersey Assembly, 1920-1993 (\$3,000)

New Jersey Division on Women (1994) Equality Deferred: Women Candidates for the New Jersey Assembly, 1920-1993 (\$3,000)

Rockefeller Foundation (1989) for research about the abortion issue's impact on elections (\$35,000)

Robert Sterling Clark Foundation (1989, 1992) for research about the abortion issue's impact on elections (\$75,000)

The Huber Foundation (1989, 1990, 1992) for research about the abortion issue's impact on elections (\$70,000)

John Merck Fund (1989-92) for research about the abortion issue's impact on elections (\$125,990)

South Branch Foundation (1989) for research about the abortion issue's impact on elections (\$20,000)

777 Women Fund/Tides Foundation (1992) for research about the abortion issue's impact on elections (\$20,000)

Helena Rubinstein Foundation (1981-84) for data bank on women in public office

Mobil Foundation, Inc. (1971, 1975, 1976, 1978) for general support

Prudential Foundation (1972-1993) for general support and research

Mary Reynolds Babcock Foundation, Inc. (1973) for research grants program

US Department of Housing and Urban Development, Office of Policy Development and Research (1978-81) for research on women in public service (\$440,000)

US Office of Personnel Management (1979) for evaluation research (\$15,000)

National Institute of Education (1977) for research about school boards (\$44,948)

Chase Manhattan Bank (1973) for developing a model education program

Research

2001-2004: a national study of young elected officials (age 35 and under) serving at federal, state, county and municipal levels, which includes developing a national data base, conducting an on-line and mail survey of officeholders, and convening a conference to extend and deepen survey findings. The study has resulted in a report and analysis summarizing demographic characteristics, backgrounds, attitudes, ideology and ambitions of the population of young elected leaders holding office at the beginning of the new century.

Since 2000: a multi-year study of U.S. women's leadership in collaboration with Professor Mary Hartman. The project currently involves a series of videotaped interviews with women who contributed in significant ways, primarily on the national level, during the last quarter of the 20th century to the social change movement that reshaped women's roles, status, aspirations and opportunities in the United States.

1996-97: study comparing the impact of women serving in the 104th Congress with that of women in the 103rd Congress

1993-95: study of the impact of women serving in the 103rd Congress

1993-95: assessment of the findings of two decades of research about women in public office, and development of an agenda to guide future research on women and politics

1989, 90, 92: studies of the politics of the abortion issue in campaigns for state and national offices

1987-91: first national study of the impact of women in public office based on nationally representative samples of women and men elected to state legislatures

1987-91: designed grants program and awarded stipends for eleven small-scale studies examining the impact of women serving in different types and levels of public office

1981-83: national survey comparing women and men in elected office, focusing on the factors which facilitate and impede women's entry into public office

1981-83: first study of women appointed to high-level positions in a presidential administration

1981-83: first nationwide study of women appointed to high-level positions in state cabinets

1978-80: study of women in municipal management

1978-80: study of the development of organizations of women public officials

1977-79: study of women on school boards

1977-78: second national survey of women officeholders, collecting and analyzing data about women's social backgrounds, political experiences, organizational ties, perceptions and policy attitudes

1976: study of proportions of women serving on state boards and commissions in 39 states

1976: study of the campaign experiences of female candidates for elective office

1976: designed grants program and awarded stipends to six scholars for studies of women and local government

1975-76: first ever national survey of women serving in elective office at local, county, state and federal levels

1974: developed grants program and awarded stipends to six scholars for study of the nature and political impact of women's voluntary activities

Data Bank on Candidates and Officeholders

Since 1975 CAWP has developed a computerized database on women in elective office at municipal, county, state legislative, statewide and federal levels. The Center also regularly collects pre- and post-election data on female candidates in congressional, statewide and state legislative races. The data bank serves a variety of constituencies (from students and scholars to activists and journalists) as a national resource for current and historical information about women in politics.

Program for Women State Legislators

1995, 1991, 1987, 1983: Planned and organized the *National Forum for Women State Legislators*, the largest meetings of elected women ever convened. Held in San Diego, California, each Forum has attracted close to 1000 participants, including hundreds of legislators, as well as scholars, issues experts, organization leaders, political party officials, and journalists. The agenda has focused on several themes emerging from CAWP's studies of women legislators and from various related research and education programs: (1) the impact of elected women on public policy, and the ways in which female officials may respond differently from men to policy issues; (2) the barriers and opportunities for increasing the numbers and influence of women in public office, particularly in state legislatures; (3) the movement of women into positions of legislative leadership.

1990: Co-convened a midwest regional seminar for women state legislators with the Institute for Policy Leadership at the University of Missouri — St. Louis.

1989: Convened a national educational forum for newly elected women state legislators, with veteran women lawmakers serving as core faculty.

1985: Convened a national Conference for Women in Legislative Leadership to explore ways in which women in leadership affect the legislative institution and the public policy agenda.

1982: Convened the Conference for Women State Legislators to examine and assess the prospects for women as elected lawmakers and the progress which had been made since CAWP's first Conference for Women State Legislators held ten years earlier (Pocono conference, May 1972).

National Education for Women's Leadership (NEW Leadership)

Conceived and developed a national program of summer institutes to teach college women leadership theory and skills as well as women's political history. Initially funded by the W.K. Kellogg Foundation, the program became a model for subsequent regional CAWP programs in New Jersey, the South, the Midwest, and later throughout the country at colleges and universities that became part of CAWP's NEW Leadership Development Network.

Public Leadership Education Network (PLEN)

A founder of the Public Leadership Education Network (1978). PLEN is a consortium of eighteen women's colleges working to educate their students about women in policymaking and

public leadership. PLEN maintains a national office in Washington, DC. CAWP has been a consulting organization to PLEN.

Documentary Film

Executive Producer of a one-hour documentary film examining the progress made by women and the obstacles they encountered during more than a decade of increasing involvement in political life. Entitled *Not One of the Boys*, the film aired nationally on *Frontline* (PBS), October 1984.

Editing

Oversaw the publication of books, monographs, and reports resulting from studies and related projects conducted by the Center for American Women and Politics (CAWP) and issued by commercial publishers or through the Eagleton Institute of Politics at Rutgers University. These include publications about: the backgrounds, issue orientations, political experience, ambitions and impact of women and men in public office; the networks and organizations of political women which have developed across the country since the mid-1970s; women in public management positions in urban government; women in state legislatures; studies of the barriers facing male and female office seekers and the routes they have taken to elected and appointed positions; studies of the impact of women in public office.

Editorial Board, *Women and Politics Series*, Rutgers University Press, 1996-2003.

Editorial Board, *Women & Politics: Journal of Research and Policy Studies*, 1986-2003.

Advisory Council, *The Douglass Series on Women's Lives and the Meaning of Gender*, Rutgers University Press, 1983-1990.

General Editor (with Professor Rita Mae Kelly), Praeger series of scholarly books by political scientists in the field of women and politics (1982-1987).

Editorial Board, *Signs: Journal of Women in Culture and Society*, 1975-1980.

Manuscript Reviewer/Advisor for *Have You Considered Government and Politics?* (Career Options Series for Undergraduate Women) and *Government and Politics* (Career Opportunities Series for Post-College Women). New York: Catalyst, 1976.

Media

Interviewed and quoted regularly in major newspapers, wire service stories, popular magazines and news magazines. Press conferences and scores of interview and call-in programs for national and local television and radio. Selected television appearances include: *Washington Journal*, C-Span; *Lehrer News Hour*, PBS; *Nightline*, ABC-TV; *Charlie Rose*, PBS; *CBS Evening News*; *Nightly Business Report*, PBS; *Sonya Live*, CNN; *Good Morning America*, ABC-TV; *Today*, NBC-TV; *Not for Women Only*, WNBC-TV; *In Your Corner*, New Jersey Network; *Take Two*, Cable News Network; *Straight Talk*, WOR-TV; *Caucus New Jersey*, WNET, New York public television; *Word Is Out*, Philadelphia TV; *Today in New York*, WNBC-TV; *New Jersey Nightly News*; Bloomberg Television; Rutgers Forum; *News 12 New Jersey*. National radio interviews and commentary include: NPR's *Talk of the Nation*, *All Things Considered*, *Morning Edition*, and *Radio Times*.

SERVICE

Rutgers University (selected)

Presidential Search Committee, Rutgers University, New Brunswick, New Jersey, 2002

Member, Alexander Library, D1 Subcommittee on Collections, Women's and Gender Archival Collections, 2002-present

Speaker, Faculty Service Recognition Program, May 2002

Interviewer, "Shirley Chisholm," for Circle of Excellence, Rutgers University Honorary Degree Recipients series for Rutgers Television, May 2002.

Judge, "What's your Point?" Rutgers Academic Challenge, Rutgers University, New Brunswick, New Jersey, May 2001

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Search Committees, Social Studies Education, Graduate School of Education, Rutgers University, 2000-01, 2001-02

Advisory Committee, 2001 Forum for Women State Legislators, CAWP, Eagleton Institute of Politics, 2000-2001

Planning Committee, The Margery Somers Foster Center at Douglass Library: A Research Network and Digital Archives for Gender and Women's Studies, 1999-Present

Advisory Committee, Holocaust Resource Center, Allen and Joan Bildner Center for the Study of Jewish Life, since 1999

Rutgers Council on Government Relations, 1995-1997

Advisory Committee, Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, since 1996

Board of Directors, Institute for Women's Leadership, since 1995

Strategic Plan Implementation Committee for Public Policy and Law, 1996, 1998, 1999, 2000

Advisory Selection Committee, "Women in the Public Sphere: Power, Practice, Agency," a faculty/graduate student seminar for 1997-1998, Institute for Research on Women, 1996-97, 1997-98

Strategic Plan Implementation Committee for Gender Studies, 1995-96

Provost's Advisory Committee on Academic Development, 1994-96

Search Committee for the Provost/Dean of the Graduate School, 1993

Presidential Search Committee, Rutgers University, 1990

Faculty Committee on Honorary Degrees, 1992-95

Provost's Faculty Council Budget and Planning Committee, 1990-96

Advisory Board, Hispanic Women Leadership Institute, 1989-93

Policy and Planning Committee, Center for Women's Global Leadership, Douglass College, since 1986

Advisory Board, Laurie New Jersey Chair in Women's Studies, Douglass College, 1986-96

Advisory Committee, Women's Archives, Douglass College, 1985-95

Advisory Committee, Institute for Research on Women, 1982-present; Executive Committee, 1983-87

Advisory and Planning Group, Douglass College Program for the Public Leadership Education Network, since 1980

Eagleton Fellowship Program Selection Committee, Eagleton Institute, since 1972

Faculty Supplemental Salary Adjustment Committee, Eagleton Institute of Politics, 1983-84; chairperson 1984-86, 1992-93

Provost's Committee on Administrative Restructuring, 1990-91

Douglass Fellows Policy Committee, 1987-91

Provost's Faculty Budget and Planning Committee, 1988-90

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Committee on Appointments and Promotions, Department of Journalism and Mass Media, School of Communication, Information and Library Studies, 1989

Search Committee, Dean of the Faculty of Planning, 1988-89

Douglass Fellows Opportunity Committee, 1986-88

Search Committees, Eagleton Institute of Politics, 1987-88, 1988-89

Co-Convener, with Douglass Dean Mary Hartman, planning Conference on Women in International Leadership, April 1987

Search Committee, Department of Political Science, 1986-87

Search Committees, Laurie New Jersey Chair in Women's Studies, Douglass College, 1983-84, 1986-87

Search Committees, Eagleton Institute of Politics and Department of Political Science: 1976-77, 1978-79 (co-chairperson), 1980-81, 1986-87

Search Committee, Eagleton Institute of Politics and Graduate School of Education, 1986-87

Co-Chair, Search Committee for Director of the Women's Studies Program at Rutgers University, 1986

Rutgers University Commencement Colloquium Committee, 1985-86

Provost's Committee on Social and Public Policy, 1985

Provost's Committee on Political Oppression, 1985

Research Council Advisory Panels on the Social Sciences, Rutgers University, 1982-85

Eagleton Institute Standing Committees on Personnel, Education, Services, 1975-85

President's Advisory Commission on the Arts, Humanities and Social Sciences in an Era of High Technology, 1983-84

Chairperson, Seminar Series on American Politics and Public Policy, Eagleton Institute, 1983

Rutgers University Senate, 1976-77, Academic Personnel Committee, 1976-77

Chairperson, By-Laws Committee, Eagleton Institute, 1975-76

Manuscript Reviewer, Rutgers University Press

National, State, and Misc. Service (selected)

Ranking Official, Delegation of the U.S. Holocaust Memorial Museum, Republic of Poland Dedication Ceremonies for *The Belzec Memorial Place*, Warsaw and Belzec, June 3-4, 2004.

Member, U.S. Holocaust Memorial Council, since 1991; Vice Chairperson, since 1993

Member, Board of Directors, Charles H. Revson Foundation, since 1998; member, Board Nominating Committee, since 1998

Advisory Board, Center for Information and Research on Civic Learning and Engagement (CIRCLE), School of Public Affairs, University of Maryland, since 2001

Judge, National Panel of Judges for the National Women's Hall of Fame Awards, since 2000

"Spirit of Trenton" Council, appointed by Governor James McGreevey, April 2002

Advisory Board, United Leaders, a new organization for identifying and training young men and women for careers in political service; housed at the JFK School of Government, Harvard University, Cambridge, MA, since 2001

Co-Chair, Selection Committees, National Ballot for Women Presidential Candidates (1999) and Women Vice Presidential Candidates (2000), The White House Project

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National Advisory Committee and National Consultation Participant, Forum 98: Setting a Course for Women into the New Century, co-sponsored by Hobart and William Smith Colleges and University of Rochester, 1998

Diversity in Action Advisory Committee, New Jersey Network, since 1997

Review Board, *New Jersey Medicine*, 1995-1999

National Advisory Council, Center for Women Policy Studies, 1989-2000

Honorary Committee, Preserving Paulsdale, Alice Paul Centennial Foundation, 1989-95

Selection Panel, "Breaking the Glass Ceiling," awards program of Women Executives in State Government, 1993

National Commission for the Renewal of American Democracy (appointed by the National Association of Secretaries of State for *Project Democracy*) 1992-93

Board of Directors, National Council for Research on Women, 1985-92; Vice-Chair, 1989-91; Chair, Board Committee on the Future, 1988-89

Organizer, National Hispana Leadership Initiative, New Brunswick, NJ, April 1988

Fifteenth Anniversary Honorary Committee, "9 to 5," National Association of Working Women, 1988

Program Committee, "Women and the Constitution: A Bicentennial Perspective," a national symposium sponsored by The Carter Center of Emory University and convened by former First Ladies Carter, Ford, Nixon and Johnson, 1988

National Advisory Committee to the California Joint Select Task Force on the Changing Family, 1988

NJ State Planning Committee, American Council on Education, National Identification Program for Women in Higher Education Administration, 1979-1987

Nominating Committee, Women's Caucus for Political Science, 1985-86

Planning Committee, The Women's Dialogue — US/USSR, The Rockefeller Foundation, 1984-85. Member of US delegation of eleven women invited to the USSR (December 1984) for a seminar with Soviet women leaders on the theme of "Women and Community Leadership"

Mercer County Commission on the Status of Women, 1977-1984

Appointed by the Governor of New Jersey to the Commission to Study the Need and Necessary Fiscal Commitments for Creating a Chair of Women's Studies at Douglass College (Chairperson, Committee on Academic Needs), 1982

Advisory Committee, Women's Leadership Conference, the Committee for National Security, 1982

Final Selection Judge, Coro Foundation Fellowship Program, 1977; Public Affairs Training Program for Women, 1981

Member, Search Committee for Executive Director, National Women's Education Fund, Washington, DC, 1979

Board of Judges, Catherine L. O'Brien Award, Competition for Achievement in Women's Interest Newspaper Reporting, 1978-79

Member, Planning Committee, Conference on Technical Assistance Needs of Women Officeholders, Aspen Institute, 1977

Appointed by President's National Commission on the Observance of International Women's Year to State Coordinating Committee for New Jersey's IWY Conference, 1976; Co-chairperson, Nominating Committee, New Jersey IWY State Conference, 1977; Elected Delegate from New Jersey to US National Women's Conference; Houston, TX, 1977

Consultant, Women in Power Committee, National Commission on the Observance of International Women's Year, 1975 (testified for Committee hearing on women's participation in the political process, 1976)

Convener, Task Force on Fair Representation and Participation in the Political Process, US National Women's Agenda, a program of the Women's Action Alliance, 1975-76

Program Coordinator and Conference Moderator, Evaluation Conference, "Women in the Political Process — Multi-National Views," US Department of State, Bureau of Educational and Cultural Affairs, New Brunswick, NJ, October 1976

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Educational Program Consultant, Finch College, "Preparation of Women for Political Leadership: A Transnational Approach," New York, 1974

PUBLIC PRESENTATIONS

Many lectures, speeches, panels and workshops each year. Below is a sample of presentations between 1987 and 2004.

Selected Guest Lectures and Conference Participation—Colleges and Universities

Faculty Commencement Speaker, 83rd Commencement convocation at Douglass College, Rutgers University, May 2004.

Speaker, Inaugural Mandel Fellows Conference, U.S. Holocaust Memorial Museum in collaboration with the Allen and Joan Bildner Center for the Study of Jewish Life, Rutgers University, New Brunswick, NJ, February 2004.

Discussion Leader, Series of "Conversations With New Leaders," Eagleton Institute of Politics, Rutgers, Spring 2004.

Moderator, "Networking Nationally With Fellow Legislators," Forum for Newly Elected Women State Legislators, Center for American Women and Politics, Rutgers University, Washington, D.C., November 2003.

Moderator, "Seminar on the Future of Democratic Politics," Walt Whitman Center for the Culture and Politics of Democracy, Rutgers University, New Brunswick, NJ, May 2002.

Panelist, Women's Leadership: Collective Endeavor or Individual Mission? National Dialogue on Educating Women for Leadership, Institute for Women's Leadership, Rutgers University, NJ, May 2002.

Discussant and Advisor, "Instituting Gender," Yale University, New Haven, CT, March 2002.

Participant, Invitational Symposium on "Islam and America in a Global World," New York University, NY, January 2002.

Speaker, "Women Legislators and Women College Presidents of Maryland," Maryland Independent College and University Association, Annapolis, MD, January 2002.

Speaker, Program on "University-Community Relations in Estonia, Latvia, and Lithuania," Center for Russian, Central and East European Studies, Rutgers University, NJ, December 2001.

Moderator and Panelist, "Women's Future Political Prospects," for program on Women in Politics: Research and Debate, National Forum for Women State Legislators, convened by the Center for American Women and Politics, Dana Point, CA, November 2001.

Panelist, "The Future of Democratic Politics," Walt Whitman Center for the Culture and Politics of Democracy, Rutgers University, New Brunswick, NJ, September 2001.

Participant, "Breakthrough Strategies for Women Leaders," Institute for Women's Leadership and Center for Women and Work, Rutgers University, New Brunswick, NJ, September 2001.

Moderator, "Balancing Public and Private Lives," CAWP NEW Leadership Summer Institute, Rutgers University, New Brunswick, NJ, June 2001.

Panelist, "What Difference Does Difference Make?," Women's Leadership Summit, American Bar Association and the Kennedy School of Government, Cambridge, MA, April 2001.

Guest Lecturer, "Political Women in the U.S.," Leadership Scholars Seminar, Institute for Women's Leadership and Program in Women's Studies, Rutgers University, New Brunswick, NJ, March 2001.

Panelist, Faculty Roundtable on Election Campaign 2000, Eagleton Institute, New Brunswick, NJ, February 2001.

Interviewee, *By the Book*, Rutgers University Television Network, January 2001.

Participant, "Ready to Run," Center for American Women and Politics, New Brunswick, NJ, March 2000.

Speaker, "The Practice of Politics," Undergraduate Associates Program, Eagleton Institute, New Brunswick, NJ, April 2000.

Participant, "Term Limits and Women in State Legislatures," Center for American Women and Politics, New Brunswick, NJ, November 1999.

Speaker, "From Holocaust History to Memory: Germany, Jews and the Future," Princeton University, April 1999.

Moderator, "Private Life, Public Life, Professional Life," Ready to Run Conference, Center for American Women and Politics, Rutgers University, December 1998.

Speaker, "Remembering the Holocaust in the Twenty-First Century: Memoirs, Oral History and Video Archives," Allen and Joan Bildner Center for the Study of Jewish Life, Rutgers University, November 1998.

Moderator, "Making a Difference: Women in Politics," Center for Leadership and Public Interest Advocacy, Mount Holyoke College, October 1998.

Speaker, "From Suffrage to Liberation: Women in the Public Sphere in New Jersey, 1920-1970," Special Collections and University Archives, Alexander Library, Rutgers University, September 1998.

Speaker, "New Directions in Politics," ACE-NIP, Rutgers University, April 1998.

Speaker, "Moving Forward Together: A Women's Political Movement," Mary Louise Smith Chair in Women and Politics, Carrie Chapman Catt Center for Women and Politics, Iowa State University, April 1998.

Speaker, "Incrementalism Versus the Ketchup Bottle: Women's Progression in Politics," Mary Louise Smith Chair in Women and Politics, Carrie Chapman Catt Center for Women and Politics, Iowa State University, October 1997.

Speaker, Women in Public Life: Past Perspectives, Future Challenges, co-sponsored by the John F. Kennedy Library and Museum and the Center for Women in Politics and Public Policy of the McCormack Institute of Public Affairs, University of Massachusetts, October 1997.

Workshop Leader, First International Women's Leadership Conference, John F. Kennedy School of Government, Harvard University, May 1997.

Participant, Conference on Genocide, Religion, and Modernity, sponsored by the U.S. Holocaust Memorial Museum, Rutgers University Center for Historical Analysis and Center for the Study of Jewish Life, Washington, DC, May 1997.

Moderator, War and Gender Relations, sponsored by The Center for Study of Jewish Life and The Women's Studies Program, Rutgers University, April 1997.

Panelist, Women's Studies Program, University of Philadelphia, November 1996.

Speaker, Rutgers University 1996 Alumni College, Cape Cod, MA, October 1996.

Keynote Speaker, "Women and the Vote," 1996 Elizabeth Cady Stanton/Susan B. Anthony Conversations on Contemporary Issues, University of Rochester, October 1996.

Panelist, Democracy in America: Does It Still Work?, Brown University, February 1996.

Speaker, Politics '96, Knight Center for Specialized Journalism, University of Maryland, October 1995.

Speaker, "Can Democracy Survive?" Raritan Valley Community College, Somerville, NJ, October 1995.

Participant, "Women and Public Discourse," Radcliffe Public Policy Institute, Radcliffe College, Cambridge, MA, April 1995.

Participant, The Women Leaders' Roundtable, sponsored by Queen's College, Avon Products, Inc., and American Council on Education, New York, June 1994.

Panelist, "In the Company of Women: Agendas for Change," Simmons College Graduate School of Management Alumnae Association, May 1994.

Moderator, "Political Practitioners Discuss Research Needs," CAWP conference about Research on Women and American Politics: Agenda Setting for the 21st Century, Rutgers University, April 1994.

Speaker, "Candidates, Voters and Voting Patterns: Women in the Political Process," Institute of Politics, Kennedy School of Government, Harvard University, October 1993.

Moderator and Participant, Roundtable: Women Running for Political Office, Ninth Berkshire Conference on the History of Women, Vassar College, June 1993.

Lecturer, "Women in American Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1993.

Moderator, "Balancing Public and Private Lives," CAWP NEW Leadership Summer Institute, Rutgers University, 1991-2000.

Keynote Speaker, Conference on Southern Women in Public Service, John C. Stennis Center for Public Service and Mississippi University for Women, Atlanta, GA, May 1993.

Moderator and Panelist, "Women Lawmakers," Conference on the Scholar and the Feminist, Barnard College, April 1993.

Panelist, "Women in Leadership: A Breakthrough in the 1990s?" The Institute for Women's Leadership at Douglass College, Rutgers University, December 1992.

Speaker, "More Women in Politics...Why Bother?" Newcomb College Center for Research on Women, Tulane University, October 1992.

Speaker, "The Politics of Gender," Women and Social Policy in Comparative Perspective, Italian Academy for Advanced Studies in America, Columbia University and Italian Cultural Institute of New York, Kellogg Center, Columbia University, October 1992.

Speaker, Stanford University Institute for Research on Women and Gender, NY Area Associates Group, NYC, September 1992.

Lecturer, "Women in US Electoral Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1992.

Speaker, Hispanic Women's Leadership Institute, Rutgers University, February 1992.

Moderator and Panelist, "Reshaping the Agenda: The Impact of Women in Public Office," CAWP Forum for Women State Legislators, San Diego, November 1991.

Moderator, Roundtable Discussion on Sexual Harassment and Policymaking, CAWP Forum for Women State Legislators, San Diego, November 1991.

Chair and panelist, "Women Candidates for Gubernatorial and Congressional Offices," annual meeting American Political Science Association, Washington, DC, September 1991.

Lecturer, "Early Feminism and Women's Political History," CAWP NEW Leadership Summer Institute, Rutgers University, June 1991.

Lecturer, "Women in Contemporary American Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1991.

Speaker, "Women in Leadership," Women Presidents' Summit, American Council on Education, Washington, DC, December 1990.

Speaker, "Women in State Legislatures," Woodrow Wilson School, Princeton University, November 1989.

Moderator, "Advice from Legislative Leaders," CAWP Forum for Newly Elected Women State Legislators, Princeton, November 1989.

Speaker, "Strategic Leadership '90," Women's Campaign Research Fund and Institute of Politics, Kennedy School of Government, Harvard University, October 1989.

Keynote Address, "Outside/Inside: The Tradition of American Women's Political Leadership," delivered at The Radcliffe Conferences — Meeting the Challenge: Women as Leaders, Radcliffe College, May 1989.

Speaker, "Women and Politics '88," Skidmore College, October 1988.

Speaker, "Women Public Leaders and the Electoral Process: Impacts and Implications," The Public Management Seminar Series, University of Southern California, School of Public Administration, Washington Public Affairs Center, Washington, DC, June 1988.

Speaker, "Through the Magnifying Glass: Women and the Presidential Election of 1988," Allegheny College, May 1988.

Moderator, "Women Political Leaders Reflect on the Constitution," Mini Plenary, Women and the Constitution: A Bicentennial Perspective, a symposium sponsored by The Carter Center of Emory University, Atlanta, February 1988.

Selected Professional Meetings and Public Speeches

Speaker, "The Power to Name, the Will to Act," prepared for *For Justice and Humanity*, the 2004 National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 22, 2004.

Lecturer, "Jewish Women in American Politics," JCC Middlesex County, Edison, NJ, May 2004.

Presenter and Participant, Launching the Second Decade: A Tribute to Donors, U.S. Holocaust Memorial Museum, Washington, D.C., April 2004.

Panelist, "American Politics: Is the System Working?" The Peddie School, Hightstown, NJ, April 2004.

Workshop Leader and Speaker, "Why Won't Sally Run? The Frustrating Search for Young, Female, and Minority Leaders," The Peddie School, Hightstown, NJ, April 2004.

Presenter, *The Barbara Boggs Sigmund Award for Women's Political Leadership*, Women's Political Caucus of NJ, Princeton, NJ, March 2004.

Speaker, "America's Young Elected Leaders," Emerging Practitioners in Philanthropy, Boston, MA, November 2003.

Speaker, "Financing and Political Participation of Women in the Western Hemisphere: North America, Latin America and the Caribbean," Seminar on Political Party and Campaign Financing convened by the Organization of American States, Inter-American Forum on Political Parties of the Unit for the Promotion of Democracy, Washington, D.C., December 2003.

Speaker, "Comfort in Community," *Tribute to Holocaust Survivors: Reunion of a Special Family*, U.S. Holocaust Memorial Museum, Washington, D.C., November 2003.

Moderator, "Genocide Prevention, Morality, and the National Interest," Symposium of the Committee on Conscience, U.S. Holocaust Memorial Museum, Washington, D.C., May 2002.

Participant, "The National Women's Leadership Summit," sponsored by The White House Project and Brinsights, Washington, D.C., May 2002.

Speaker, "Memories of Courage," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 2002.

Panelist, "Twenty Years of Charting the Future," The National Council for Research on Women, Fourth Annual Women Who Make A Difference Awards Program, NY, February 2002.

Speaker, "Women in Politics Thirty Years Later," Pennswood Village, Newtown, PA, January 2002.

Speaker, "The Participation of Jewish Women in American Politics—Then and Now," Monroe Hadassah, Monroe, NJ, May 2001.

Speaker, "Remembering the Past for the Sake of the Future," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 2001.

Participant, "Women in Leadership Working Group," Winds of Change Foundation, San Francisco, California, April 2001.

Witness Testimony, Panel on "The Federal Election System: Historical Perspectives," National Commission on Federal Election Reform, the Carter Center, Atlanta, GA, March 2001.

Participant, The Campaign of 2000-Debriefing Seminar, The Annenberg School for Communication, University of Pennsylvania, Philadelphia, February 2001.

Panelist, "Issues in *The American Woman 2001-2002: Getting to the Top*," National Press Club, Washington, D.C. February 2001.

Participant, "Workshop on Issues of Governance in the United States," program of the Ford Foundation, New York, NY, January 2001.

Keynote Speaker, "Making a Difference," Annual Awards Dinner and Program of the Institute for Holocaust and Genocide Studies, Raritan Community College, Somerville, NJ, November 2000.

Panelist, "Beyond Elections 2000," Annual Conference of the National Council for Research on Women, New York, NY, October 2000.

Speaker, "Where Have All the Women Gone?" Princeton Adult School, Princeton, NJ, October 2000.

Speaker, "Jewish Women and Politics," Jewish Historical Society of Central Jersey, New Brunswick, NJ, November 2000.

Keynote Speaker, "Telling Our Stories/Telling Political Women's Story," program on Bridging the Past, Present and Future, Women's Network, annual conference of the National Conference of State Legislatures, Chicago, June 2000.

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Keynote Speaker, "Leadership for the 21st Century," annual conference of the Women's Transportation Seminar, New York, NY, May 2000.

Speaker, "An Evening of Tribute to the President's Commission on the Holocaust," program of the United States Holocaust Memorial Museum, Washington, D.C., May 2000.

Speaker, "The Holocaust and the New Century: The Imperative to Remember," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., May 2000.

Moderator, "After Liberation," conference on "Life Reborn: Jewish Displaced Person 1945-51," U.S. Holocaust Memorial Council and the Second Generation Advisory Group, Washington, D.C., January 2000.

Moderator, "Balancing the Personal and Political," Christine Todd Whitman Excellence in Public Service Series, New Brunswick, NJ, December 1999.

Panelist, "Choosing to Lead: Women's and Girl's Visions for the Next Century," annual conference of the National Council for Research on Women, New York, New York, December 1999.

Participant, "Civic Education After the NABP Civic Assessment: What Next?," conference of the Institute for Philosophy and Public Policy, Brookings Institute, November 1999.

Panelist, "Legacies: Crafting Women's History, Writing Women's Lives," annual conference of the Head Mistresses Association of the East, Princeton, New Jersey, November 1999.

Moderator and Panelist, "Service and Responsible Citizenship," Citizens Serving Together: Idealism in Action in the 21st Century, annual meeting Grantmaker Forum on Community and National Service, Berkeley, California, November 1999.

Keynote Speaker, "2000 Leadership University," conference of the UJA-Federation of New York, New York City, September 1999.

Speaker, "Women and Presidential Politics," annual meeting of the Journalism and Women Symposium, Sundance, UT, September 1999.

Panelist, "Ms. President? Electing a Woman to the White House," American Political Science Association, Atlanta, GA, September 1999.

Keynote Speaker, "The Voyage of the Saint Louis," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, DC, April 1999.

Panelist, "From Seneca Falls to Beijing +5: U.S. Women and NGOs in Action," program of U.S. Women Connect at United Nations Headquarters, New York City, March 1999.

Moderator, "Balancing Public and Private Life," Christine Todd Whitman Excellence in Public Service Series, New Brunswick, NJ, January 1999.

Moderator, "Genocide and Crimes Against Humanity: Early Warning and Prevention," conference of the Committee on Conscience, United States Holocaust Memorial Council, Washington, DC, December 1998.

Panelist, "Women's Participation: A 1998 Post-Election Review," Northeastern Political Science Association, Boston, MA, November 1998.

Panelist, "Women, Politics, and the White House," program of the Ms. Foundation for Women, New York City, October 1998.

Moderator, "What Difference Does It Make?: Why More Women Should Get Ready to Run-For Office," Governor's Conference on Women: Economic Pathways to Power, Atlantic City, NJ, October 1998.

Speaker, New Jersey Association for Elected Women Officials, Princeton, NJ, March 1998.

Speaker, "Women in Leadership," Riker, Danzig, Scherer, Hyland & Perretti, Florham Park, NJ, September 1997.

Rapporteur, Vital Voices: Women in Democracy, an international conference convened by the US Department of State, Vienna, Austria, July 1997.

Panelist, New Jersey Democratic State Committee 1997 Statewide Conference, Long Branch, NJ, May 1997.

Speaker, Women Administrators in Higher Education and Capital Area Women in Education, Washington, DC, May 1997.

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Speaker, "Varieties of Jewish Experiences: Readings and Discussions with Local Scholars," The American Jewish Committee, Princeton, NJ, February 1997.

Speaker, New Jersey Association of Women Business Owners, Piscataway, NJ, February 1997.

Participant, "Healing Wounded People--War Crimes Tribunals and Truth Commissions," United States Holocaust Memorial Museum, January 27, 1997.

Moderator, "Visions of the 21st Century," Program of the United States Holocaust Memorial Museum for the Presidential Inauguration, January 1997.

Speaker, Johnson & Johnson Executive Luncheon Series, New Brunswick, NJ, November 1996.

Speaker, "More Women for More Democracy, A Colloquium in Honor of Professor Barbara Schaeffer-Hegel," Technische Universitat Berlin, Berlin, Germany, November 1996.

Speaker, "Women Influencing Public Policy," Women Working in Philanthropy, Delaware Valley Grantmakers, Philadelphia, PA, October 1996.

Participant, The Governor's Leadership Summit on Diversity, Basking Ridge, NJ, October 1996.

Participant, The Image of Feminism in the Public Eye, NOW Legal Defense and Education Fund, New York, April 1996.

Speaker, Women Lawyers Section of the Middlesex County Bar Association, New Brunswick, NJ, March 1996.

Participant, Leadership Issues for Women and Girls, U.S. Department of Education, Washington, DC, February 1996.

Speaker, New Jersey Commission on Holocaust Education, Rutgers University, New Brunswick, NJ, February 1996.

Speaker, "Whose America Is It?" Annual Lecture Series of the Jewish Congregation of Rossmoor, Jamesburg, NJ, October 1995.

Speaker, Volunteer Appreciation Night, United States Holocaust Memorial Museum, Washington, DC, June 1995.

Participant, The Governor's Leadership Summit on Diversity, New Brunswick, NJ, May 1995.

Keynote Speaker, 75th Anniversary Gala, League of Women Voters of New Jersey, New Brunswick, NJ, May 1995.

Keynote Speaker, Women's Political Caucus of New Jersey, Annual Conference, Princeton, NJ, May 1995.

Participant, National Roundtable on Women in Public and Nonprofit Leadership, Corporation for National Service, White House Conference Center, Washington, DC, May 1995.

Participant, Post-Election Roundtable, The Ford Foundation, New York, January 1995.

Speaker, "Women in 20th Century American Politics," The Women's Campaign School, Yale University, June 1994.

Participant, "Women and Leadership," Sara Lee Corporation Women's Roundtable, Washington, DC, May 1994.

Speaker, "Women in Politics — Past, Present, and Future," by the Pennsylvania Women's Campaign Fund, Philadelphia, PA, April 1994.

Speaker, "The State of Women in Politics," Nassau Club, Princeton, NJ, February 1994.

Chair, "Multiple Voices: Ideology, Exclusion, and Coercion," panel at *The Holocaust: An International Scholars' Conference on the Known, the Unknown, the Disputed, and the Reexamined*, opening conference of the United States Holocaust Research Institute, Washington, DC, December 1993.

Moderator and Panelist, "American Women in Political Campaigns: Obstacles and Successes," Wellesley Club of NJ, William Patterson College, NJ, October 1993.

Moderator and Panelist, "Which Way Are the Political Winds Blowing? National Convention of the National Women's Political Caucus, Los Angeles, CA, July 1993.

Speaker, "Women as Leaders," Ninth Annual Seminar, The Washington Center, Washington, DC, May 1993.

Moderator and Speaker, "Transforming Government," opening plenary session, Annual Meeting, National Council for Research on Women, Washington, DC, May 1993.

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Speaker, "Women in Politics: Its Meaning For the Future," The Smithsonian Campus on the Mall, Washington, DC, April 1993.

Speaker, Women in Municipal Government Annual Meeting, National League of Cities, Washington, DC, March 1993.

Speaker, "Women as Candidates and Elected Officials," Women's Program Forum, The Ford Foundation, New York City, March 1993.

Speaker, "The Role of Women in Transforming Government," Symposium '93, American Society for Public Administration, NJ Chapter, Princeton, NJ, March 1993.

Speaker, Post-Election Debriefing and Analysis for Women State Legislators, conference sponsored by the National Women's Political Caucus, Washington, DC, November 1992.

Speaker, "In the Eye of the Storm: Feminist Research and Action in the '90s," annual meeting National Council for Research on Women, Radcliffe College, Cambridge, MA, June 1992.

Speaker, "If Women Ran America," Invitational Forum, sponsored by *LIFE* magazine, New York City, June 1992.

Speaker, Women's City Club of New York, Inc., New York City, March 1992.

Speaker, "Changing Times — Changing Challenges," program of the American Association of Retired Persons, Washington, DC, March 1992.

Speaker, National Order of Women Legislators, Annual Meeting, Mackinac Island, Michigan, August 1991.

Speaker, "It's Better to be Present: Women in Leadership," Conference on A New Decade of Leadership: Women State Legislators, CAWP and Institute for Policy Leadership, University of Missouri-St. Louis, November 1990.

Panelist, "Political Participation and Women's Leadership," National Council for Research on Women, Annual Meeting, New York City, June 1990.

Moderator and Panelist, "The Gender Gap: The 1988 Election and Beyond," program of the Charles H. Revson Foundation and the Women's Program Forum of the Ford Foundation, New York City, January 1989.

Moderator and Panelist, "Shaping Institutions in the Future: Women Making a Difference," Council on Foundations, Annual Meeting, Los Angeles, CA, April 1988.

Moderator and Panelist, "Women's Leadership in the Institutional Environment," Conference on Educating Women for Leadership, Wingspread Conference Center, Racine, WI, March 1988.

Keynote Speaker, Minnesota Women's Political Assembly, Minneapolis, MN, January 1987.

Keynote Speaker, "Women in Government," The New Jersey Department of Higher Education, Princeton, NJ, January 1987.

Speaker, Women in Municipal Government seminar at the Congressional-City Conference of the National League of Cities, Washington, DC, February 1987.

Participant, The First Eleanor Roosevelt International Caucus of Women Political Leaders, sponsored by the National Democratic Institute for International Affairs, San Francisco, CA, March 1987.

Moderator and Panelist, "Current Status of Women in Politics: Taking Stock," Conference on Women and Political Power in the United States convened by the John F. Kennedy Library, Boston, MA, May 1987.

Janet Stuart Lecturer, "She Knows Where She's Going — Today's Political Woman," Stuart Country Day School of the Sacred Heart, Princeton, NJ, October 1987.

07/04

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Thomas M. O'Neill

Experience

2005

Thomas O'Neill Consultant
Pennington, New Jersey

Consultant

Founded new consulting practice in public policy, organizational and leadership development. Initial clients include Rutgers University and Volunteers of America/Delaware Valley

1984–2005

The Partnership for New Jersey
New Brunswick, New Jersey

President

- Founded and led association of corporate and non-profit CEOs dedicated to making New Jersey a better place to live and work. Responsible for raising annual budget of \$500,000 – \$750,000 and funds for restricted programs
- Developed and led leadership development programs (Leadership New Jersey, Leadership Newark, Leadership Trenton) that has created a statewide network of civic leaders of more than 1,000 outstanding men and women.
- Created and led educational improvement initiatives including the Invest in Children Coalition that expanded preschool programs, NetDay that wired 10,000 classrooms across the state for Internet connections, Institute for School Innovation that developed and advocated measures to improve the efficiency of public schools.
- Organized and led diversity initiatives that doubled the number of corporations with formal diversity programs. Managed The Governor's Leadership Summit on Diversity to demonstrate the value of the state's increasing diversity and recommend programs to increase that value. Designed and managed first statewide survey of public attitudes on race and inter-group relations.

1977 – 1984

Center for Analysis of Public Issues
Princeton, New Jersey

President

- Led major studies on campaign finance, lobbying disclosure, foster care, government integrity, and related topics. Wrote or edited reports on these studies.
- Founded and edited award-winning magazine analyzing public policy and politics, *New Jersey Reporter*. Created and published annual *New Jersey Political Almanac*.
- Commentator and election analyst for NJ Public Television and hosted weekly public affairs program on WNET-Channel 13.

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1975-1977

Center for Environmental Studies
Princeton University

Research Staff and Lecturer

- Member of research team on energy policy, environmental management and land use controls.
- Developed and taught upper level course, "Environmental Policy Making," Engineering 303.

1970 - 1975

Department of Environmental Protection
Trenton, New Jersey

Chief of Staff

- Member of the Commissioner's staff responsible for the organization of this new department of state government, for legislative initiatives, program review and assessment, and direction of review of major proposed projects.
 - Director of the Division of Marine Resources, first administrator of new coastal land use controls and responsible for the NJ Marine Police, wetlands regulation, and control of ocean dumping.
 - Director, Governor's Task Force on Energy. Led emergency task force to respond to the 1973 oil embargo and craft a plan to improve the state's capacity to conserve energy and regulate supply.
 - Executive Director, Governor's Advisory Council on the Future of New Jersey. Formed and led panel to assess trends shaping New Jersey's economy and environment and develop a strategy for shaping land use controls to assure a high quality of life.
-
- Wesleyan University, BA with Honors in Government, 1968
 - Princeton University, Woodrow Wilson School of Public and International Affairs, Masters program in Public Affairs, 1968 - 1970

Education

Military Service

U. S. Army Intelligence Corps, Berlin Station, 1962 -- 1965

Civic Activities

Director, Merrill Lynch Bank & Trust, 1993 - present

Trustee, Citizens for the Public Good 2001 - present
Founding Trustee, New Jersey Future, 1984 - present
American Littoral Society, Trustee, 2003 - present
Trustee, Thomas Edison State College, 1996 - 2004
Founding Chair, NJ Institute for School Innovation, 1999 - 2001
Founding Chair, Early Childhood Facilities Fund, 1996 - 1999
Trustee, Regional Planning Partnership, 1976 - 2001
Trustee, The Nature Conservancy, 1998 - 2003
Chair and trustee, Center for Analysis of Public Issues, 1984 - 2001
Member, Pennington Borough Council, 1976 - 1979

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JOHN WEINGART

Sergeantsville (Hunterdon County), New Jersey

(609) 397-

CURRENT EMPLOYMENT:

Associate Director
EAGLETON INSTITUTE OF POLITICS
RUTGERS UNIVERSITY
New Brunswick, NJ (February 2000 to present)

CURRENT ACTIVITIES:

Chairman
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL
Appointed by Governor and confirmed by State Senate to 5-year term

Chairman
DELAWARE AND RARITAN CANAL COMMISSION
Appointed by Governor and confirmed by State Senate to second 5-year term

Producer and Host
Music You Can't Hear On The Radio
Weekly radio program of folk music and bluegrass on WPRB-FM and WPRB.com, Princeton, NJ

PAST EMPLOYMENT:

Senior Fellow
CENTER FOR ANALYSIS OF PUBLIC ISSUES
Princeton, NJ (September 1998 to February 2000)

Wrote a book analyzing New Jersey's attempt to encourage municipalities to volunteer to host a disposal facility for low-level radioactive waste, viewing this program as a lens through which to examine risk communication, community involvement in decision-making and state government. Secured funding from the U.S. Department of Energy. Published in 2001.

Executive Director
NJ LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY SITING BOARD
Trenton, NJ (September 1994-July 1998)

Directed an innovative effort to encourage New Jersey municipalities to consider volunteering to host a disposal facility for low-level radioactive waste. Included communicating about risk and science, confronting public distrust of government, and fostering effective community processes for decision-making. Managed a staff of seven with an annual budget of \$1 million, and reported to an 11-member board.

John Weingart - page 2

PAST EMPLOYMENT (continued)

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Assistant Commissioner for Environmental Regulation
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1991-1994)

Directed most of the Department's planning and permitting programs for both land use and industrial facilities. Managed a staff of 650 with an annual budget of \$11 million in federal and state funds. Worked with the Legislature, local governments, permit applicants and citizen groups, with the goal of developing mechanisms to improve planning and regulatory programs and link them together for more comprehensive environmental protection and greater common sense and efficiency.

Director, Division of Coastal Resources
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1982-1991)

Administered a State agency with a staff of 300 and budget of \$5 million responsible for land use planning and regulation along New Jersey's ocean shore and urban waterfronts, and in flood plains and wetlands. Had lead responsibility for federal Coastal Zone Management grant. Also, responsible for capital projects for shore protection, dredging and flood control.

Various staff positions
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1975-1982)

Joined DEP in 1975 as Public Participation Coordinator for the Office of Coastal Zone Management; then served as Assistant Chief of the Office, Chief of the Bureau of Coastal Planning and Development, and Deputy Director, all within the Division of Coastal Resources.

Also, served as **Staff Director for the Governor's Hudson Waterfront Study, Planning and Development Commission** from 1979 to 1981. Initiated and fostered the planning and development of the Hudson River Walkway to increase public access and urban revitalization.

Project Co-Director

UNDERGRADUATE CURRICULUM EVALUATION
Waltham, MA (1970-1973)

Co-designed and directed a study evaluating the implementation of curricular reforms at 26 colleges. Received funding from private foundations and the U.S. Office of Education. Study resulted in the two books listed below.

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OTHER ACTIVITIES:

Board Member, *Delaware River Mill Society*, 1996 to present.
(Vice-President from 1999 to 2002).

Board Member, *Hudson Waterfront Conservancy*, 1999-present.

Trustee, *Delaware and Raritan Greenway*, November 1999-November 2002.

Visiting Associate, *Eagleton Institute*, Rutgers University, 1999-2000.

Board Member, *Regional Planning Partnership*, 1999-2004.

Member, *NJ Alzheimer's Association Public Policy Committee*, 1999-2000.

Elected Member, *Delaware Township School Board*, 1996-1999.

EDUCATION:

Graduate of Leadership New Jersey Program;
Partnership for New Jersey (1989).

Masters in Public Affairs, Woodrow Wilson School of Public and
International Affairs, Princeton University, Princeton, NJ (1975).

Bachelor of Arts, Brandeis University; Waltham, MA (1970);
major in sociology; President of the Student Body.

**PUBLICATIONS:
BOOKS**

**ANOTHER GOVERNMENT SUCCESS STORY:
CITIZEN VOLUNTEERS ON NEW JERSEY STATE BOARDS
AND COMMISSIONS;** Eagleton Institute of Politics;
New Brunswick, NJ 08901; 2004.

**WASTE IS A TERRIBLE THING TO MIND:
RISK, RADIATION, AND DISTRUST OF GOVERNMENT;**
Princeton, NJ; Center for Analysis of Public Issues; 2001.

**NEW JERSEY'S VOLUNTARY SITING PROCESS FOR A LOW-LEVEL
RADIOACTIVE WASTE DISPOSAL FACILITY: A HISTORY AND
PERSPECTIVE,** National Low-Level Waste Management Program,
Idaho Falls, Idaho, July 2000.

REFORM OF UNDERGRADUATE EDUCATION, co-author with
Arthur E. Levine (San Francisco: Jossey Bass; 1973).

UNDERGRADUATE CURRICULUM EVALUATION, co-author with
Arthur E. Levine (Washington, D.C.; Education Resources
Information Center, 1972).

ARTICLES:

Government

- "Harmony for an Official State Song; A Proposal for Rotation, Marketing and Term Limits," *The New York Times*, New Jersey Section Op Ed page, [November 24, 2002].
- "Time Can Change Everything: Low-Level Radioactive Waste Amid Changing Realities," *Radwaste Solutions*, [May/June 2001].
- "A Prayer For The City," book review, *The New Jersey Reporter* (March 1998).
- "Bump In The Night," commentary on the New Jersey Civil Service system, *The New Jersey Reporter* (July 1996).
- "CAFRA Amendments: A Surprising Year For Progress," *New Jersey Conference of Mayors Quarterly Magazine*, (Autumn 1993).
- "What Voters Don't Know Can Hurt Them," *The New Jersey Reporter*, (June 1985).
- "Senate Appointment: A Dead End?", *The New York Times*, (September 27, 1981).

Environment

- "Low-Level Waste and You: Perfect Together," *The Star-Ledger*, (December 29, 1995).
- "It's Our Waste; Why Not Our Backyard?", *New Jersey Environment*, (Winter 1996).
- "Wanted: A Site For A \$100 Million Development," *New Jersey Conference of Mayors Quarterly Magazine*, (Winter 1995).
- "The Low-Level Radioactive Waste Facility Siting Process," *New Jersey Planners' Journal*, (Fall 1995).
- "The State's Reaction To Sea Level Rise," *The Bulletin of the New Jersey Academy of Science*, (Fall 1986).
- "Regional Planning for the Urban Waterfront," *Coastal Zone '80: Proceedings of the Second Symposium on Coastal and Ocean Management*, (November 1980).
- "The Unforeseen Path to Regional Management of the New Jersey Pinelands," *Proceedings of the Cooperative Management of Coastal Ecosystems Workshop*, Georgia Conservancy (November 1980).
- "Urban Coastal Management, The New Jersey Experience," *Resource Allocation Issues in the Coastal Environment*, The Coastal Society, (November 1979).
- "CAFRA and Coastal Zone Management," *New Jersey Outdoors*, (October 1975).

Education

- "The Need For Environmental Education," *Humanistic Judaism*, (Spring 1993).

HONORS

Volunteer of the Year Award, Delaware River Mill Society (March, 2005)

*Fifteen Years of Leadership Award, Leadership New Jersey
(December 2001).*

*Frank Oliver Earth Day Award, New Jersey Environmental Lobby,
“for outstanding service to the citizens of New Jersey as a
responsible public servant protecting the state’s environment and
health,” [April 2000]*

*The Citizen Award, New Jersey Society of Municipal Engineers
(November 1994).*

*New Jersey Folk Festival Award for Distinguished Service to the Traditional Arts
(May 1993).*

Man of the Year Award, North Bergen Action Group, (November 1985).

*Book of the Year Award (for Reform of Undergraduate Education),
American Council On Education (October 1974).*

March 2005

Donald Linky
Director, Electronic Government Project
Eagleton Institute of Politics, Rutgers, the State University of New Jersey

Don Linky is director of the Electronic Government Project at the Eagleton Institute of Politics at Rutgers, the State University of New Jersey. He also coordinates the Rutgers Ethics Initiative, a joint project of the Eagleton Institute and the Prudential Business Ethics Center at the Rutgers Business School.

He also continues as president of Joshua Communications, Inc., a publishing and information services firm in Princeton, and edits reference books published by Joshua, including *The New Jersey Directory: The Insider Guide to New Jersey Leaders*; *The New Jersey Almanac*; and *New Jersey Fast Facts*. He is a former president of the Public Affairs Research Institute of New Jersey, a corporate-supported nonprofit founded in 1930 that monitored New Jersey economic, demographic and fiscal trends.


During the Administration of New Jersey Governor Brendan T. Byrne, Don served as chief counsel to the governor and director of the governor's office of policy and planning. He had key roles in the development of such programs as the Spill Compensation and Protection Act, which served as the model for the federal Superfund program, the Pinelands Protection Act, the Community Development Bond Act, the Urban Enterprise Zone program, the creation of New Jersey Transit and school finance reform.

He has been the editor of *The New Jersey Municipal Almanac*, and served on the editorial board of *The New Jersey Encyclopedia*. He also has been a monthly columnist for the magazines *New Jersey Reporter*, *New Jersey Business* and the *Business Journal of New Jersey*. He has served as a member of the governing boards of New Jersey Future, the Council of State Planning Agencies, Directory Publishers Forum North America and other organizations.

Don is a graduate of Harvard Law School and Dartmouth College, and attended the London School of Economics and Political Science. A native of Asbury Park, he now resides in Princeton.

Contact:

Eagleton Institute of Politics
Rutgers, the State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901



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Experience:

2001-

Visiting Professor and Director, Electronic Government Project
Eagleton Institute of Politics, Rutgers, the State University of New Jersey
New Brunswick, New Jersey

1994-2001

President, Public Affairs Research Institute of New Jersey
Princeton, New Jersey

1989-

President, Joshua Communications, Inc.
Princeton, New Jersey

1986-90

Counsel, Hill Wallack (law firm)
Princeton, New Jersey

1982-86

Senior Vice President and General Counsel,
New Jersey Business and Industry Association, Inc.
Trenton, New Jersey

1981-82

Chief Counsel to the Governor of New Jersey
Trenton, New Jersey

1978-82

Director, Governor's Office of Policy & Planning
Trenton, New Jersey

1975-78

Deputy Counsel and Assistant Counsel to the Governor of New Jersey

1973-75

Attorney, Hannoch, Weisman, Stern & Besser
Newark, New Jersey

1972-73

Law Clerk, Supreme Court of New Jersey

Education:

J.D., Harvard Law School 1972

B.A., Dartmouth College 1968

London School of Economics and Political Science 1966-67

Publications:

Reference Books

The New Jersey Directory: The Insider Guide to New Jersey Leaders (8 editions: Joshua Communications)

The New Jersey Almanac (3 editions: Joshua Communications 2005; Center for Analysis of Public Issues 1999, 2001)

The New Jersey Municipal Almanac (Center for Analysis of Public Issues 2000)

Selected Articles and Reports

New Jersey Health & Wellness by the Numbers (*New Jersey Monthly Magazine* October 2005; January 2004)

An Evaluation of New Jersey State Government Web Sites: Design, Content and Usability
(New Jersey Office of Information Technology April 2004)

Best Practices in Government Web Publishing (Eagleton Institute of Politics, April 2004)

Online Resources for Teaching Civics, Government and the Law (Eagleton Institute of Politics, March 2002)

New Jersey State Government Web Report Cards (Eagleton Institute of Politics, September 2002)

No Free Lunch: School Construction and Accountability (*New Jersey Reporter Magazine*, April 2001)

Digital Democracy: Are We There Yet? (*New Jersey Reporter Magazine*, December 2000)

New Jersey at the Millennium: Where Do We Go from Here? (*New Jersey Reporter Magazine*, January 2000)

INGRID W. REED

Office:

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

Home:

[REDACTED]
[REDACTED]
[REDACTED]

Professional Experience

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

Current Public Service Activities

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

Publications

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

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

Awards

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

Education

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

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

November 27, 2006

Mr. Ralph Neas
President
People for the American Way
2000 M Street, NW
Suite 400
Washington, DC 20036

Dear Mr. Neas:

Thank you for your Freedom of Information Act (FOIA) request regarding the U.S. Election Assistance Commission's research on voter fraud and intimidation. The document you requested on voter fraud and intimidation is protected from release under FOIA. Specifically, the responsive information is protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §552(b)(5). As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) predecisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter before that matter is adopted. Such documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors; (2) to protect against premature disclosure of proposed policies; and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.

The report you have requested is an intra-agency document that is not yet complete and has not been reviewed and approved by the Commissioners (the relevant policy makers). An initial draft of the document was created by two contract employees with the support of EAC staff. The contract employees were hired pursuant EAC's authority to hire consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees at issue were closely supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. Communications with contract employees are intra-agency communications for the purposes of FOIA.¹ Work continues to proceed on the draft.

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) and Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

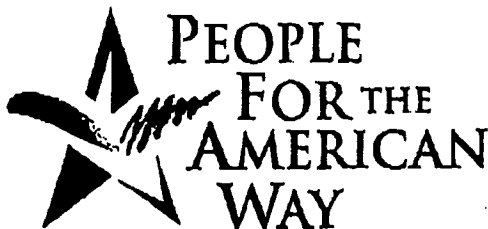
Similarly, the document you have requested constitutes a recommendation on a policy matter. The purpose or subject of the draft report at issue is to make an EAC determination on how voter fraud should be studied by the Agency. This is to be done by (1) assessing the nature and quality of information that presently exists on the subject matter; (2) defining the terms and scope of EAC study as proposed under HAVA; (3) determining what is to be studied; and (4) determining how it is to be studied. Clearly, EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources are matters of Agency policy. This policy can only be made by the EAC's duly appointed Commissioners. This has not yet been done. Thus, any draft created by staff is a proposal or recommendation on a policy matter and clearly both predecisional and deliberative.

For these reasons, the draft document you have requested is exempt from release. We expect the report to be made final and approved by the Commission in December. It will be made public at that time. Upon its release you may obtain a copy of it at www.eac.gov.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

**FAX COVER SHEET**

**To: JEANNIE LAYSON, Director of Communications, U.S. Election
Assistance Commission**

From: JUDITH E. SCHAEFFER, Deputy Legal Director

Date: October 27, 2006

Fax: 202-566-3127

No. of pages including cover sheet: 4

Phone: 202-467-4999 Fax: 202-293-2672

FOIA request attached

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify us immediately by collect call to (202) 467-4999, and send the original transmission to us by return mail at the below address.

**2000 M Street NW ♦ Suite 400 ♦ Washington, DC 20036
Phone 202.467.4999 ♦ Fax 202.293.2672 ♦ pfaw@pfaw.org ♦ www.pfaw.org**

019291



October 27, 2006

Via email and fax

Jeannie Layson
Director of Communications
United States Election Assistance Commission
1225 New York Avenue N.W.
Suite 1100
Washington, DC 20005

Re: FOIA Request

Dear Ms. Layson:

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, I am writing on behalf of People For the American Way to request a copy of a study concerning voter fraud conducted by Tova Wang and Job Serebrov and presented to the EAC in report form sometime subsequent to May 2006.

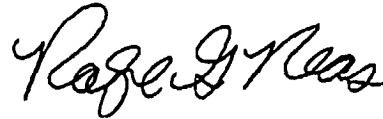
As you may know, I wrote to the EAC on October 18, 2006 on behalf of People For the American Way Foundation, asking for a copy of the report of this study. On October 19, I received a letter from Paul S. DeGregorio, Chair of the EAC, denying the request. (A copy of Mr. DeGregorio's letter is attached.) According to Mr. DeGregorio, the report was a "draft" and would not be released. However, as even Mr. DeGregorio's letter underscores, the report we are seeking is not a "draft" but rather the *authors'* report of their study of voter fraud. That the Commission may, in the words of Mr. DeGregorio, "release a final report from this study" does not make the study itself a draft. In any event, the Commission should not, and in our view cannot, withhold from public disclosure this important study, which was funded by federal taxpayers.

In accordance with FOIA, I would appreciate your furnishing the requested report to us at your earliest convenience, and no later than 20 working days from today. If you deny this request in whole or in part, please cite the specific exemption(s) that you maintain allows the Commission to withhold the release of this report in whole or in part, and, as also required by law, please release any segregable portion of the report that remains after the exempted material has been deleted. We are willing to pay the statutory fee for the copying of this report.

FOIA Request
October 27, 2006
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Please do not hesitate to call our Deputy Legal Director, Judith E. Schaeffer, if you have any questions about this request. Thank you in advance for your assistance and cooperation.

Sincerely,

A handwritten signature in black ink that reads "Ralph G. Neas". The signature is written in a cursive, flowing style.

Ralph G. Neas
President

Encl.

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

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
President, People for the American Way Foundation
2000 M Street, NW
Suite 400
Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

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

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

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

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

Sincerely,

Paul S. DeGregorio
Chairman

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-3189
Toll free: 1 (866) 747-1471

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